**A** **BILL**

TO AMEND SECTION 63‑7‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN’S CODE, SO AS TO ADD A DEFINITION FOR “TORTURE” AND TO INCLUDE TORTURE IN THE DEFINITION OF “CHILD ABUSE OR NEGLECT”; AND TO AMEND SECTIONS 63‑7‑1640 AND 63‑7‑2570, RELATING TO THE RIGHT TO FOREGO REASONABLE EFFORTS TOWARD REUNIFICATION AND GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 63‑7‑20(6)(a)(vi) of the 1976 Code, as last amended by Act 71 of 2019, is further amended to read:

“(vi) commits or allows to be committed against the child female genital mutilation as defined in Section 16‑3‑2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; ~~or~~

(vii) commits torture or allows torture to be committed against the child; or

(viii) has committed abuse or neglect as described in subsubitems (i) through ~~(vi)~~ (vii) such that a child who subsequently becomes part of the person’s household is at substantial risk of one of those forms of abuse or neglect; or”

B. Section 63‑7‑20(27) of the 1976 Code is amended to read:

“(27)(a) ‘Torture’ means acts or omissions that:

(i) include one or more of the following:

(A) a pattern of assaults;

(B) psychological maltreatment; or

(C) omissions of care;

(ii) are committed upon a child for the purpose of causing severe physical, mental, or emotional pain, which occurs over a period of time, resulting in serious physical or psychological injury or impairment, prolonged suffering, or the risk of permanent disfigurement, dysfunction, or death; and

(iii) are done with malice or an extreme indifference to the well‑being of the child.

(b) Torture includes, but is not limited to:

(i) the infliction of severe physical or emotional pain upon a child repeatedly for the purpose of terrorizing the child;

(ii) the unreasonable or extended binding, restraint, or confinement of a child that results in prolonged suffering or serious physical or psychological injury; or

(iii) the intentional refusal to provide for the health, safety, medical, or nutritional needs of a child for an extended period of time such that the child suffers or risks serious physical, mental, or emotional harm.

(c) For purposes for this item, ‘over a period of time’ means a single lengthy tortuous action that occurs for an extended time within a single day or longer, or a pattern of more than one tortuous action over the course of a single day, multiple days, or longer.

(28) ‘Unfounded report’ means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.”

SECTION 2. Section 63‑7‑1640(C)(1)(d) of the 1976 Code is amended to read:

“(d) ~~acts the judge finds constitute~~ torture; or”

SECTION 3. Section 63‑7‑2570 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) A parent has committed torture, has aided or abetted in committing torture, or has conspired to or knowingly allowed another to commit torture against the child.”

SECTION 4. This act takes effect upon approval by the Governor.

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