**South Carolina General Assembly**

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**H. 4025**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.L. Johnson, Sessions, Bauer, Guffey, Lawson and Moss

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Currently residing in the House Committee on **Ways and Means**

Summary: Adoptions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/23/2023 House Introduced and read first time (House Journal‑page 15)

 2/23/2023 House Referred to Committee on **Ways and Means** (House Journal‑page 15)

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**VERSIONS OF THIS BILL**

[02/23/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4025_20230223.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE TERM “SPECIAL NEEDS CHILD” TO “CHILD WITH CHALLENGING ADOPTION CIRCUMSTANCES” AND TO CHANge THE ASSOCIATED DEFINITION; BY AMENDING SECTIONS 63-9-60, 63-9-750, 63-9-1370, 63-9-1750, AND 63-9-2030, ALL RELATING TO ADOPTIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 12-6-1140, RELATING TO DEDUCTIONS FROM INDIVIDUAL TAXABLE INCOME, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 63-9-30(10) of the S.C. Code is amended to read:

 (10) “Special needs childChild with challenging adoption circumstances” means a child or children who are unlikely to be adopted without assistance as determined by the South Carolina Department of Social Services because they fall into one or more of the following categories:

 (a) children who are members of a sibling group;

 (b) children of mixed racial heritage;

 (c) children aged six or older; or

 (dc) children with physical, mental, or emotional disabilities.

SECTION 2. Section 63-9-60(B)(1)(a) of the S.C. Code is amended to read:

 (a) the child is a special needs child with challenging adoption circumstances, as defined by Section 63-9-30;

SECTION 3. Section 63-9-750(A) of the S.C. Code is amended to read:

 (A) The final hearing on the adoption petition must not be held before ninety days and no later than six months after the filing of the adoption petition. In the case of a special needs child with challenging adoption circumstances, the hearing must not be held before ninety days and no later than twelve months after the filing of the adoption petition. In its discretion, upon good cause shown, the court may extend, or, in the case of a special needs child with challenging adoption circumstances, extend or shorten, the time within which the final hearing on the adoption petition may be held.

SECTION 4. Section 63-9-1370(B) of the S.C. Code is amended to read:

 (B) A fee may not be charged for the placement of a child with special needs challenging adoption circumstances, as defined in Section 63-9-30, into an adoptive home.

SECTION 5. Section 63-9-1750(1) of the S.C. Code is amended to read:

 (1) is a special needs child with challenging adoption circumstances pursuant to Section 63-9-30;

SECTION 6. Section 63-9-2030(A) and (D) of the S.C. Code is amended to read:

 Section 63-9-2030. (A) A child with special needs challenging adoption circumstances who is a resident in the State who is the subject of an adoption assistance agreement with another state may receive medical assistance identification from this State upon the filing with the Department of Social Services of a certified copy of the agreement obtained from the adoption assistance state. In accordance with regulations of the department, the adoptive parents at least annually shall show that the agreement is still in force or has been renewed.

 (D) The provisions of this section apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this State under which the other state provides medical assistance to children with special needs challenging adoption circumstances under adoption assistance agreements made by this State. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this State are eligible to receive assistance in accordance with the laws and procedures applicable to the agreements.

SECTION 7. Section 12-6-1140(7) of the S.C. Code is amended to read:

 (7)(a) Two thousand dollars for each adopted special needs child with challenging adoption circumstances who is:

 (i) dependent upon and receiving chief support from the taxpayer;

 (ii) under the age of twenty-one; and

 (iii) enrolled in an accredited school or college or is incapable of self-support because of mental or physical defects.

 (b) For purposes of this item, a special needs child with challenging adoption circumstances is a person who is:

 (i) under eighteen at the time of adoption;

 (ii) the dependent of a public or private nonprofit adoption agency prior to the adoption;

 (iii) legally free for adoption; and

 (iv) unlikely to be adopted without assistance as determined by the South Carolina Department of Social Services because of conditions such as ethnic minority status, age, sibling group membership, medical condition, or physical, mental, or emotional handicaps.

 (c) The entire deduction is allowed for a taxable year even if the special needs child with challenging adoption circumstances survives for only part of the taxable year.

SECTION 8. Section 63-7-1700(E) of the S.C. Code is amended to read:

 (E) Unless subsection (C), (F), or (G) applies, if the court determines at the permanency planning hearing that the child should not be returned to the child's parent at that time, the court's order shall require the department to file a petition to terminate parental rights to the child not later than sixty days after receipt of the order. If a petition to terminate parental rights is to be filed, the department shall exercise and document every reasonable effort to promote and expedite the adoptive placement and adoption of the child, including a thorough adoption assessment and child-specific recruitment. Adoptive placements must be diligently sought for the child and failure to do so solely because a child is classified as “special needs” a child with challenging adoption circumstances is expressly prohibited. An adoption may not be delayed or denied solely because a child is classified as “special needs” a child with challenging adoption circumstances. For purposes of this subsection:

 (1) “thorough adoption assessment” means conducting and documenting face-to-face interviews with the child, foster care providers, and other significant parties; and

 (2) “child specific recruitment” means recruiting an adoptive placement targeted to meet the individual needs of the specific child including, but not be limited to, use of the media, use of photo listings, and any other in-state or out-of-state resources which may be utilized to meet the specific needs of the child, unless there are extenuating circumstances that indicate that these efforts are not in the best interest of the child.

SECTION 9. A child who, prior to the effective date of this act, qualified as a special needs child pursuant to Section 63-9-30 and received enhanced adoption subsidies pursuant to this status shall continue to receive those subsidies after the effective date of this act.

SECTION 10. This act takes effect upon approval by the Governor.

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