



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3558	Introduced on January 10, 2023
Author:	G.M. Smith	
Subject:	Safety Plans and Relative Placements	
Requestor:	House Judiciary	
RFA Analyst(s):	Boggs	
Impact Date:	March 29, 2023	

Fiscal Impact Summary

This bill requires the Department of Social Services (DSS) to establish a safety plan before a child is placed with a relative or other person. Further, DSS shall monitor compliance with the safety plan at least weekly. Additionally, this bill requires that a probable cause hearing be held within ten days after the filing of either a non-removal action or a removal action by DSS.

The agency expects holding a probable cause hearing within ten days of filing a non-removal action or a removal action in family court will result in an additional 2,280 hearings per year. DSS anticipates a need for an additional 15.0 FTEs, including 2.0 Attorney II's, 4.0 Attorney III's, 6.0 Case Manager I's, and 3.0 Case Manager II's to manage these additional hearings. The salary and fringe for these positions totals \$1,356,246, of which \$876,691 will be General Fund expenditures and \$479,555 will be Federal Fund expenditures. Additionally, the agency anticipates the need for additional funds of \$165,000 to cover the initial and recurring operational costs for these new FTEs, of which \$110,506 will be General Fund expenses and \$54,494 will be Federal Fund expenses. The recurrence of operational costs will depend upon the amount of turnover in the positions. Therefore, DSS anticipates this bill will increase expenditures by \$1,521,246, of which \$987,197 is General Fund expenses and \$534,049 is Federal Fund expenses. DSS anticipates asking for General Fund appropriations increase to cover the increase in General Fund expenses due to this bill.

This bill will result in an increase in the number of hearings in family court. However, Judicial intends to use existing General Fund resources to manage any change in caseloads. Therefore, this bill will have no expenditure impact for Judicial.

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the change in fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill establishes that the parent or guardian, the relative or other person with whom the child will live, and the Department of Social Services (DSS) shall execute a safety plan before a child is placed with a relative or other person. Further, DSS shall monitor compliance with the safety plan at least weekly. Additionally, the bill adds that the safety plan is not effective longer than ninety days and the steps DSS must take at the end of the safety plan. This bill also establishes that if DSS decides to allow a child who is residing with a relative or other person as part of a safety plan to continue to reside with this person or with another relative or person after the safety plan expires, then DSS may prepare a treatment plan. Further, this bill outlines criteria for this treatment plan and the responsibility of DSS in this treatment plan. This bill adds that before DSS places a child with a relative or other person or makes an interim placement with a relative, the department must interview the person for fitness, as well as visit the home to determine safe placement. DSS may place the child with a relative or other person within 72 hours after removal of the child from the home. Finally, this bill extends the timeframe in which DSS must provide the court with records involving all adults in the home of removal.

Department of Social Services. This bill requires that a probable cause hearing be held within ten days after filing of a non-removal action or a removal action in family court. DSS does not currently initiate probable cause hearings for filing a non-removal case or a removal case in family court. The agency estimates this will lead to an additional 2,280 hearings per year. The agency estimates that each hearing requires 5 hours of working time for an attorney and 8 hours of working time for a case manager or supervisor. Based on these estimates, DSS anticipates a need for an additional 15.0 FTEs, including 2.0 Attorney II's, 4.0 Attorney III's, 6.0 Case Manager I's, and 3.0 Case Manager II's to manage these additional hearings. The salary and fringe for these positions totals \$1,356,246, of which \$876,691 will be General Fund expenditures and \$479,555 will be Federal Fund expenditures.

Additionally, the agency anticipates the need for additional funds of \$165,000 to cover the initial and recurring operational costs for vehicle leases, computers, equipment, and other items for these new FTEs, of which \$110,506 will be General Fund expenses and \$54,494 will be Federal Fund expenses. The recurrence of operational costs will depend upon the amount of turnover in the positions. Therefore, DSS anticipates this bill will increase expenditures by \$1,521,246 of which \$987,197 is General Fund expenses and \$534,049 is Federal Fund expenses. DSS anticipates asking for General Fund appropriations increase to cover the increase in General Fund expenses due to this bill.

Judicial. Judicial anticipates this bill will increase the number of actions brought in family courts due to the requirement that a probable cause hearing must be held within ten days after filing either a removal or a non-removal action. However, Judicial noted that allowing DSS to retain custody of a child for ten days to allow a relative to make arrangements for placement of the child may decrease the number of actions heard in family court. Currently, DSS may retain custody of a child for up to five days to allow a relative to make arrangements for placement.

Judicial intends to use existing General Fund resources to manage any change in caseloads. Therefore, this bill will have no expenditure impact for Judicial.

State Revenue

This bill may result in a change in the fines and fees collected in court due to the increase in the number of hearings in family court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the change in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill may result in a change in the fines and fees collected in court due to the increase in the number of hearings in family court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director