CHAPTER 1

State Policy and General Provisions

DERIVATION TABLE

Showing the sections in former Chapter 7, Title 20 from which the sections in this chapter were derived.

|  |  |
| --- | --- |
|  |  |
| New  Section | Former  Section |
| 63‑1‑10 | 20‑7‑10 |
| 63‑1‑20 | 20‑7‑20 |
| 63‑1‑30 | 20‑7‑470 |
| 63‑1‑40 | 20‑7‑30 |

**SECTION 63‑1‑10.** Short title.

This title may be cited as the "South Carolina Children's Code".

HISTORY: 2008 Act No. 361, Section 2.

**SECTION 63‑1‑20.** Policy.

(A) A children's policy is hereby established for this State.

(B) This policy shall be interpreted in conjunction with all relevant laws and regulations and shall apply to all children who have need of services including, but not limited to, those mentally, socially, emotionally, physically, developmentally, culturally, educationally or economically disadvantaged or handicapped, those dependent, neglected, abused or exploited and those who by their circumstance or action violate the laws of this State and are found to be in need of treatment or rehabilitation.

(C) It shall be the policy of this State to concentrate on the prevention of children's problems as the most important strategy which can be planned and implemented on behalf of children and their families. The State shall encourage community involvement in the provision of children's services including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups and private‑for‑profit groups in order to encourage and provide innovative strategies for children's services. To maximize resources in providing services to children in need, all agencies providing services to children shall develop methods to coordinate their services and resources. For children with multiple needs, the furtherance of this policy requires all children's services agencies to recognize that their jurisdiction in meeting these children's needs is not mutually exclusive.

(D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care, and guidance the State shall secure those services as are needed to serve the emotional, mental, and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall insure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive homes so that they may become members of a family by legal adoption or, when adoption is not appropriate, in the legal guardianship of relatives or fictive kin to preserve family connections, or absent that possibility, other permanent settings.

(E) The children's policy provided for in this chapter shall be implemented through the cooperative efforts of state, county and municipal legislative, judicial and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those children in greatest need.

(F) In order to carry out this policy each agency, department, institution, committee, and commission which is concerned or responsible for children shall submit as a part of its annual budget request a listing of programs and services for children, the priority order of these programs and services in relation to other services, if any, that are provided by the agency, department, institution, committee, or commission, and a summary of the expenses incurred for the administration of its children's services and programs. In addition, each agency, department, institution, committee, and commission which must submit pursuant to law an annual report to the General Assembly shall include as part of the report a comprehensive statement of how its children's services and programs contributed to the implementation of this policy. Copies of all these budget requests and annual reports must be provided to the Office of the Governor by the agency, department, institution, committee, or commission.

HISTORY: 2008 Act No. 361, Section 2; 2023 Act No. 25 (S.380), Section 7, eff May 16, 2023.

Effect of Amendment

2023 Act No. 25, Section 7, in (D), in the last sentence, inserted "when adoption is not appropriate, in the legal guardianship of relatives or fictive kin to preserve family connections, or", and made nonsubstantive changes.

**SECTION 63‑1‑30.** Construction of title.

This title shall be liberally construed to the end that families whose unity or well‑being is threatened shall be assisted and protected, and restored if possible as secure units of law‑abiding members; and that each child coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interests of the State, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.

HISTORY: 2008 Act No. 361, Section 2.

**SECTION 63‑1‑40.** Definitions.

When used in this title and unless otherwise defined or the specific context indicates otherwise:

(1) "Child" means a person under the age of eighteen.

(2) "Court" means the family court.

(3) "Guardian" means a person who legally has the care and management of a child.

(4) "Judge" means the judge of the family court.

(5) "Parent" means biological parent, adoptive parents, step‑parent, or person with legal custody.

(6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.

(7) "Child caring facility" means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full‑time basis for protection and guidance.

(8) "Foster home" means a household of one or more persons who are licensed or approved to provide full‑time care for one to five children living apart from their parents or guardians.

(9) "Residential group care home" means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full‑time basis.

HISTORY: 2008 Act No. 361, Section 2; 2023 Act No. 23 (S.342), Section 1, eff May 16, 2023.

Effect of Amendment

2023 Act No. 23, Section 1, reenacted the section with no apparent change.

**SECTION 63‑1‑45.** Definitions; homeless children and youth.

For purposes of developing an accurate statewide count of homeless children and youth in this State, the following statewide definitions shall be used:

(1) "Unaccompanied homeless youth" means an unaccompanied individual twenty‑four years of age or younger who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings; or

(c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time‑limited housing.

"Unaccompanied homeless youth" does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or fewer and meets the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

(2) "Homeless child or youth" means children and youth from birth through twenty‑four years of age who lack a fixed, regular, and adequate nighttime residence and includes:

(a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings;

(c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time‑limited housing; or

(d) migratory children as defined in 20 U.S.C. Section 6399, who are legally in the United States, and who qualify as homeless because they are living in circumstances described in subsections (a) through (c).

"Homeless youth" does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or less and met the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

(3) "Youth at risk of homelessness" means an individual twenty‑four years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future and includes:

(a) children and youth exiting a publicly funded institution or system of care;

(b) children and youth who have previously experienced homelessness;

(c) children and youth whose primary caregivers are currently homeless or have previously been homeless; or

(d) children and youth who experience serious or sustained conflict with the individual's caregivers that is likely to result in family separation.

HISTORY: 2023 Act No. 23 (S.342), Section 2, eff May 16, 2023.

**SECTION 63‑1‑50.** Joint Citizens and Legislative Committee on Children.

(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of Health and Environmental Control, the Director of the Department of Health and Human Services, the Director of the Office of South Carolina First Steps to School Readiness, and the State Child Advocate serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

(B) The committee shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House no later than the first of February. The report must detail the work of the committee, account for the committee's expenditures, and provide findings and recommendations the committee develops relating to children's issues it has studied.

(C) The staffing for the committee must be provided by the Children's Law Center of the University of South Carolina School of Law, subject to funding as provided in subsection (E).

(D) The committee members may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed by law for members of state boards, committees, and commissions.

(E) The committee shall receive funding as may be provided in the annual general appropriations act or from any other source.

HISTORY: 2008 Act No. 251, Section 1; 2014 Act No. 245 (S.872), Section 1, eff June 6, 2014; 2019 Act No. 1 (S.2), Section 76, eff January 31, 2019; 2022 Act No. 123 (H.3211), Sections 1, 2, eff March 14, 2022; 2023 Act No. 9 (S.299), Section 1, eff May 8, 2023.

Effect of Amendment

2014 Act No. 245, Section 1, in subsection (A), inserted "of the Senate"; in subsection (B), deleted the prior first sentence, relating to when the committee becomes operative, deleted "written" before "report" in the first sentence, deleted "commencing in 2009" at the end of the first sentence, and deleted "any" before "findings" in the last sentence; in subsection (D), substituted "may not receive compensation but are entitled to mileage, subsistence, and per diem as allowed" for "are eligible for per diem and mileage as provided"; in subsection (F), substituted "2023" for "2015"; and made other nonsubstantive changes.

2019 Act No. 1, Section 76, in (A), in the first sentence, substituted "President of the Senate" for "President Pro Tempore of the Senate"; and in (B), in the first sentence, substituted "President of the Senate" for "President Pro Tempore of the Senate".

2022 Act No. 123, Section 1, in (A), in the second sentence, substituted "the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of Health and Environmental Control, the Director of the Department of Health and Human Services, and the Director of the Office of South Carolina First Steps to School Readiness serve as ex officio" for "and the Director of the Department of Mental Health serve as ex officio".

2022 Act No. 123, Section 2, repealed (F), which related to the termination of the committee effective December 31, 2023.

2023 Act No. 9, Section 1, in (A), in the second sentence, substituted "the Director of the Office of South Carolina First Steps to School Readiness, and the State Child Advocate" for "and the Director of the Office of South Carolina First Steps to School Readiness".