**A** **BILL**

TO AMEND SECTION 63-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS PERTAINING TO CHILD PROTECTION AND PERMANENCY, INCLUDING THE DEFINITION OF CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT ABUSE OR NEGLECT MAY OCCUR WHEN A PERSON RESPONSIBLE FOR A CHILD’S WELFARE HAS ENGAGED IN INTERMITTENT BUT ONGOING ABUSE AND NEGLECT PRESENTING A SUBSTANTIAL RISK OF ABUSE OR NEGLECT AND WARRANTING PREVENTIVE INTERVENTION SERVICES AND SUCH OTHER SERVICES AS MAY BE IN THE BEST INTEREST OF THE CHILD.

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

SECTION 1. Section 63-7-20(4) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(4) ‘Child abuse or neglect’ or ‘harm’ occurs when the parent, guardian, or other person responsible for the child’s welfare:

(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

(i) is administered by a parent or person in loco parentis;

(ii) is perpetrated for the sole purpose of restraining or correcting the child;

(iii) is reasonable in manner and moderate in degree;

(iv) has not brought about permanent or lasting damage to the child; and

(v) is not reckless or grossly negligent behavior by the parents.

(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child’s age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child’s absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child’s attendance, and those efforts were unsuccessful because of the parents’ refusal to cooperate. For the purpose of this chapter ‘adequate health care’ includes any medical or nonmedical remedial health care permitted or authorized under state law;

(d) abandons the child;

(e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; ~~or~~

(f) has committed abuse or neglect as described in ~~subsections~~ subitems (a) through (e) such that a child who subsequently becomes part of the person’s household is at substantial risk of one of ~~those~~ these forms of abuse or neglect;

(g) has committed abuse or neglect as described in subitems (a) through (e) in a manner that is intermittent but ongoing presenting a substantial risk of one of these forms abuse or neglect thereby warranting preventive intervention services and such other services and disposition as may be in the best interest of the child.”

SECTION 2. This act takes effect upon approval by the Governor.

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