~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 27, 2015

**H. 3548**

Introduced by Reps. J.E. Smith, Yow and Weeks

S. Printed 5/27/15--S.

Read the first time April 29, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3548) to amend Section 63‑7‑320, Code of Laws of South Carolina, 1976, relating to notification and transfer of reports of child abuse or neglect, so as to provide, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The bill has no impact to the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires the Department of Social Services to notify designated military officials if there is alleged abuse or neglect of a child of an active duty military family. The bill authorizes the Department of Social Services to grant access of files to the appropriate military authorities.

The Department of Social Services reports that this bill will require a Memorandum of Understanding or agreements with military installations command authority. The agency indicates there is no impact to the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63‑7‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTIFICATION AND TRANSFER OF REPORTS OF CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT IF THE ALLEGED ABUSED OR NEGLECTED CHILD IS A MEMBER OF AN ACTIVE DUTY MILITARY FAMILY, THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL NOTIFY CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; TO AMEND SECTION 63‑7‑920, RELATING TO INVESTIGATIONS AND CASE DETERMINATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO PROVIDE THAT THE DEPARTMENT OR LAW ENFORCEMENT, OR BOTH, MAY COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE PERSON HAVING CUSTODY OR CONTROL OF THE CHILD SUBJECT TO AN INVESTIGATION AND MAY SHARE THIS INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES; TO AMEND SECTION 63‑7‑1990, AS AMENDED, RELATING TO CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION, SO AS TO MAKE TECHNICAL CORRECTIONS AND TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO GRANT ACCESS TO THE RECORDS OF AN INDICATED CASE TO CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; AND TO AMEND SECTION 63‑11‑80, RELATING TO CONFIDENTIAL INFORMATION WITHIN CHILD WELFARE AGENCIES, SO AS TO PROVIDE THAT AN OFFICER, AGENT OR EMPLOYEE OF THE DEPARTMENT OR A CHILD WELFARE AGENCY SHALL NOT DISCLOSE, DIRECTLY OR INDIRECTLY, INFORMATION LEARNED ABOUT A CHILD, THE CHILD’S PARENTS OR RELATIVES, OR OTHER PERSONS HAVING CUSTODY OR CONTROL OF THE CHILD, EXCEPT IN CASES INVOLVING A CHILD IN THE CUSTODY OR CONTROL OF PERSONS WHO HAVE MILITARY AFFILIATION.

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

SECTION 1. Section 63‑7‑320 of the 1976 Code is amended by adding subsection (C) at the end to read:

“(C) In the event the alleged abused or neglected child is a member of an active duty military family, concurrent with the transfer of the report, the county department of social services shall notify the designated authorities at the military installation where the active duty military sponsor is assigned, pursuant to the memorandum of understanding or agreement with the military installation’s command authority.”

SECTION 2. Section 63‑7‑920 of the 1976 Code is amended by adding subsection (F) at the end to read:

“(F) The department or law enforcement, or both, may collect information concerning the military affiliation of the person having custody or control of the child subject to an investigation and may share this information with the appropriate military authorities pursuant to Section 63‑11‑80.”

SECTION 3. Section 63‑7‑1990(B)(23) of the 1976 Code is amended to read:

“(23) the Division of Guardian ad Litem, Office of the Governor, for purposes of certifying that no potential employee or volunteer is the subject of an indicated report or an affirmative determination~~.~~; and

(24) the designated authorities at the military installation where the active duty service member, who is the sponsor of the alleged abused or neglected child, is assigned. The authorities are designated in the memorandum of understanding or agreement between county protective services and the military installation’s command authority.”

SECTION 4. Section 63‑11‑80 of the 1976 Code is amended to read:

“Section 63‑11‑80. ~~No~~An officer, agent or employee of the department or a child welfare agency shall not disclose, directly or indirectly, ~~disclose~~ information learned about ~~the children~~ a child, ~~their~~ the child’s parents or relatives, or other persons having custody or control of ~~them~~ the child, except in cases involving a child in the custody or control of persons who have military affiliation.”

SECTION 5. This act takes effect upon approval by the Governor.

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