**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 133**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen and Malloy

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Introduced in the Senate on January 10, 2017

Currently residing in the Senate Committee on **Judiciary**

Summary: Jurisdiction of Family Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 78](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 78](file:///h:\sj\20170110.docx))

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**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\133_20161213.docx)

**A** **BILL**

TO AMEND SECTION 63‑3‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, SO AS TO AUTHORIZE THE FAMILY COURT TO ESTABLISH A RECOVERY COURT PROGRAM IN EACH JUDICIAL CIRCUIT; AND TO AMEND SECTION 63‑7‑1690, AS AMENDED, RELATING TO PLACEMENT PLANS IN CHILD ABUSE AND NEGLECT CASES IN WHICH SUBSTANCE ABUSE IS A BASIS FOR REMOVAL, SO AS TO PROVIDE THAT THE FAMILY COURT IS ALLOWED TO PERMIT A PARENT TO PARTICIPATE IN A RECOVERY COURT PROGRAM OPERATED BY THE DEPARTMENT OF SOCIAL SERVICES.

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

SECTION 1. Section 63‑3‑530(A) of the 1976 Code, as last amended by Act 270 of 2014, is further amended by adding an appropriately numbered item at the end to read:

“(47) to establish a recovery court program in each judicial circuit in which the court may allow, as a part of a placement plan ordered pursuant to Section 63‑7‑1680, the Department of Social Services to offer a parent whose child has been removed from the family pursuant to abuse and neglect allegations based upon drug or alcohol abuse an opportunity to apply to participate in a program with the court for recovery from drug and alcohol addiction, during which the parent voluntarily agrees that:

(a) the child will be placed in foster care until the parent has:

(i) demonstrated sufficient progress to take possession of the child without risking the child harm; or

(ii) graduated from, dropped out of, or been expelled from the program; and

(b) if the parent drops out of or has been expelled from the program, proceedings to terminate the parent’s parental rights may be initiated by the department pursuant to Section 63‑7‑2570(6).”

SECTION 2. Section 63‑7‑1690 of the 1976 Code, as last amended by Act 281 of 2014, is further amended to read:

“Section 63‑7‑1690. ~~(A)~~ When the conditions justifying removal pursuant to Section 63‑7‑1660 include the addiction of the parent or abuse by the parent of controlled substances, the court may ~~require as part of the placement plan ordered pursuant to Section 63‑7‑1680~~:

(A) require as a part of the placement plan ordered pursuant to Section 63‑7‑1680:

(1) the parent to successfully complete a treatment program operated by the Department of Alcohol and Other Drug Abuse Services or another treatment program approved by the department before return of the child to the home;

(2) any other adult person living in the home who has been determined by the court to be addicted to or abusing controlled substances or alcohol and whose conduct has contributed to the parent’s addiction or abuse of controlled substances or alcohol to successfully complete a treatment program approved by the department before return of the child to the home; and

(3) the parent or other adult~~, or both,~~ identified in item (2), or both, to submit to random testing for substance abuse and to be alcohol or drug free for a period of time to be determined by the court before return of the child. The parent or other adult identified in item (2) must continue random testing for substance abuse and must be alcohol or drug free for a period of time to be determined by the court after return of the child before the case will be authorized to be closed. Results of tests ordered pursuant to this section must be submitted to the department and are admissible only in family court proceedings brought by the department; or

(B) ~~Results of tests ordered pursuant to this section must be submitted to the department and are admissible only in family court proceedings brought by the department.~~ permit, as a part of the placement plan ordered pursuant to Section 63‑7‑1680, the Department of Social Services to offer the parent the opportunity to apply to participate in the recovery court program as established by Section 63‑3‑530(A)(47). Any tests ordered pursuant to the recovery court program are admissible only in the recovery court or family court proceedings brought by the department.”

SECTION 3. This act takes effect upon approval by the Governor.

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