~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 22, 2018

**H. 4705**

Introduced by Reps. Bannister, Elliott, Arrington, Long, Chumley, B. Newton, Martin, Henderson‑Myers, G.R. Smith, Trantham, Bryant, Hamilton, Hixon, S. Rivers, Stringer, Brawley and Ballentine

S. Printed 3/22/18--S.

Read the first time February 21, 2018.

**THE GENERAL COMMITTEE**

To whom was referred a Bill (H. 4705) to amend Section 63‑7‑310, as amended, Code of Laws of South Carolina, 1976, relating to mandated reporters of child abuse or neglect, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 63‑7‑310 of the 1976 Code is amended to read:

“Section 63-7-310. (A) The following persons must report in accordance with this section when, in such person’s professional capacity, he has received information that gives him reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20:  ~~A~~ a physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, clerical or nonclerical religious counselor who is a licensed counselor or holds himself out as a counselor or regularly counsels others, school or college administrator, school or college coach, leader of any youth organization chartered pursuant to 36 U.S.C. Subt.II, Pt. B or any similar youth organization, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, firefighter, employee of a children’s advocacy center, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, ~~or~~ and a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA ~~must report in accordance with this section when in the person’s professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63‑7‑20~~.

(B) If a person required to report pursuant to subsection (A) has received information in the person’s professional capacity which gives the person reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child’s welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare, the reporter must make a report to the appropriate law enforcement agency.

(C) A person, as provided in subsections (A) and (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

~~(C)~~(D) Except as provided in subsection (A), a person~~, including, but not limited to, a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section~~ who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect may report, and is encouraged to report, in accordance with this section. A person, as provided in subsection (A) or (B), who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of his individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

~~(D)~~(E) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.

(F) Nothing in this section shall be construed as requiring a person under the age of eighteen to be a mandated reporter pursuant to subsection (A).” /

Renumber sections to conform.

Amend title to conform.

KATRINA F. SHEALY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the House of Representatives on February 20, 2018**

**State Expenditure**

This bill adds clerical or non-clerical religious counselors, school or college administrators, and coaches to the list of mandated reporters who must report abuse or neglect of a child. Reports of child abuse may be made to the Department of Social Services (DSS) or a law enforcement agency in the county where the child resides. The bill adds also that a mandated reporter required to report child abuse or neglect is not relieved of this duty when the person reports the child abuse to a person in charge of an institution, school, facility, or agency.

DSS indicates that does not alter the oversight and regulatory activities of the department. Specifically, any increase in the number of child abuse or neglect reports can be managed within existing resources and appropriations. DSS has intake hubs that accept reports of abuse and neglect in all 46 counties. In addition, training of mandated reporters is an ongoing administrative process in conjunction with the Children’s Law Center at the University of South Carolina. As such, this bill will have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63‑7‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT, SO AS TO ADD RELIGIOUS COUNSELORS AS MANDATED REPORTERS.

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

SECTION 1. Section 63‑7‑310 of the 1976 Code is amended to read:

“(A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, clerical or nonclerical religious counselor who is a licensed counselor or holds himself out as a counselor or regularly counsels others, school or college administrator, coach, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, firefighter, camp counselor, scout leader, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in the person’s professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63‑7‑20.

(B) If a person required to report pursuant to subsection (A) has received information in the person’s professional capacity which gives the person reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child’s welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child’s welfare, the reporter must make a report to the appropriate law enforcement agency.

(C) Except as provided in subsection (A), a person, ~~including, but not limited to, a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section~~ who has reason to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section. A person in subsection (A) or (B) who reports child abuse or neglect to a supervisor or person in charge of an institution, school, facility, or agency is not relieved of the individual duty to report in accordance with this section. The duty to report is not superseded by an internal investigation within the institution, school, facility, or agency.

(D) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.”

SECTION 2. Section 63-7-450(A) of the 1976 Code is amended to read:

“(A) The Department of Social Services Protective Services shall inform all persons required to report ~~under this subarticle~~ pursuant to Section 63-7-310(A) of the nature, problem, and extent of child abuse and neglect and of their duties and responsibilities in accordance with this article. The department also, on a continuing basis, shall conduct training programs for department staff and appropriate training for persons required to report ~~under this subarticle~~ pursuant to Section 63-7-310(A).”

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

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