**South Carolina General Assembly**

125th Session, 2023-2024

**S. 174**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Climer

Document Path: SR-0080KM23.docx

Introduced in the Senate on January 10, 2023

Currently residing in the Senate Committee on **Family and Veterans' Services**

Summary: Child protection and permanency

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Family and Veterans' Services**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 94)

 1/10/2023 Senate Referred to Committee on **Family and Veterans' Services** (Senate Journal‑page 94)

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/174_20221130.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 63-7-20, relating to CHILD PROTECTION AND PERMANENCY, so as to PROVIDE EXCEPTIONS TO THE DEFINITION OF “CHILD ABUSE OR NEGLECT” OR “HARM” related to independent activities approved by a parent, guardian, or another person responsible for the child’s welfare.

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

SECTION 1. Section 63-7-20(6) of the S.C. Code is amended to read:

 (6)(a) “Child abuse or neglect” or “harm” occurs when:

 (a)(i) the parent, guardian, or other person responsible for the child’s welfare:

 (i)(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:

 (A)(1) is administered by a parent or person in loco parentis;

 (B)(2) is perpetrated for the sole purpose of restraining or correcting the child;

 (C)(3) is reasonable in manner and moderate in degree;

 (D)(4) has not brought about permanent or lasting damage to the child; and

 (E)(5) is not reckless or grossly negligent behavior by the parents;

 (ii)(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;

 (iii)(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;

 (iv)(D) abandons the child;

 (v)(E) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval;

 (vi)(F) commits or allows to be committed against the child female genital mutilation as defined in Section 16‑3‑2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

 (vii)(G) has committed abuse or neglect as described in subsubitems (i) through (vi)(A) through (F) such that a child who subsequently becomes part of the person’s household is at substantial risk of one of those forms of abuse or neglect; or

 (b)(ii) a child is a victim of trafficking in persons as defined in Section 16‑3‑2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child’s welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child’s welfare abused, neglected, or harmed the child.

 (b) “Child abuse or neglect” or “harm” does not occur if a parent, guardian, or other person responsible for a child’s welfare permits the child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or the unreasonable risk of harm, to engage in independent activities, including:

 (i) walking, running, bicycling, or taking other independent means of travel to or from school;

 (ii) walking, running, bicycling, or taking other independent means of travel to or from nearby commercial or recreational facilities;

 (iii) engaging in outdoor play;

 (iv) remaining at home unattended if the parent, guardian, or other person responsible for the child’s welfare:

 (A) returns home on the same day on which the parent, guardian, or other person responsible for the child’s welfare gives the child permission to remain at home;

 (B) makes provisions for the child to be able to contact the parent, guardian, or other person responsible for the child’s welfare on the same day on which the parent, guardian, or other person responsible for the child’s welfare gives the child permission to remain at home; and

 (C) makes provisions for any reasonably foreseeable emergencies that may arise on the same day on which the parent, guardian, or other person responsible for the child’s welfare gives the child permission to remain at home; or

 (v) engaging in similar independent activities.

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

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