**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3502**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bannister, Rutherford, Caskey, Erickson, Weeks, Davis, Mitchell, Spann-Wilder, Pedalino, Hixon and King

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Introduced in the House on January 14, 2025

Introduced in the Senate on February 13, 2025

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

Summary: Department of Social Services

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

 1/14/2025 House Introduced and read first time (House Journal‑page 226)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 226)

 2/6/2025 House Committee report: Favorable **Judiciary** (House Journal‑page 6)

 2/12/2025 House Member(s) request name added as sponsor: Hixon, King

 2/12/2025 House Read second time (House Journal‑page 40)

 2/12/2025 House Roll call Yeas-107 Nays-1 (House Journal‑page 40)

 2/13/2025 House Read third time and sent to Senate (House Journal‑page 13)

 2/13/2025 Senate Introduced and read first time (Senate Journal‑page 12)

 2/13/2025 Senate Referred to Committee on **Family and Veterans' Services** (Senate Journal‑page 12)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3502&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3502_20241205.docx)

[02/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3502_20250206.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 6, 2025

H. 3502

Introduced by Reps. Bannister, Rutherford, Caskey, Erickson, Weeks, Davis, Mitchell, Spann-Wilder and Pedalino

S. Printed 2/6/25--H.

Read the first time January 14, 2025

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The committee on House Judiciary

To whom was referred a Bill (H. 3502) to amend the South Carolina Code of Laws by amending Sections 63‑7‑10 and 63‑7‑1620, relating to principles of the child welfare system and legal representation, etc., respectfully

Report:

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

W. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill clarifies that legal representatives of DSS must ensure that child welfare and safety are the predominant basis of all agency recommendations and decisions pertaining to abuse and neglect proceedings. The legal representatives of DSS have the sole discretion on behalf of the agency over whether to file a child abuse or neglect petition in the family court and any decisions regarding the pursuit, settlement, or appeal of a pending action.

This bill will have no expenditure impact for DSS or Judicial. DSS indicated that this bill clarifies the roles and responsibilities of DSS counsel, relative to case management staff, in determining whether to advance with child welfare court proceedings. Therefore, this bill does not modify the responsibilities of the agency. Additionally, Judicial anticipates any change due to the bill in family court proceedings can be managed within existing appropriations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 63‑7‑10 AND 63‑7‑1620, RELATING TO PRINCIPLES OF THE CHILD WELFARE SYSTEM AND LEGAL REPRESENTATION OF THE DEPARTMENT OF SOCIAL SERVICES IN CHILD ABUSE AND NEGLECT PROCEEDINGS, RESPECTIVELY, SO AS TO CLARIFY THAT LEGAL REPRESENTATIVES OF THE DEPARTMENT MUST ENSURE THAT CHILD WELFARE AND SAFETY ARE THE PREDOMINANT BASIS OF ANY RECOMMENDATIONS AND DECISIONS AND THAT LEGAL REPRESENTATIVES OF THE DEPARTMENT HAVE THE SOLE DISCRETION OVER DECISIONS PERTAINING TO CHILD WELFARE PROCEEDINGS.

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

SECTION 1. Section 63‑7‑10(A) of the S.C. Code is amended by adding:

 (14) Legal representatives of the Department of Social Services must ensure that the child’s welfare and safety are the predominant basis of all department recommendations and decisions pertaining to abuse and neglect proceedings.

SECTION 2. Section 63‑7‑1620(4) of the S.C. Code is amended to read:

 (4) The interests of the State and the Department of Social Services must be represented by the legal representatives of the Department of Social Services in any judicial proceeding, who shall ensure that the child’s welfare and safety are the predominant basis of any department recommendations and decisions and who shall have sole discretion on behalf of the department whether to file a child abuse or neglect petition in the family court. The attorney acting as the legal representative in a particular proceeding shall have sole discretion on behalf of the department over any decisions regarding the pursuit, settlement, or appeal of a pending action.

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

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