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**A BILL**

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA CHILD WELFARE REFORM ACT OF 2015" SO AS TO TRANSFER, REALIGN AND RESTRUCTURE CERTAIN PROGRAMS, REQUIREMENTS, AND PROCEDURES RELATING TO CHILD AND FAMILY PROTECTIVE SERVICES AND WELFARE, INCLUDING PROVISION TO ABOLISH THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES ON JULY 1, 2016; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ESTABLISH THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES AND ELIMINATE THE DEPARTMENT OF SOCIAL SERVICES; TO ESTABLISH CHAPTER 2 OF TITLE 63 OF THE 1976 CODE, CREATING THE SOUTH CAROLINA DEPARTMENT OF FAMILY PROTECTIVE SERVICES, TO TRANSFER CERTAIN PROGRAMS AND DIVISIONS OF THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF FAMILY PROTECTIVE SERVICES, AND TO CREATE EDUCATION AND EXPERIENCE REQUIREMENTS FOR CHILD WELFARE CASEWORKERS; TO AMEND SECTION 43-5-10, AS AMENDED, TO TRANSFER TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES THE AUTHORITY TO ADMINISTER PUBLIC WELFARE IN SOUTH CAROLINA; TO AMEND SECTION 44-6-30, AS AMENDED, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADMINISTER PUBLIC WELFARE IN SOUTH CAROLINA; TO AMEND ARTICLE 3, CHAPTER 7, TITLE 63 OF THE 1976 CODE BY ADDING MAXIMUM CASELOAD STANDARDS FOR CASEWORKERS IN THE DEPARTMENT OF FAMILY

1 PROTECTIVE SERVICES; TO AMEND SECTION 63-7-900 BY  
2 ESTABLISHING A STATEWIDE, TOLL-FREE CHILD ABUSE  
3 HOTLINE; TO AMEND SECTION 63-7-910 REQUIRING  
4 REPORTS OF CHILD ABUSE OR NEGLECT TO BE MADE  
5 THROUGH THE STATEWIDE, TOLL-FREE HOTLINE,  
6 DETAILING THE DEPARTMENT OF FAMILY PROTECTIVE  
7 SERVICE'S RESPONSIBILITIES UPON RECEIPT OF A  
8 REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT, AND  
9 REQUIRING THE DEPARTMENT TO COLLECT AND  
10 REPORT CERTAIN DATA RELATING TO THE STATEWIDE,  
11 TOLL-FREE CHILD ABUSE HOTLINE; TO AMEND SECTION  
12 63-7-920 TO REQUIRE THE DEPARTMENT TO CONDUCT AN  
13 IN-PERSON MEETING WITH A CHILD WITHIN  
14 TWENTY-FOUR HOURS OF A REPORT SUSPECTED ABUSE  
15 OR NEGLECT OR SOONER IF THE CHILD IS FOUR YEARS  
16 OLD OR YOUNGER AND PRESENTS TO A HOSPITAL FOR  
17 TREATMENT AND ALLOWING THE DEPARTMENT TO  
18 COLLABORATE WITH THE SOUTH CAROLINA  
19 CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM;  
20 TO AMEND SECTION 63-7-310 BY INCLUDING REFERENCE  
21 TO THE STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE  
22 AND INCLUDING RESPONSIBILITIES OF LAW  
23 ENFORCEMENT AGENCIES UPON RECEIPT OF A REPORT  
24 OF SUSPECTED CHILD ABUSE OR NEGLECT; TO AMEND  
25 SECTION 63-7-370 TO REQUIRE LAW ENFORCEMENT TO  
26 NOTIFY THE DEPARTMENT OF FAMILY PROTECTIVE  
27 SERVICES IN CASES OF SUSPECTED DOMESTIC  
28 VIOLENCE WHERE THE PEOPLE INVOLVED IN THE  
29 SUSPECTED DOMESTIC VIOLENCE ARE RESPONSIBLE  
30 FOR THE WELFARE OF A CHILD; TO AMEND SECTION  
31 63-7-450(C) TO ALLOW THE DEPARTMENT TO PUBLICIZE  
32 THE STATEWIDE, TOLL-FREE CHILD ABUSE HOTLINE; TO  
33 REPEAL CHAPTER 1 OF TITLE 43 RELATING TO THE STATE  
34 DEPARTMENT AND BOARD OF SOCIAL SERVICES,  
35 CHAPTER 3 OF TITLE 43 RELATING TO THE COUNTY  
36 DEPARTMENTS AND BOARDS OF SOCIAL SERVICES,  
37 SECTION 43-5-220 RELATING TO OBTAINING SUPPORT  
38 PAYMENTS FROM ABSENT PARENTS, SECTION 43-5-222  
39 RELATING TO CHILD SUPPORT PAYMENTS PAID TO  
40 WELFARE RECIPIENTS, SECTION 43-5-225 RELATING TO  
41 THE CENTRAL REGISTRY OF RECORDS OF PARENTS WHO  
42 HAVE DESERTED OR ABANDONED A CHILD WHO

1 RECEIVES AID TO FAMILIES WITH DEPENDENT  
2 CHILDREN, SECTION 43-5-230 RELATING TO THE PUBLIC  
3 WELFARE COOPERATIVE PROGRAM FUND, SECTION  
4 43-5-235 RELATING TO REIMBURSEMENT OF LOCAL  
5 ENTITIES FOR COSTS OF CHILD SUPPORT COLLECTION  
6 AND PATERNITY DETERMINATION PROGRAMS, SECTION  
7 43-5-240 RELATING TO THE EXECUTION OF  
8 COOPERATIVE SUPPORT PROGRAM AGREEMENTS  
9 BETWEEN COUNTIES DESIRING TO OBTAIN  
10 APPROPRIATIONS FROM THE PUBLIC WELFARE SUPPORT  
11 REIMBURSEMENT FUND AND THE DEPARTMENT OF  
12 SOCIAL SERVICES, SECTION 43-5-245 RELATING TO  
13 COUNTIES AND JUDICIAL DISTRICTS SUBMITTING PLANS  
14 TO THE DEPARTMENT OF SOCIAL SERVICES RELATING  
15 TO STAFFING AND EQUIPMENT NEEDS FOR THEIR CHILD  
16 SUPPORT PROGRAMS, SECTION 43-5-580 RELATING TO  
17 ENFORCEMENT SUPPORT OBLIGATIONS OF ABSENT  
18 PARENTS, SECTION 43-5-590 RELATING TO THE POWERS  
19 AND DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES  
20 IN ACCORDANCE WITH APPROVED CHILD SUPPORT  
21 PLANS, SECTION 43-5-598 RELATING TO DEFINITIONS  
22 AND THE NEW HIRE DIRECTORY FOR THE SOUTH  
23 CAROLINA EMPLOYABLES PROGRAM ACT, SECTION  
24 43-5-600 RELATING TO THE APPLICABILITY OF THE  
25 LEGAL PROCESS, BROUGHT TO ENFORCE CHILD OR  
26 SPOUSAL SUPPORT OBLIGATIONS TO PAYMENTS MADE  
27 BY SOUTH CAROLINA, SECTION 43-5-610 RELATING TO  
28 THE MAINTENANCE OF A CENTRAL REGISTRY OF  
29 RECORDS BY THE DEPARTMENT OF SOCIAL SERVICES  
30 FOR EACH CASE WHERE SERVICES WERE PROVIDED  
31 PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY  
32 ACT, SECTION 43-5-620 RELATING TO THE  
33 ESTABLISHMENT OF A UNIFORM SYSTEM OF  
34 INFORMATION CLEARANCE AND RETRIEVAL WHERE  
35 THE CHILD SUPPORT ENFORCEMENT OFFICE SHALL  
36 HAVE ACCESS TO INFORMATION FROM THE  
37 DEPARTMENT OF EMPLOYMENT AND WORKFORCE AND  
38 THE DEPARTMENT OF MOTOR VEHICLES FOR  
39 ENFORCEMENT PURPOSES, SECTION 43-5-630 RELATING  
40 TO THE PRORATION OF INTERMITTENT INCOME BY  
41 APPLICANTS FOR ASSISTANCE AND SECTION 63-7-320  
42 RELATING TO REPORTS OF CHILD ABUSE OR NEGLECT

1 MADE TO LAW ENFORCEMENT AGENCIES; AND TO  
2 PROVIDE FOR OTHER TRANSITIONAL PROVISIONS, FOR  
3 THE EFFECTIVE DATE OF THE ACT, AND FOR THE  
4 MANNER IN WHICH IT SHALL BE IMPLEMENTED.

5  
6 Be it enacted by the General Assembly of the State of South  
7 Carolina:

8  
9 SECTION 1. This act may be cited as the "South Carolina  
10 Children's Welfare Reform Act of 2015".

11  
12 SECTION 2. Effective July 1, 2016, the South Carolina  
13 Department of Social Services is abolished and its functions,  
14 powers, duties, responsibilities, and authority, except as provided by  
15 law:

16 (1) related to public aid, assistance, and relief generally found in  
17 Chapter 5 of Title 43 of the 1976 Code but also contained in certain  
18 other provisions of South Carolina law are devolved upon the South  
19 Carolina Department of Health and Human Services; and

20 (2) related to all other functions within the former South  
21 Carolina Department of Social Services, including, but not limited  
22 to, child protective services, adult protective services, foster care,  
23 adoption, and child support are devolved upon the South Carolina  
24 Department of Family Protective Services.

25  
26 SECTION 3. Section 1-30-10(A) of the 1976 Code is amended to  
27 read:

28  
29 "(A) There are hereby created, within the executive branch of the  
30 state government, the following departments:

- 31 1. Department of Agriculture
- 32 2. Department of Alcohol and Other Drug Abuse Services
- 33 3. Department of Commerce
- 34 4. Department of Corrections
- 35 5. Department of Disabilities and Special Needs
- 36 6. Department of Education
- 37 7. Department of Family Protective Services
- 38 ~~7~~8. Department of Health and Environmental Control
- 39 ~~8~~9. Department of Health and Human Services
- 40 ~~9~~10. Department of Insurance
- 41 ~~10~~11. Department of Juvenile Justice
- 42 ~~11~~12. Department of Labor, Licensing and Regulation



1 recommending remedies. The Council shall not exceed fifteen  
2 members. The members of such Council shall serve without  
3 compensation or allowance for expenses;

4 (2) advisory committees as are required by federal law or  
5 regulations regarding the programs which the department  
6 administers. These advisory committees, as are required by federal  
7 law or regulation, shall receive travel and per diem as provided  
8 under the law for state boards, commissions, or committees; and

9 (3) other committees the director may deem necessary for  
10 prudent administration of the programs administered by the  
11 department. The committees may be reimbursed for travel expenses  
12 as provided under the law and regulations for state employees but  
13 shall receive no per diem payment.

14 (B) All subsistence and per diem authorized under the provisions  
15 of this section shall be paid from funds available to the Department  
16 of Family Protective Services.

17  
18 Section 63-2-40. The director may appoint and employ other  
19 officers and employees as are authorized and may be necessary to  
20 perform the duties placed upon the department by law, and the  
21 director shall fix their compensation unless the General Assembly  
22 shall do so, but in no event shall the director expend any sums for  
23 purposes unauthorized by law. All compensation shall be fixed by  
24 the state department. The director may require officers and  
25 employees to furnish bonds in such amounts as it may determine.  
26 The selection of officers and employees shall be made entirely upon  
27 the qualification and merit of the individuals so employed.

28  
29 Section 63-2-45. The department is responsible for recruitment of  
30 qualified professional staff to serve as associate child protective  
31 services case workers, child protective services case workers, and  
32 child protective services supervisors. The department shall make  
33 every effort to recruit and hire persons qualified by their education  
34 and experience to perform these child protective services functions.  
35 The department's efforts shall be guided by the goal that by July 1,  
36 2019, at least half of all child protective services positions meet the  
37 minimum requirements described in items (1)-(3). The department  
38 shall develop a protocol for screening candidates for child protective  
39 positions which reflects the preferences specified in subsections  
40 (1)-(3). The following shall be the minimum requirements an  
41 applicant must meet for a child protective services position:

1 (1) An individual applying for a position as an associate case  
2 worker must have a baccalaureate degree in social work,  
3 psychology, sociology, counseling, special education, education,  
4 human development, child development, family development,  
5 marriage and family therapy, or nursing, or three years of directly  
6 relevant work or volunteer experience, preferably in a public service  
7 field related to children's services. The individual must possess  
8 critical thinking skills, formal assessment processes,  
9 communication skills, problem solving, empathy, a commitment to  
10 helping children and families, a capacity to work as part of a team,  
11 an interest in continuous development of skills and knowledge, and  
12 personal strength and resilience to manage competing demands and  
13 handle workplace stresses.

14 (2) An individual applying for a position as a case worker  
15 must have a baccalaureate degree in social work, psychology,  
16 sociology, counseling, special education, education, human  
17 development, child development, family development, marriage  
18 and family therapy, or nursing, or five years of directly relevant  
19 work or volunteer experience, preferably in a public service field  
20 related to children's services. The individual must possess critical  
21 thinking skills, formal assessment processes, communication skills,  
22 problem solving, empathy, a commitment to helping children and  
23 families, a capacity to work as part of a team, an interest in  
24 continuous development of skills and knowledge, and personal  
25 strength and resilience to manage competing demands and handle  
26 workplace stresses.

27 (3) An individual applying for a position as a supervisor must  
28 have a master's degree in social work from a college or university  
29 social work program accredited by the Council on Social Work  
30 Education, or ten years of directly relevant work experience,  
31 preferably in a public service field related to children's services. The  
32 individual must possess critical thinking skills, formal assessment  
33 processes, communication skills, problem solving, empathy, a  
34 commitment to helping children and families, a capacity to work as  
35 part of a team, an interest in continuous development of skills and  
36 knowledge, and personal strength and resilience to manage  
37 competing demands and handle workplace stresses. In addition, a  
38 candidate for supervisor must have a minimum of three years'  
39 experience as a case worker or a minimum of three years'  
40 experience performing the job the candidate will supervise.  
41

1 Section 63-2-50. The state department shall supervise and  
2 administer the activities and functions of the State as provided in  
3 this Chapter and child protective services as referred to in Chapter  
4 7 or as otherwise authorized by law and may act as the agent of the  
5 State, cooperate with any federal agency for the purpose of carrying  
6 out matters of mutual concern, and administer any federal funds  
7 granted the State in the furtherance of the duties imposed upon the  
8 state department. The department shall study the various social  
9 problems confronting the State, inquiring into their causes and  
10 possible cures, making such surveys, gathering such statistics, and  
11 formulating such recommended public policies in connection  
12 thereto as may be in the interest of the State, and shall make such  
13 information available in published form. The department may adopt  
14 all necessary rules and regulations and formulate policies and  
15 methods of administration, when not otherwise fixed by law, to  
16 carry out effectively the activities and responsibilities delegated to  
17 it. The aim of the department shall be to promote the unified  
18 development of protective services and agencies of the State and  
19 local governments so that each agency and governmental institution  
20 may function as an integral part of a general system.

21  
22 Section 63-2-60. The state department may make investigations  
23 into the administration and affairs of any institution or agency,  
24 public or private, concerned with the care, custody or training of  
25 persons or the handling of problems of delinquency, dependency or  
26 defectiveness.

27  
28 Section 63-2-70. The state department shall conduct, at least once  
29 every five years, a substantive quality review of the child protective  
30 services and foster care programs in each county and each adoption  
31 office in the State. The county's performance must be assessed with  
32 reference to specific outcome measures published in advance by the  
33 department. The quality review must assess the accuracy of program  
34 data being submitted by the county and examine data and other  
35 sources to determine the extent to which outcomes are being  
36 achieved. The department shall prepare a detailed narrative report,  
37 with supporting data, describing its findings. The state department  
38 shall submit the report within ninety calendar days after completion  
39 of the review to the Governor, the President Pro Tempore of the  
40 Senate, and the Speaker of the House of Representatives, and to each  
41 member of the county legislative delegation, and the report shall be  
42 posted on the department's website. The reports are public

1 information and upon request must be provided without charge to  
2 any member of the public within fifteen working days after the  
3 request is received. The failure of the state department to conduct  
4 the required quality review of any county office is considered  
5 nonfeasance in office by the state director and is cause for the state  
6 director's removal. This section is not intended to limit the  
7 department in the frequency or scope of reviews of county  
8 operations.

9  
10 Section 63-2-80. The state department shall administer the Social  
11 Services Block Grant Program.

12  
13 Section 63-2-90. The state department shall keep proper records,  
14 including that which may be required by the federal government  
15 through its appropriate agency or instrumentality, and report such  
16 information and data as required.

17  
18 Section 63-2-100. The director shall prepare and submit to the  
19 Governor and the General Assembly no later than March 1 of each  
20 year, a full and detailed report of its activities and annual  
21 expenditures, including a statement of its personnel and the salaries  
22 paid, and shall likewise make such recommendations and  
23 suggestions as it shall deem advisable in the execution of its duties  
24 to the General Assembly. This report must also include the  
25 following:

26 (1) the monthly total number of cases assigned, as of the last  
27 business day of every month, to each case worker in the Department  
28 of Family Protective Services Child Protective Services Division;

29 (2) the monthly total number of children assigned, as of the  
30 last business day of every month, to each case worker in the  
31 Department of Family Protective Services Child Protective Services  
32 Division;

33 (3) the monthly total number of children seen by the  
34 Department of Family Protective Services and accepted for intake  
35 within twenty-four hours of a report of abuse or neglect;

36 (4) the monthly total number of children that were unseen by  
37 the Department of Family Protective Services within twenty-four  
38 hours of a report of abuse or neglect;

39 (5) the total number of children in foster care that were seen  
40 by the Department of Family Protective Services each month; and

41 (6) the total number of children in foster care that were unseen  
42 by the Department of Family Protective Services each month.

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Section 63-2-110. The director shall have prepared and submit to the Governor and the General Assembly an annual budget, estimating the necessary funds for discharging the duties imposed upon the department, after taking into consideration federal funds which have been or may be allotted to the State for such purpose.

Section 63-2-120. The director shall designate and authorize the proper officers and employees of the state department to issue its requisition upon the Comptroller General for the payment of salaries or other expenses in the administration of this chapter. The Comptroller General shall draw his warrant upon the State Treasurer as directed by such requisition, and the State Treasurer shall pay such warrants by check or otherwise.

Section 63-2-130. For an agency, entity, or organization to receive funds from the Department of Family Protective Services for treatment programs for perpetrators of domestic violence, the agency, entity, or organization must comply with treatment program standards contained in the department's annual Battered Spouse State Plan. These standards must include, but are not limited to, these requirements:

- (1) treatment services must be provided by persons with a minimum of a master's degree in social work, counseling, or another related field;
- (2) each treatment program shall have at least one person providing supervision to paid and volunteer staff who:
  - (a) has a minimum of three years of experience working with both perpetrators and victims of domestic violence;
  - (b) has a minimum of one year of experience in group facilitation; and
  - (c) holds at least a master's degree in social work, counseling, or another related field.

Section 63-2-140. Notwithstanding any other provision of law, all direct services provided by the Department of Family Protective Services and through agreement with other state agencies or county departments of Family Protective Services under Title XX of Public Law 93-647 shall be subject to the same planning and contractual provisions required of private non-profit service providers.

1 Section 63-2-150. When establishing priorities and funding for  
2 programs and services that impact children and families during the  
3 first years of a child's life, within the powers and duties granted to  
4 it, the state department must support, as appropriate, the South  
5 Carolina First Steps to School Readiness initiative, as established in  
6 Title 59, Chapter 152, at the state and local levels.

7  
8 Section 63-2-160. (A) The circuit solicitor for each judicial  
9 circuit shall facilitate the development of community domestic  
10 violence coordinating councils in each county or judicial circuit  
11 based upon public-private sector collaboration.

12 (B) The purpose of a domestic violence coordinating council is  
13 to:

14 (1) increase the awareness and understanding of domestic  
15 violence and its consequences;

16 (2) reduce the incidence of domestic violence in the county or  
17 area served; and

18 (3) enhance and ensure the safety of battered women and their  
19 children.

20 (C) The duties and responsibilities of a domestic violence  
21 coordinating council include, but are not limited to:

22 (1) promoting effective strategies of intervention for  
23 identifying the existence of domestic violence and for intervention  
24 by public and private agencies;

25 (2) establishing interdisciplinary and interagency protocols  
26 for intervention with survivors of domestic violence;

27 (3) facilitating communication and cooperation among  
28 agencies and organizations that are responsible for addressing  
29 domestic violence;

30 (4) monitoring, evaluating, and improving the quality and  
31 effectiveness of domestic violence services and protections in the  
32 community;

33 (5) providing public education and prevention activities; and

34 (6) providing professional training and continuing education  
35 activities.

36 (D) Membership on a domestic violence coordinating council  
37 may include, but is not limited to, representatives from magistrates  
38 court, family court, law enforcement, solicitor's office, probation  
39 and parole, batterer intervention programs or services, nonprofit  
40 battered women's program advocates, counseling services for  
41 children, legal services, victim assistance programs, the medical  
42 profession, substance abuse counseling programs, the clergy,

1 survivors of domestic violence, local department of family  
2 protective services, and the education community. Members on the  
3 council shall develop memoranda of agreement among and between  
4 themselves to ensure clarity of roles and responsibilities in  
5 providing services to victims of domestic violence.

6 (E) Each coordinating council is responsible for generating  
7 revenue for its operation and administration.

8  
9 Section 63-2-170. No county shall supplement the salary of any  
10 Department of Family Protective Services employee.

11  
12 Section 63-2-180. The Department of Family Protective  
13 Services shall establish and collect accounts receivable in  
14 accordance with appropriate and applicable federal regulations.

15  
16 Article 3

17  
18 County Departments

19  
20 Section 63-2-310. (A) There is created in each county of the  
21 State a county department of family protective services, referred to  
22 in this chapter as the county department, and in each county a county  
23 board of family protective services, referred to in this chapter as the  
24 county board, to be composed of not less than three nor more than  
25 nine members. Each county board serves in an advisory capacity to  
26 the director of the county department of family protective services.  
27 The members of each county board must be appointed by the  
28 Governor upon the recommendation of a majority, including the  
29 senators of the county legislative delegation. The terms of the  
30 members are for three years and until their successors have been  
31 appointed and qualify. In the case of a vacancy, the vacancy must  
32 be filled as provided in this section, but only for the unexpired term.

33 (1) In Berkeley County, appointments made pursuant to this  
34 section are governed by the provisions of Act 159 of 1995.

35 (2) In Dorchester County, appointments made pursuant to this  
36 section are governed by the provisions of Act 512 of 1996.

37 (3) In Georgetown County, appointments made pursuant to  
38 this section are governed by the provisions of Act 515 of 1996.

39 (B) Notwithstanding the provisions of subsection (A), a county  
40 legislative delegation, in its sole discretion, has the authority, by  
41 written resolution, to terminate its respective county board of family

1 protective services by a two-thirds vote, based on weighted voting  
2 percentages of the county legislative delegation.

3  
4 Section 63-2-320. Members of the county boards shall receive  
5 the same mileage as is provided by law for state boards, committees  
6 and commissions for travel in attending meetings and a per diem,  
7 the total per diem not to exceed seventy-five dollars per year.

8  
9 Section 63-2-330. The members of the respective county boards  
10 shall elect one of their members as chairman. Each county board  
11 shall meet not less than once a month on regular dates fixed by it  
12 unless the director shall designate other regular dates for the various  
13 county board meetings. A simple majority of the members shall  
14 constitute a quorum and may decide all matters. Each county board  
15 may adopt its own rules of procedure unless the state department  
16 shall promulgate uniform rules for all county boards to observe.

17  
18 Section 63-2-340. (A) The State Director shall select a county  
19 director for each county department, referred to in this chapter as the  
20 county director, to discharge the duties of his office and may select  
21 regional directors to oversee the county directors. The salaries of  
22 county directors and any regional directors shall be fixed by the  
23 director. In fixing these salaries the director shall consider the  
24 individual qualifications of the respective directors and the  
25 possibilities of their individual positions. The county director shall  
26 be the chief executive officer of the county department and shall  
27 perform duties as are directed by the director, regional director, or  
28 as directed by law.

29 (B) Regional and county directors serve at the pleasure of the  
30 state director.

31  
32 Section 63-2-350. Each county board may create a county  
33 advisory council of family protective services to consider and  
34 consult with the county board concerning issues and recommending  
35 remedies. Members of such councils shall serve without  
36 compensation or allowance for expenses.

37  
38 Section 63-2-360. The respective county directors shall see that  
39 all laws are enforced for the protection and welfare of minors and  
40 the removal of moral menaces to the young and to safeguard and  
41 promote the health, education and general welfare of minors.  
42 Subject to the rules and regulations of the state department, each of

1 the county directors may use any funds supplied by the county in  
2 which the county department operates for such purposes as may be  
3 directed by law, in addition to their other duties. Each county  
4 director shall serve as the agent of the state department in the  
5 performance of such functions as the director may delegate to it.  
6

7 Section 63-2-370. The governing authorities of each county  
8 shall provide office space and facility service, including janitorial,  
9 utility and telephone services, and related supplies, for its county  
10 Department of Family Protective Services.  
11

12 Section 63-2-380. Each county director shall submit to the state  
13 director at such times as the latter shall require the county director's  
14 estimate of the necessary administrative expenses and expenditures  
15 in the county, which, when approved by the state director, shall be  
16 authority for the county director to engage other agents and  
17 employees as may be necessary in executing the duties and activities  
18 delegated to the county director. All agents and employees shall  
19 measure up to the standards fixed by the state director as to  
20 education, training, fitness and experience in social work.  
21

22 Section 63-2-390. Each county director shall prepare and submit  
23 to the state director, as required by the latter, an estimated budget  
24 for carrying out the duties and functions delegated to the county  
25 director, and shall maintain an accurate record of the county  
26 department's activities and all funds received and expended by it.  
27

28 Section 63-2-400. The respective county directors shall  
29 maintain standards of work, procedure, and records as are required  
30 by the state director in the discharge of their functions or in the use  
31 of any funds provided by the state department.  
32

33 Section 63-2-410. The records and accounts of each county shall  
34 be maintained as prescribed by the state director and shall be subject  
35 to inspection, supervision, and audit by the state department and in  
36 the same manner and with the same effect as may be provided by  
37 law for the examination of other public offices.  
38

39 Section 63-2-420. Each county director shall furnish reports to  
40 the state director as the latter shall require, which shall be made in a  
41 manner and upon the forms required by the state director. Each  
42 county director shall make an annual report of the county

1 department's activities, receipts, and disbursements to each member  
2 of the county legislative delegation, to the foreman of the county  
3 grand jury and to the clerk of court, who shall file the report in his  
4 office as a public record. Each county director shall furnish these  
5 reports and data as may be required by the state department or the  
6 federal government, through its appropriate agency or  
7 instrumentality, concerning conditions within its county, the county  
8 department's activities and functions and the administration of  
9 funds received by the county department.

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Article 5

Child Support Program

15 Section 63-2-510. (A) Every applicant for family independence  
16 benefits who has a child by a parent who is alive but not living in  
17 the home at the time of approval for family independence must be  
18 immediately referred to the designated child support official of the  
19 Department of Family Preventative Services. The department shall  
20 be responsible for taking all steps necessary to identify, locate, and  
21 obtain support payments from absent parents. The Department of  
22 Health and Human Services shall provide all necessary information  
23 regarding family independence benefits to the department to assist  
24 in the process for identifying, locating, and obtaining child support  
25 payments from the absent parents.

26 (B) The department shall establish a scale of suggested  
27 minimum contributions to assist courts in determining the amount  
28 that an absent parent should be expected to pay toward the support  
29 of a dependent child. The scale shall include consideration of gross  
30 income, shall authorize expense deductions including deductions for  
31 taxes for determining net income, shall designate other available  
32 resources to be considered and shall specify the circumstances  
33 which should be considered in reducing liability on the basis of  
34 hardship. Copies of this scale shall be made available to courts,  
35 county attorneys, circuit solicitors, and to the public. It is intended  
36 that the scale formulated pursuant to this section be optional, and  
37 that no court or support official be required to use it.

38 (C) In all cases in which the whereabouts of the absent parent is  
39 known, the department shall, immediately upon approval of the  
40 application for assistance, notify the absent parent of the filing of  
41 the application and of his responsibility to complete and return a  
42 written statement of his current monthly income, his total income

1 over the past twelve months, a description of real and personal  
2 property owned by him, together with an estimate of its value, the  
3 number of dependents for whom he is providing support, the amount  
4 he is contributing regularly toward the support of all children for  
5 whom application for aid to families with dependent children has  
6 been made, his Social Security number, his itemized monthly living  
7 expenses and such other information as the department determines  
8 to be pertinent in determining his ability to support his children.

9 The absent parent shall complete and return such statement to the  
10 department within ten days after notification by the department. The  
11 department may request the absent parent to report for a personal  
12 interview.

13 If the absent parent statement is not completed within ten days  
14 after notification, the department shall cause prompt personal  
15 service to be made. If the written statement is not completed and  
16 returned within ten days after personal service, the department shall  
17 immediately refer the matter for prosecution for nonsupport.

18 (D) When the department has obtained sufficient information  
19 concerning the absent parent, it shall immediately determine his  
20 ability to support his children and shall obtain a court order  
21 specifying an appropriate amount of support in accordance with the  
22 scale of suggested minimum contributions as provided in subsection  
23 (B). If the absent parent is residing out of the county, but within the  
24 State, and his whereabouts are known, the department shall obtain  
25 the court order in the court of competent jurisdiction as set forth by  
26 the court of competent jurisdiction. Court orders of support shall in  
27 all cases specify that the payment of support shall be made directly  
28 to the department as reimbursement for assistance and not to the  
29 spouse of the absent parent. The support rights assigned to the State  
30 shall constitute an obligation owed to the State by the individual  
31 responsible for providing such support. Such obligation shall be  
32 deemed for collection purposes to be collectible under all applicable  
33 state and local processes. The amount of such obligations shall be:

34 (1) The amount specified in a court order which covers the  
35 assigned support rights;

36 (2) If there is no court order, an amount determined by the  
37 State in accordance with a formula approved by subsection (B);

38 (3) Any amounts collected from an absent parent under the  
39 plan shall reduce, dollar for dollar, the amount of his obligation. A  
40 debt which is a child support obligation assigned to the department  
41 under this section is not released by a discharge in bankruptcy under  
42 the Bankruptcy Act.

1 (E) Failure of the absent parent to comply with his support  
2 obligation shall be referred to the court having jurisdiction of the  
3 matter for appropriate proceedings.

4 (F) Nothing in this section shall be construed to relieve the  
5 department from complying with the provisions of Section 402 (a)  
6 (11) of the Social Security Act.

7 (G) Material falsification of information on the statement  
8 provided pursuant to subsection (D) shall constitute a misdemeanor.

9 (H) In the case of an individual not otherwise eligible for  
10 collection services, a fee may be imposed in accordance with federal  
11 law, regulations, and guidelines.

12 (I) The department may submit to the Department of Revenue  
13 for collection and set off any debt for past-due support, including  
14 health care expenses, owed to the department or owed to an  
15 individual not otherwise eligible for collection services who has  
16 made application to the department. The debt for past-due support  
17 must be at least sixty days in arrears and is in excess of twenty-five  
18 dollars as provided by law. At the time of the submission, the  
19 department shall notify the debtor that his state tax refund will be  
20 subject to a debt for past-due support. The notice shall set forth the  
21 name of the debtor, the amount of the claimed debt, the intention to  
22 set off the refund against the debt, the taxpayer's opportunity to give  
23 written notice to contest the set off within thirty days of the date of  
24 mailing of the notice, the appropriate office of the department to  
25 which the application for a hearing must be sent, and the fact that  
26 failure to apply for a hearing in writing within the thirty-day period  
27 will be considered a waiver of the opportunity to contest the set off.  
28 If the debtor makes written application to contest the set off within  
29 thirty days of notification, the department shall provide an  
30 opportunity for a hearing and is responsible for refunding any  
31 monies wrongfully collected. If no application is made, the debtor's  
32 refund must be used to set off the amount owed. From the amount  
33 transferred from the Department of Revenue, the department shall  
34 reimburse the Department of Revenue for expenses incurred in  
35 administering this program. In the case of an individual not  
36 otherwise eligible for collection services, a fee must be imposed by  
37 the department to cover all costs. The department shall request that  
38 the Department of Revenue send to the department notice of the  
39 home address, corrected social security number, or additional Social  
40 Security numbers, if more than one is used, of any taxpayer whose  
41 name is submitted to the Department of Revenue under this  
42 subsection.

1 (J) The department may submit to the Internal Revenue Service  
2 and the State Department of Revenue, for federal and state tax  
3 refund offsets, the name of any obligor who is delinquent in paying  
4 court-ordered child support and who qualifies for submittal under  
5 federal or state law even if the obligor is in compliance with a court  
6 order requiring periodic payments toward satisfaction of the  
7 delinquency or even if the delinquent amount has been placed in  
8 abeyance by court order.

9  
10 Section 63-2-520. From the amounts collected by the South  
11 Carolina State Department of Family Protective Services for  
12 children and the parents of such children who are currently  
13 recipients of Aid to Families with Dependent Children (AFDC),  
14 pursuant to Section 63-2-510, the department may distribute these  
15 amounts as follows:

16 (1) of amounts collected which represent monthly monetary  
17 support obligations, the first seventy-five dollars of the monthly  
18 payment must be paid to the AFDC family and thereafter must be  
19 increased up to the amount of the monthly support obligation;

20 (2) if the amount collected is in excess of the amounts required  
21 to be distributed under item (1), the excess must be retained by the  
22 department as reimbursement for AFDC payments made to the  
23 family for which the State has not been reimbursed. Of the amount  
24 retained by the department, the department shall determine the  
25 federal government's share so that the department may reimburse  
26 the federal government, if required, to the extent of its participation  
27 in the financing of the AFDC payment.

28 (3) if the amount collected is in excess of the amounts required  
29 to be distributed under (1) and (2) the family must be paid the  
30 excess.

31 (4) payments made to the family in item (1) may not be used in  
32 determining the amount paid, if any, in AFDC or other welfare  
33 benefits.

34  
35 Section 63-2-530. (A) A central registry of records shall be  
36 maintained in the department showing as far as it is known with  
37 respect to any parent who has deserted or abandoned any child  
38 receiving aid to families with dependent children:

39 (1) the full and true name of such parent together with any  
40 known aliases;

41 (2) date and place of birth;

42 (3) physical description;

- 1 (4) social security number;
- 2 (5) occupation and any special skills he may have;
- 3 (6) military status and Veterans Administration or military
- 4 service serial number;
- 5 (7) last known address and the date thereof;
- 6 (8) number of the driver's license;
- 7 (9) any further information that may be of assistance in
- 8 locating the person.

9 (B) To effectuate the purposes of this section, the department  
10 shall request from all departments, commissions, boards or other  
11 agencies of the State or any of its political subdivisions such  
12 assistance and data as will enable the department and other public  
13 agencies to carry out their duties to locate deserting parents and to  
14 enforce their liability for the support of their children. The  
15 department shall utilize the 'Parent Locator Service' pursuant to  
16 establishment in the Department of Health, Education and Welfare  
17 by filing in accordance with Section 453(b) of the Social Security  
18 Act.

19 (C) Any records established pursuant to the provisions of this  
20 section shall be available only to public welfare offices, county  
21 attorneys, circuit solicitors, probation departments, the Attorney  
22 General, central registries in other states and courts having  
23 jurisdiction in support or abandonment proceedings or action and  
24 only for the purposes for which the records have been established.

25  
26 Section 63-2-540. There is hereby created in the office of the  
27 State Treasurer a revolving fund to be designated as the Public  
28 Welfare Cooperative Support Program Fund which shall be used by  
29 the department in carrying out such purposes as it deems necessary.  
30 All monies in the funds are hereby appropriated to the department  
31 for such purposes and shall be paid without further appropriation  
32 under requisition or voucher drawn on the State Treasurer in the  
33 usual manner.

34  
35 Section 63-2-550. To the extent permitted by federal law, the  
36 department may enter into annual agreements with county  
37 governments, clerks of court, sheriffs, and other law enforcement  
38 entities having jurisdiction in that county to reimburse and to pay  
39 federal financial participation and incentives pursuant to the terms  
40 of the agreement to the appropriate contracting entity for a portion  
41 of the cost of developing and implementing a child support  
42 collection and paternity determination program for:

1 (1) securing support for persons receiving state public assistance  
2 and reimbursement of medical assistance from the legally  
3 responsible spouse or parent of assistance recipients;

4 (2) establishing paternity and securing support for children born  
5 out of wedlock who are receiving aid to families with dependent  
6 children;

7 (3) all children who have sought assistance in securing support  
8 whether or not they are eligible for aid to families with dependent  
9 children and regardless of the economic circumstances. To the  
10 extent permitted by federal law, a fiscal incentive and federal  
11 financial participation must be paid to the department and provided  
12 to the entity providing the service for the collection and enforcement  
13 of child support obligations. These monies must be paid to the  
14 appropriate county treasurer or county finance office on a monthly  
15 basis and deposited into a separate account for the entity providing  
16 the service for the exclusive use by this entity for all activities  
17 related to the establishment, collection, and enforcement of child  
18 support obligations for the fiscal year in which the payments are  
19 earned and may be drawn on and used only by the entity providing  
20 the service for which the account was established. Monies paid to  
21 the contracting entity pursuant to this section may not be used to  
22 replace operating funds of the budget of the entity providing the  
23 service. Funds in the special account not encumbered for child  
24 support activities revert to the general fund of the county at the end  
25 of the fiscal year in which they were earned. Each local entity shall  
26 enter into a support enforcement agreement with the department as  
27 a condition of receiving the fiscal incentive and federal financial  
28 participation. To the extent that fiscal incentives are paid to the  
29 department and are not owed under the agreement to the contracting  
30 entity, these fiscal incentives must be reinvested in the department's  
31 Child Support Enforcement Program to increase collections of  
32 support at the state and county levels in a manner consistent with  
33 the federal laws and regulations governing incentive payments.

34  
35 Section 63-2-560. Any county desiring to obtain the benefits of  
36 appropriations from the Public Welfare Support Reimbursement  
37 Fund shall secure the formal joinder of the circuit solicitor and of  
38 the court having jurisdiction of support cases in that county in a joint  
39 plan and a cooperative support program agreement with the  
40 department and the execution of a cooperative support program  
41 agreement with the department. The execution of such agreement is  
42 hereby authorized.

1  
2 Section 63-2-570. (A) The department shall prescribe the time  
3 at and the form on which the counties and judicial districts shall  
4 submit to the department annual plans for the total staff and  
5 equipment needs and annual estimates of the expenditures of the  
6 county for the staffing and operations of the child support program  
7 for the coming agreement year.

8 (B) Upon approval of an annual plan and the estimated  
9 expenditures for an improved program, the department shall enter  
10 into a contract pursuant to Section 63-2-550.

11  
12 Article 7

13  
14 South Carolina Employables Program Act

15  
16 Section 63-2-710. (A) Every applicant for family independence  
17 benefits who has a child or children whose parent is alive but not  
18 residing in the home must be referred to the Office of Child Support  
19 Enforcement within two working days of the furnishing of aid or the  
20 determination that an individual is a recipient of Family  
21 Independence benefits. The department is responsible for taking all  
22 steps necessary to identify, locate, and obtain support payments  
23 from absent parents.

24 (B) The department shall promulgate regulations which establish  
25 guidelines for minimum contributions which must be applied by the  
26 courts in determining the amount that an absent parent is expected  
27 to pay toward the support of a dependent child. Copies of the  
28 guidelines must be made available to courts, district attorneys, and  
29 to the public. The guidelines formulated pursuant to this section  
30 must be applied pursuant to the provisions of Section 63-17-470.

31 (C) Failure of the absent parent to comply with his support  
32 obligations must be referred to the court having jurisdiction of this  
33 matter for appropriate proceedings.

34  
35 Section 63-2-720. In accordance with a child support plan  
36 approved by the federal government, the department has the power  
37 and its duty must be to:

38 (a) require as a condition of eligibility for assistance that the  
39 applicant or recipient:

40 (i) furnish his social security account number or, to the extent  
41 permitted by federal law, proof of making application for a social

1 security account number if the applicant or recipient has no social  
2 security account number;

3 (ii) assign to the State the rights to support, including health  
4 care expenses, from any other person the applicant may have in his  
5 own behalf or in behalf of any other family member for whom the  
6 applicant is applying for or receiving aid and which have accrued at  
7 the time the assignment is executed or which may accrue in the  
8 future. By accepting public assistance for or on behalf of a child or  
9 children, by making application for services under Title IV-D, or  
10 through placement of a child or children in state-funded foster care  
11 or under Title IV-E, except where good cause as determined by the  
12 agency exists, the recipient or applicant is considered to have made  
13 an assignment to the State Department of Family Protective Services  
14 of rights, title, and interest to a support obligation which is owed for  
15 the child or children or for the absent parent's spouse or former  
16 spouse who is the recipient or the applicant with whom the child is  
17 living, if and to the extent that a spousal support obligation has been  
18 established and the child and the child support obligation is being  
19 enforced pursuant to Title IV-D of the federal Social Security Act.  
20 The assignment to the department is considered to have been made  
21 up to the amount of public assistance money, including Medicaid  
22 payments, or foster care board payments paid for or on behalf of the  
23 child or children for that period of time as the public assistance  
24 monies or foster care board payments are paid. The assignment  
25 consists of all rights and interest in a support obligation that the  
26 recipient may be owed past, present, or future by a person up to the  
27 amount of public assistance money, including Medicaid payments,  
28 paid to the recipient for or on behalf of the minor child or children  
29 or a child in foster care. The department is subrogated to the rights  
30 of the child or children or the person having custody of the child or  
31 children to collect and receive all support payments. The department  
32 has the right to initiate a support action in its own name or in the  
33 name of the recipient to recover payments ordered by the courts of  
34 this or any other state or to obtain a court order to initiate these  
35 payments including an action to determine the paternity of a child.  
36 The clerk of court shall execute the necessary order substituting the  
37 department and changing the payee of the support to the department  
38 upon receipt by the clerk of the notice of assignment.

39 (iii) cooperate with the department in establishing the paternity  
40 of a child born out of wedlock with respect to whom aid is claimed,  
41 and in obtaining support payments for such applicant and for a child  
42 with respect to whom such aid is claimed, or in obtaining any other

1 payments or property due such applicant of such child and that, if  
2 the relative with whom a child is living is found to be ineligible  
3 because of failure to comply with the requirements of items (a) and  
4 (b), any aid for which such child is eligible will be provided in the  
5 form of protective payments. The department shall establish criteria  
6 in accordance with federal regulations to determine whether action  
7 to establish paternity and secure support is not in the best interest of  
8 a child.

9 (b) provide for protective payments for any child eligible for  
10 assistance when a caretaker relative is ineligible due to the caretaker  
11 relative's failure to comply with either subitems (i) or (ii) of item (a)  
12 of this section.

13 (c) provide that in any case in which the child support payments  
14 are collected for a child with respect to whom an assignment has  
15 been made pursuant to subitem (ii) of item (a) of this section the  
16 payment is made to the department for distribution pursuant to item  
17 (g) of this section except for those payments made for any month in  
18 which the amount collected is sufficient to make the family  
19 ineligible for assistance. The department shall pay the amounts to  
20 the recipient consistent with federal laws and regulations. Whenever  
21 a family ceases receiving public assistance the assignment pursuant  
22 to subitem (ii) of item (a) of this section converts to a nonpublic  
23 assistance assignment. However, the nonpublic assistance recipient  
24 may submit a written request to have the assignment terminated  
25 except with respect to the amount of any unpaid support obligation  
26 that has accrued under the assignment. From this amount the  
27 department shall attempt to collect the unpaid obligation and  
28 distribute the amounts consistent with federal laws and regulations.  
29 The department may not charge fees or recover costs from support  
30 collections and shall pay all amounts collected which represent  
31 monthly support payment and arrearage owed to the family. The  
32 department shall continue to provide all appropriate Title IV-D  
33 services and distribute any amounts collected consistent with federal  
34 laws and regulations except that the department may not require any  
35 formal application or impose an application fee but may recover  
36 costs consistent with federal laws and regulations pursuant to item  
37 (f) of this section.

38 (d) create a single and separate organizational unit which is  
39 responsible for developing and implementing a federally-approved  
40 state plan for child support. The unit shall maintain a parent locator  
41 service to locate absent relatives owing or allegedly owing child  
42 support, utilizing all sources of information and legally available

1 records and the parent locator service of the federal Department of  
2 Health and Human Services by filing in accordance with Section  
3 453(B) of the Social Security Act.

4 (e) undertake either directly or pursuant to cooperative  
5 arrangements with appropriate courts or law enforcement officials  
6 to:

7 (i) establish paternity of children born out of wedlock with  
8 respect to whom an assignment pursuant to subitem (ii) of item (a)  
9 of this section has been made or with respect to an individual not  
10 otherwise eligible pursuant to item (f) of this section;

11 (ii) secure support for a child with respect to whom such an  
12 assignment has been made from any legally responsible relative.

13 (f) provide that the support collection or paternity determination  
14 services made available to approved applicants for the Aid to  
15 Families With Dependent Children Program under this section be  
16 made available to an individual not receiving assistance under the  
17 program who files an application for the services with the  
18 department. For an individual not otherwise eligible for these  
19 services under the program, a fee and cost may be imposed by the  
20 department. The fee and cost must be an amount not to exceed the  
21 amount permitted by federal law. The fees and cost recoveries as  
22 would cause a reduction in the amount of federal matching funds  
23 must be retained by the department to offset, dollar for dollar, the  
24 federal reductions. When there is an assignment of the rights to  
25 support, the clerk of court shall execute the necessary order  
26 substituting the department and changing the payee of the support  
27 to the department upon receipt by the clerk of the notice of  
28 assignment.

29 (g) provide for bonus payments to recipients consistent with  
30 federal law from amounts collected periodically without any  
31 decrease in the amount of assistance;

32 (h) make incentive payments to political subdivisions consistent  
33 with federal law whenever the political subdivision enforces or  
34 collects support rights assigned to the department pursuant to  
35 subitem (ii) of item (a) and item (f) of this section.

36 (i) construe and implement this section in order to comply with  
37 Title IV-D of the federal Social Security Act relating to child  
38 support and the establishment of paternity. The department shall  
39 take all steps necessary to implement a federally approved state plan  
40 for child support.

41 (j) to provide that in rendering services under the plan to  
42 individuals with respect to whom an assignment is effective under

1 this section, the State represents the public interest in establishing  
2 and enforcing child support obligations and the assignment does not  
3 create an attorney-client relationship between the agency and the  
4 custodial parent, the child, or any other party.

5  
6 Section 63-2-730. (A) As used in this section:

7 (1) 'Business day' means a day on which state offices are  
8 open for regular business.

9 (2) 'Date of hire' means the first day the employee works for  
10 which the employee is entitled to compensation from the payor of  
11 income.

12 (3) 'Department' means the Department of Family Protective  
13 Services, or its designee.

14 (4) 'Employer' includes a governmental entity and labor  
15 organization and means a person doing business in this State for  
16 whom an individual performs a service, of whatever nature, as the  
17 employee of the person and except that:

18 (a) if the person for whom the individual performs services  
19 does not have control of the payment of wages for the services, the  
20 term 'employer' means the person having control of the payment of  
21 wages; and

22 (b) in the case of a person paying wages on behalf of a  
23 nonresident alien, individual, foreign partnership, or foreign  
24 corporation, not engaged in trade or business within the United  
25 States, the term 'employer' means that person.

26 (5) 'Labor organization' means an organization in which  
27 employees participate and which exists for the purpose, in whole or  
28 in part, of dealing with employers concerning grievances, labor  
29 disputes, wages, rates of pay, hours of employment, or conditions of  
30 work. Hiring halls, which refer individuals for jobs with employers,  
31 are 'labor organizations' to the extent that they exist pursuant to an  
32 agreement with an employer engaged primarily in the building and  
33 construction industry under Section 8(f)(3) of the National Labor  
34 Relations Act.

35 (6) 'New hire' includes an individual newly employed or an  
36 individual who has been rehired who was separated for at least sixty  
37 consecutive days or has returned to work after being laid off,  
38 furloughed, separated, granted leave without pay, or terminated  
39 from employment for at least sixty consecutive days.

40 (B) The department shall maintain a state directory of new hires  
41 which shall contain information supplied in accordance with  
42 subsection (C) by employers on each new hire.

1 (C) An employer who hires an employee who resides or works  
2 in this State shall report the hiring of the employee to the state  
3 directory of new hires within twenty calendar days of the hiring of  
4 the employee. However, in the case of an employer transmitting  
5 reports magnetically or electronically, these reports must be  
6 transmitted semi-monthly, if necessary, not less than twelve nor  
7 more than sixteen days apart. The report submitted shall contain:

8 (1) the employer's name, address, and federal identification  
9 number assigned to the employer under Section 6109 of the Internal  
10 Revenue Code of 1986; and

11 (2) the employee's name, address, and social security  
12 number.

13 (D) For purposes of this section, an employer must not report  
14 information on an employee of a federal or state agency performing  
15 intelligence or counterintelligence functions if the head of the  
16 agency has determined that reporting pursuant to this section with  
17 respect to the employee could endanger the safety of the employee  
18 or compromise an ongoing investigation or intelligence mission.

19 (E) An employer that has employees who are employed in two  
20 or more states and that transmits reports magnetically or  
21 electronically may comply with subsection (C) by designating one  
22 state in which the employer has employees to which the employer  
23 will transmit the report required by subsection (C) and transmitting  
24 the report to that state. An employer that transmits reports pursuant  
25 to this subsection shall notify the Secretary of the United States  
26 Department of Health and Human Services in writing as to which  
27 state the employer designates for the purpose of sending reports.

28 (F) Each report required by subsection (C) must be made on a  
29 W-4 form or, at the option of the employer, an equivalent form and  
30 may be transmitted by first-class mail, facsimile, magnetically, or  
31 electronically. Magnetic and electronic submissions must be in a  
32 format prescribed by the department.

33 (G) If an employer fails to report the hiring of an employee  
34 pursuant to this section, the employer is subject to a civil penalty of  
35 no more than:

36 (1) twenty-five dollars for the second offense and every  
37 offense thereafter unless the employer can demonstrate good cause  
38 for not reporting the hiring; or

39 (2) five hundred dollars for each and every offense, if the  
40 failure is the result of a conspiracy between the employer and the  
41 employee not to supply the required report or to supply a false or  
42 incomplete report. Fines imposed pursuant to this subsection must

1 be enforced as provided for in Section 63-3-530(A)(43) and  
2 distributed according to Section 63-17-520.

3 (H) Information must be entered into the database maintained by  
4 the state directory of new hires within five business days of receipt  
5 from an employer pursuant to subsection (C).

6 (I) The department shall conduct automated comparisons of the  
7 social security numbers reported by employers pursuant to  
8 subsection (C) and the social security numbers appearing in the  
9 records of the State Case Registry created pursuant to Section  
10 43-5-610 for cases being enforced under the federally-approved  
11 child support program administered by the department.

12 (J) When an information comparison conducted under  
13 paragraph (I) reveals a match with respect to the social security  
14 number of an individual in the records of the State Case Registry,  
15 the state directory of new hires shall provide the department with  
16 the information reported by the employer pursuant to subsection  
17 (C).

18 (K) Within two business days after the date information  
19 regarding a newly hired employee is entered into the state directory  
20 of new hires, the department shall transmit a notice to the employer  
21 of the employee directing the employer to withhold from the income  
22 of the employee an amount equal to the monthly, or other periodic,  
23 child support obligation, including any past-due child support  
24 obligation, of the employee, unless the employee's income is not  
25 subject to withholding pursuant to Article 11, Chapter 17, Title 63.

26 (L) Within three business days after the date information  
27 regarding a newly hired employee is entered into the state directory  
28 of new hires, the state directory of new hires shall furnish the  
29 information to the national directory of new hires.

30 (M) The state directory of new hires shall include reports  
31 received from the Department of Employment and Workforce  
32 pursuant to Section 63-2-760. The state directory of new hires shall  
33 furnish these reports, on a quarterly basis, to the national directory  
34 of new hires by the dates, in the format, and containing the  
35 information the Secretary of the United States Department of Health  
36 and Human Services specifies in regulations.

37 (N) Information maintained in the state directory of new hires  
38 and national directory of new hires may be utilized for these  
39 purposes:

40 (1) The department shall use information received pursuant to  
41 subsection (I) to locate individuals for purposes of establishing  
42 paternity and establishing, modifying, and enforcing child support

1 obligations and may disclose this information to a public or private  
2 agency that is under contract with the department to carry out these  
3 purposes.

4 (2) The department shall have access to information reported  
5 by employers pursuant to subsection (C) for purposes of verifying  
6 eligibility for these state administered programs:

- 7 (a) Temporary Assistance for Needy Families;
- 8 (b) Medicaid under Title XIX of the Social Security Act;
- 9 (c) food stamps;
- 10 (d) unemployment compensation benefits; and
- 11 (e) any state program under a plan approved under Title I,  
12 X, XIV, or XVI of the Social Security Act.

13 (3) The Department of Employment and Workforce shall  
14 have access to information reported by employers pursuant to  
15 subsection (C) for purposes of administering the employment  
16 security program.

17 (4) The Workers' Compensation Commission or its designee  
18 shall have access to information reported by employers pursuant to  
19 subsection (C) for purposes of administering the workers'  
20 compensation program.

21 (O) An employer who in good faith discloses information  
22 pursuant to this section is not subject to civil or criminal liability on  
23 account of the disclosure.

24 (P) This section remains in effect until the federal mandate  
25 requiring a mandatory new hire reporting program is repealed.  
26

27 Section 63-2-740. Monies due from or payable by this State,  
28 including any agency, instrumentality, or authority of the State, and  
29 due to any individual is subject, in like manner and to the same  
30 extent as if the State were a private person, to legal process brought  
31 for the enforcement against such individual of his legal obligations  
32 to provide support for a child or spouse; provided, however, that  
33 Section 41-35-140 shall control in cases concerning the South  
34 Carolina Department of Employment and Workforce.  
35

36 Section 63-2-750. (A) A State Case Registry must be  
37 maintained in the department that contains records with respect to:

- 38 (1) each case in which services are being provided by the  
39 department pursuant to Title IV-D of the Social Security Act; and
- 40 (2) each support order established or modified in the State  
41 after September 30, 1998.

1 (B) These records shall include standardized data elements for  
2 both parents or guardian including names, social security numbers  
3 and other uniform identification numbers, dates of birth, and case  
4 identification numbers, and contain other information as state and  
5 federal regulations may require.

6 (C) Any records maintained pursuant to this section are available  
7 only to the Child Support Enforcement Division of the Department  
8 of Family Protective Services, public welfare offices, central  
9 registries in other states, the Federal Parent Locator Service, offices  
10 of the clerks of court, and courts having jurisdiction in support or  
11 abandonment proceedings or actions and only for the purposes for  
12 which the records have been maintained.

13 (D) This section remains in effect until the federal mandate  
14 requiring a state case registry is repealed.

15  
16 Section 63-2-760. (A) The director or his designees, in writing,  
17 shall have access to all records and the departments, in cooperation  
18 with all other departments of the executive branch, shall establish a  
19 single uniform system of information clearance and retrieval,  
20 wherever possible.

21 (B) The bureau of employment security shall provide the  
22 department with a statement of earnings clearance upon the request  
23 of the department.

24 (C) Upon request of the department, the Department of Motor  
25 Vehicles shall provide information as to all vehicles owned by the  
26 applicant or recipient.

27 (D) With the exception of the access provided by subsections (B)  
28 and (C), the provisions of subsection (A) may not be construed to  
29 give the department access to information which would otherwise  
30 be considered privileged or confidential pursuant to state or federal  
31 law.

32  
33 Section 63-2-770. For purposes of determining eligibility for  
34 assistance, the income received by individuals employed on a  
35 contractual basis may be prorated over the period of the contract or  
36 intermittent income received quarterly, semi-annually, or yearly  
37 may be prorated over the period covered by the income."  
38

39 SECTION 5. Section 43-5-10 of the 1976 Code is amended to read:  
40

41 "(A) The Department of ~~Social~~ Health and Human Services shall  
42 be responsible for maintaining uniformity in the administration of

1 public welfare throughout the State. The director shall be the only  
2 person authorized to determine and implement the policies of the  
3 department. The department shall issue regulations pursuant to  
4 Sections 1-23-10, et seq., whenever changes in federal laws and  
5 regulations supersede existing state statutes. In adopting regulations  
6 the department shall strive for clarity of language which may be  
7 readily understood by those administering aid and by those who  
8 apply for or receive aid.

9 (B) For purposes of this chapter, 'department' or 'state  
10 department', except as defined in Article 7, means the Department  
11 of Health and Human Services.

12 (C) For purposes of this chapter, 'County office' or 'county  
13 department' means the Department of Health and Human Services'  
14 office located in each county.'"

15  
16 SECTION 6. Section 44-6-30 of the 1976 Code is amended to read:

17  
18 "The department shall:

19 (1) administer Title XIX of the Social Security Act (Medicaid),  
20 including the Early Periodic Screening, Diagnostic and Treatment  
21 Program, and the Community Long-Term Care System;

22 (2) be designated as the South Carolina Center for Health  
23 Statistics to operate the Cooperative Health Statistics Program  
24 pursuant to the Public Health Services Act;

25 (3) be prohibited from engaging in the delivery of services; ~~and~~

26 (4) administer public welfare in accordance with Chapter 5 of  
27 Title 43 of the 1976 Code."

28  
29 SECTION 7. Article 3, Chapter 7, Title 63 of the 1976 Code is  
30 amended by adding:

31  
32 "Section 63-7-925. (A) The department shall develop and  
33 implement a written methodology for calculating child welfare  
34 caseloads and ensure that the child welfare caseloads are  
35 approximately proportionate from county to county.

36 (B) By July 1, 2017, the department's child welfare caseload per  
37 caseworker shall not exceed the most current maximum caseload per  
38 caseworker standards developed by the Child Welfare League of  
39 America."

40  
41 SECTION 8. Section 63-7-900 of the 1976 Code is amended by  
42 adding:

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“(E) The department must establish a single statewide, toll-free hotline for the reporting of all cases of suspected child abuse and neglect, regardless of the relationship of the alleged perpetrator to the child who is the alleged victim.”

SECTION 9. Subsections (A) and (D) of Section 63-7-910 of the 1976 Code are amended to read:

~~“(A)(1) The Department of Social Services may maintain a toll free number available to persons throughout the State for the referral of family related problems, including:~~

~~(a) the reporting of known or suspected cases of child abuse or neglect;~~

~~(b) other problems of a nature which may affect the stability of family life.~~

~~(2) This telephone service shall operate continuously. Upon receipt of a call involving suspected abuse or neglect, the Department of Social Services shall transmit the full contents of the report to the appropriate county department office. Immediately upon transmitting the report the department shall destroy the contents of the suspected report. Upon receipt of a call involving other problems of a nature which may affect the stability of family life, the department shall refer the call to the appropriate county department office or other service agency where appropriate. The department must operate and maintain a single statewide, toll-free child abuse hotline to receive all reports of suspected child abuse or neglect. All reports received regarding suspicions of child abuse or neglect, whether initially received by a county department office, by a law enforcement agency, or by another organization must be immediately transferred to the statewide, toll-free child abuse hotline for intake assessment and possible investigation. This hotline is available to persons for the referral of family-related problems, including:~~

~~(a) the reporting of known or suspected cases of child abuse or neglect;~~

~~(b) other problems of a nature which may affect the stability of family life.~~

~~(2) The single statewide, toll-free child abuse hotline must operate twenty-four hours a day, seven days a week. Upon receipt of a call involving suspected abuse or neglect, the department shall, using evidence-based safety and risk assessment tools:~~



1 statewide child abuse hotline, the outcome of intake decisions, and  
2 the accuracy in determining the level of risk for the child or children;  
3 and

4 (iii) provide extensive training to all child abuse hotline  
5 intake assessment workers and supervisors relating to child abuse  
6 and neglect, interviewing and customer service skills, and other  
7 training needed. The department is authorized to contract with third  
8 parties to train hotline intake assessment workers and supervisors.  
9

10 (D) The department may contract for the delivery of protective  
11 services, family preservation services, foster care services, family  
12 reunification services, adoptions services, and other related services  
13 or programs. The department shall remain responsible for the  
14 quality of the services or programs through the development and  
15 monitoring of quality measures, performance measures, and  
16 outcomes. The department and shall ensure that each contract  
17 contains provisions requiring the provider to deliver services in  
18 accordance with departmental policies and state and federal law.”  
19

20 SECTION 10. Section 63-7-920 of the 1976 Code is amended to  
21 read:

22  
23 “(A)(1) Within twenty-four hours of the receipt of a report of  
24 suspected child abuse or neglect or within twenty-four hours after  
25 the department has assumed legal custody of a child pursuant to  
26 Section 63-7-660 or 63-7-670 or within twenty-four hours after  
27 being notified that a child has been taken into emergency protective  
28 custody, the department must conduct an in-person meeting with the  
29 child and begin an appropriate and thorough investigation to  
30 determine whether a report of suspected child abuse or neglect is  
31 ‘indicated’ or ‘unfounded’. The department must conduct an  
32 in-person meeting with a child within two hours if the child is four  
33 years old or younger and the child has been presented to a hospital  
34 with symptoms indicative of serious bodily harm caused by physical  
35 abuse or neglect.

36 (2) The finding must be made no later than forty-five days  
37 from the receipt of the report. A single extension of no more than  
38 fifteen days may be granted by the director of the department, or the  
39 director’s designee, for good cause shown, pursuant to guidelines  
40 adopted by the department.

41 (3) If the investigation cannot be completed because the  
42 department is unable to locate the child or family or for other

1 compelling reasons, the report may be classified as unfounded  
2 Category III and the investigation may be reopened at a later date if  
3 the child or family is located or the compelling reason for failure to  
4 complete the investigation is removed. The department must make  
5 a finding within forty-five days after the investigation is reopened.

6 (B) The department may file with the family court an affidavit  
7 and a petition to support issuance of a warrant at any time after  
8 receipt of a report. The family court must issue the warrant if the  
9 affidavit and petition establish probable cause to believe the child is  
10 an abused or neglected child and that the investigation cannot be  
11 completed without issuance of the warrant. The warrant may  
12 authorize the department to interview the child, to inspect the  
13 condition of the child, to inspect the premises where the child may  
14 be located or may reside, and to obtain copies of medical, school, or  
15 other records concerning the child.

16 (C) The department or law enforcement, or both, may interview  
17 the child alleged to have been abused or neglected and any other  
18 child in the household during the investigation. The interviews may  
19 be conducted on school premises, at childcare facilities, at the  
20 child's home or at other suitable locations and in the discretion of  
21 the department or law enforcement, or both, may be conducted  
22 outside the presence of the parents. To the extent reasonably  
23 possible, the needs and interests of the child must be accommodated  
24 in making arrangements for interviews, including time, place,  
25 method of obtaining the child's presence, and conduct of the  
26 interview. The department or law enforcement, or both, shall  
27 provide notification of the interview to the parents as soon as  
28 reasonably possible during the investigation if notice will not  
29 jeopardize the safety of the child or the course of the investigation.  
30 All state, law enforcement, and community agencies providing child  
31 welfare intervention into a child's life should coordinate their  
32 services to minimize the number of interviews of the child to reduce  
33 potential emotional trauma to the child.

34 (D) The department must furnish to parents or guardians on a  
35 standardized form the following information as soon as reasonably  
36 possible after commencing the investigation:

- 37 (1) the names of the investigators;
- 38 (2) the allegations being investigated;
- 39 (3) whether the person's name has been recorded by the  
40 department as a suspected perpetrator of abuse or neglect;
- 41 (4) the right to inspect department records concerning the  
42 investigation;

1 (5) statutory and family court remedies available to complete  
2 the investigation and to protect the child if the parent or guardian or  
3 subject of the report indicates a refusal to cooperate;

4 (6) how information provided by the parent or guardian may  
5 be used;

6 (7) the possible outcomes of the investigation; and

7 (8) the telephone number and name of a department employee  
8 available to answer questions.

9 (E) This subarticle does not require the department to investigate  
10 reports of child abuse or neglect which resulted in the death of the  
11 child unless there are other children residing in the home, or a  
12 resident of the home is pregnant, or the subject of the report is the  
13 parent, guardian, or person responsible for the welfare of another  
14 child regardless of whether that child resides in the home.

15 (F) The department shall collaborate with the South Carolina  
16 Children's Advocacy Medical Response System in the  
17 development, implementation, and maintenance of clear guidelines  
18 and protocols on when to obtain a forensic medical evaluation or  
19 consult for a child and a child's siblings who are the subject of an  
20 investigation.

21 (G) For the purpose of investigating cases of suspected abuse or  
22 neglect as defined in section 63-7-20, the department may refer the  
23 child and the child's siblings to a South Carolina Children's  
24 Advocacy Medical Response System child abuse healthcare  
25 provider for medical examination of the child and child's siblings,  
26 photographs of any areas of visible trauma, radiological  
27 examinations, or tests, and if medically indicated, treatment for  
28 sexually transmitted infections, without the consent of the child's  
29 parents or legal guardians."

30  
31 SECTION 11. Subsections (B) and (D) of Section 63-7-310 of the  
32 1976 Code are amended to read:

33  
34 “(B)(1) If a person required to report pursuant to subsection (A)  
35 has received information in the person's professional capacity  
36 which gives the person reason to believe that a child's physical or  
37 mental health or welfare has been or may be adversely affected by  
38 acts or omissions that would be child abuse or neglect if committed  
39 by a parent, guardian, or other person responsible for the child's  
40 welfare, but the reporter believes that the act or omission was  
41 committed by a person other than the parent, guardian, or other  
42 person responsible for the child's welfare, the reporter must make a

1 report to the statewide, toll-free child abuse hotline or appropriate  
2 law enforcement agency.

3 (2) Where reports are made to a law enforcement agency, the  
4 law enforcement agency shall immediately notify the department  
5 through the statewide, toll-free child abuse hotline and should detail  
6 the law enforcement agency's response to the report.

7 (D) Reports of child abuse or neglect ~~may~~ shall be made orally  
8 by telephone through the statewide, toll-free child abuse hotline or  
9 ~~otherwise to the county department of social services or to a law~~  
10 ~~enforcement agency in the county where the child resides or is~~  
11 ~~found."~~

12  
13 SECTION 12. Section 63-7-370 of the 1976 Code is amended to  
14 read:

15  
16 "Section 63-7-370. The law enforcement officer upon receipt of  
17 a report of domestic violence ~~may~~ shall report this information to  
18 the ~~Department of Social Services~~ department's statewide, toll-free  
19 child abuse hotline if the people involved in the reported domestic  
20 violence are responsible for the welfare of a child regardless of  
21 whether or not the child was present for the reported domestic  
22 violence. The department ~~may~~ shall treat the case as suspected  
23 report of abuse and ~~may~~ shall investigate the case as in other  
24 allegations of abuse in order to determine if the child has been  
25 harmed."

26  
27 SECTION 13. Section 63-7-450(C) of the 1976 Code is amended  
28 to read:

29  
30 "(C) The department, on a continuing basis, shall actively  
31 publicize the ~~appropriate telephone numbers~~ statewide, toll-free  
32 child abuse hotline to receive reports of suspected child abuse and  
33 neglect, ~~including the twenty four hour, statewide, toll-free~~  
34 ~~telephone service and respective numbers of the county department~~  
35 ~~offices."~~

36  
37 SECTION 14. (A) The Code Commissioner is directed to change  
38 or correct all references to the former Department of Social Services  
39 in the 1976 Code to the Department of Family Protective Services,  
40 as applicable. References to the names of these offices in the 1976  
41 Code or other provisions of law are considered to be and must be  
42 construed to mean appropriate references.

1 (B) On or before July 1, 2016, the Code Commissioner also  
2 shall prepare and deliver a report to the President Pro Tempore of  
3 the Senate and the Speaker of the House of Representatives  
4 concerning appropriate and conforming changes to the 1976 Code  
5 of Laws reflecting the provisions of this act.

6 (C) Regulations promulgated by the former Department of  
7 Social Services relating to the administration of public welfare are  
8 continued and are considered to be promulgated by the Department  
9 of Health and Human Services. All other regulations promulgated  
10 by the former Department of Social Services are continued and are  
11 considered to be promulgated by the Department of Family  
12 Protective Services.”

13  
14 SECTION 15. Chapter 1 of Title 43 of the 1976 Code, Chapter 3  
15 of Title 43 of the 1976 Code, Sections 43-5-220, 43-5-222,  
16 43-5-225, 43-5-230, 43-5-235, 43-5-240, 43-5-245, 43-5-580,  
17 43-5-590, 43-5-598, 43-5-600, 43-5-610, 43-5-620,43-5-630, and  
18 Section 63-7-320 are repealed.

19  
20 SECTION 16. (A) This act takes effect on July 1, 2016.

21 (B) Where the provisions of this act transfers certain duties and  
22 responsibilities of the Department of Social Services to the  
23 Department of Family Protective Services, the employees,  
24 authorized appropriations, and real and personal property of the  
25 Department of Social Services are also transferred to and become  
26 part of the Department of Family Protective Services. All classified  
27 or unclassified personnel of the Department of Social Services  
28 working in the areas transferred to the Department of Family  
29 Protective Services shall become employees of the Department of  
30 Family Protective Services, with the same compensation,  
31 classification, and grade level, as applicable. Where the provisions  
32 of this act transfers certain duties and responsibilities of the  
33 Department of Social Services to the Department of Health and  
34 Human Services, the employees, authorized appropriations, and real  
35 and personal property of the Department of Social Services are also  
36 transferred to and become part of the Department of Health and  
37 Human Services. All classified or unclassified personnel of the  
38 Department of Social Services working in the areas transferred to  
39 the Department of Health and Human Services shall become  
40 employees of the Department of Health and Human Services, with  
41 the same compensation, classification, and grade level, as  
42 applicable. Where necessary and appropriate, the Department of

1 Administration shall cause all necessary actions to be take to  
2 accomplish these transfers and shall in consultation with agency  
3 heads of each respective agency prescribe the manner in which the  
4 transfers provided for in this section shall be accomplished. The  
5 Department of Administration's action in facilitating the provisions  
6 of this section are ministerial in nature and shall not be construed as  
7 an approval process over any of the transfers.

8 ----XX----