



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 4546 As signed by the Governor on June 5, 2016
Author: Putnam
Subject: Definitions in Children’s Code
Requestor: House of Representatives
RFA Analyst(s): Fulmer, Gardner, and Kokolis
Impact Date: November 14, 2016

Estimate of Fiscal Impact

	FY 2016-17	FY 2017-18
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill as amended would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Explanation of Fiscal Impact

Explanation of Amendment by the Senate on May 25, 2016

State Expenditure

The bill as amended requires the Department of Social Services to make efforts to normalize the lives of children in foster care by enabling participation in age-appropriate activities. The bill also requires the Department of Social Services to adopt appropriate policies and procedures, as well as incorporate into its training for caregivers and agency personnel, the importance of participation in age appropriate activities. Training must also incorporate training on the reasonable and prudent decision making standard. The caregiver of the child is designated to make decisions similar to those of a reasonable and prudent parent regarding the child’s participation in age or developmentally appropriate activities or experiences. The caregiver is responsible for notifying the Department of Social Services when the caregiver approves overnight travel-out-of-state.

The bill as amended requires family courts to consider recommendations of the Department of Social Services, the local Foster Care Review Board, and Guardian Ad Litem before approving a permanency placement plan. This bill also allows the Foster Care Review Board to participate in child abuse and neglect proceedings, including the opportunity to cross-examine witnesses and to present its recommendation to the court. The Foster Care Review Board may review a case up to

three times per year when there has been a determination that a parent subjected a child to aggravated circumstances. These requirements do not necessarily allow for additional hearings. The Department of Social Services is required to include in its supplemental report that is submitted with a petition for a hearing on a child's permanent placement plan: (1) the steps DSS is taking to facilitate the caregiver's compliance with the reasonable and prudent parent standard, and (2) the agency's efforts to determine whether the child has regular, on-going opportunities to engage in age or developmentally appropriate activities. The family court is required to review the agency's efforts.

The amended bill further requires the Department of Social Services to provide the foster child a document describing the rights of the child regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation.

Allowing the caregiver of a child to be able to make decisions on age-appropriate activities may relieve caseworkers of having to consent to the activities. Required documentation of a child's age appropriate activities and of the caregiver's exercise of the appropriate standard of decision making will be collected at caseworker's regular visits and recorded in a new section on an existing form. The additional information required of the Department of Social Services in cases of long term foster care primarily increases the specifics that must be provided. Training of caregivers and agency staff about involving children in age appropriate activities and the appropriate decision making standard can be incorporated into existing training. While additional Foster Care Review meetings could increase caseworker workload, overall there is not expected to be a material increase in expenditures.

The expenditure impact is unchanged.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Explanation of Amendment by the House of Representatives on April 26, 2016

State Expenditure

This bill requires family courts to consider recommendations of the Department of Social Services, the local Foster Care Review Board, and Guardian Ad Litem before approving a placement plan. It also requires the Department of Social Services to make efforts to normalize the lives of children in foster care by enabling participation in age-appropriate activities and adopt appropriate policies and procedures. This bill also allows the Foster Care Review Board to participate in child abuse and neglect proceedings to include the opportunity to cross-examine witnesses and to present its recommendation to the court.

The Department of Social Services. The department indicates that this bill could increase the number of hearings that could result in a small increase in expenditures that could be absorbed within current appropriations.

The Judicial Department. The department anticipates no impact on General Fund expenditures, but any impact would be absorbed within current appropriations.

Department of Administration (Foster Care Review Board and Guardian Ad-Litem). The department estimates no expenditure impact for complying with the provisions of this bill.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director