

2018 Legislative Update

More than 250 child-related bills were introduced in the 2017-2018 legislative session. Here are some highlights from the second year of the session. For more information on these and other bills, visit www.scstatehouse.gov.

Notable Enacted Legislation

Child Welfare:

H 3442 (Act 144, effective April 4, 2018) – Adoption

Allows any nonresident of the state to petition to adopt a child; eliminates ability to use notoriety of a child or parent as support or basis for adoption petition; allows for a petition for adoption to be filed regardless of who has custody of the child.

H 3701 (Act 146, effective April 4, 2018, *JCLCC Bill*) – Foster Care/Child Victims of Human Trafficking

Requires DSS to provide certain information to prospective kinship placements prior to placing children in kinship care; creates a waiver for non-safety requirements for kinship homes to become licensed foster placements; requires data reporting from DSS regarding kinship care; and amends definition of abuse and neglect to include minor victims of trafficking in persons.

H 3699 (Act 165, effective May 3, 2018) – Disclosure of Health Information of Children in Care

Requires DSS to disclose all information necessary to provide adequate care and supervision for the child and to protect the health and safety of the child to any relative placement, public or private residential placement, or preadoptive placement.

H 4705 (Act 222, effective May 18, 2018) – Religious Counselors as Mandated Reporters

Adds clerical and nonclerical religious counselors who are compensated as mandatory reporters of suspected child abuse or neglect; clarifies that reporting abuse or neglect to a supervisor does not satisfy an obligation to report to DSS or law enforcement.

Crimes Against Children:

H 3329 (Act 238, effective May 17, 2018) – Human Trafficking

Restructures the offense of trafficking in persons; requires the SC Attorney General's Human Trafficking Task Force to establish criteria for and certify Acute Crisis Care and Resource Centers and provide information on the service providers to the family court bench and bar and to law enforcement.

Education:

H 3591 (Act 152, effective April 12, 2018, JCLCC Bill) – First Steps Reauthorization
Adds additional agency reporting requirements, requires agency to report kindergarten readiness results, transfers BabyNet early intervention program to DHHS, and reauthorizes First Steps until June 30, 2025.

S 27 (Act 178, effective May 15, 2018) – Qualifications for Superintendent and Appointment by Governor

Establishes education and experiential qualifications for Superintendent of Education and makes conforming changes for a Superintendent be appointed by the Governor beginning in 2023, provided the required constitutional amendment referendum is passed by voters in the next general election.

S 131 (Act 182, effective May 17, 2018, JCLCC Bill) – Disturbing Schools Reform

Delineates specific offenses that constitute disturbing schools; makes offense applicable to non-students; increases penalties for the offense and creates a new offense for students who make threats of bodily harm or death.

S 302 (Act 185, effective May 17, 2018) – Marching Band/Physical Education

Allows school districts to award physical education credit for participation in high school marching band class by submitting an approved plan to SDE. Permits State Board of Education to include instruction on prescription opioid abuse prevention in health education.

H 4434 (Act 213, effective May 18, 2018) – Dyslexia Screening

Requires public school districts to screen students in kindergarten through second grade for characteristics of dyslexia; requires school-based teams to assist in evidence-based interventions; creates a Learning Disorders Task Force to advise the SDE in matters relating to dyslexia.

S 28 (Act 179, effective July 1, 2018) – Elective Credit for Religious Instruction in High School

Expands public school districts' ability to accept transferred elective credits from private schools for released time classes in religious instruction.

Children's Health and Safety:

S 891 (Act 199, effective May 15, 2018, JCLCC Bill) – Newborn Safe Sleep Practices Information

Requires all hospitals to provide parents of newborns with a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the

dangers associated with shaking infants and young children; requires DHEC approval of the video and requires education on safe sleep practices in other venues.

S 170 (Act 183, effective May 17, 2018, *JCLCC Bill*) – Local Child Fatality Review Teams

Requires the coroner of each county to convene a team to review any case where a child under the age of 18 dies within 7 days of the death; provides for confidentiality of team meetings and records; provides option for state funding of full-time salaries for coroners; expands duties of Coroners Training Advisory Committee.

H.4601 (Act 249, effective May 18, 2018) – Addiction counselors

Establishes requirements for licensure of addiction counselors and creates governance of the profession within the Department of Labor, Licensing and Regulation.

H 3819 (Act No. 242, effective November 17, 2018) – Opioid Prescriptions to Minors

Requires that prescribers assess whether a minor may have a mental health or substance use disorder issue prior to issuing a first prescription for an opioid; requires parent education prior to prescription; and requires a completion of parental consent form to be developed by the State Board of Medical Examiners.

S 805 (Act 160, effective July 1, 2019) – Department of Children’s Advocacy

Creates the DCA, which will be headed by the State Child Advocate, appointed by the Governor from a slate of three nominees proposed by the JCLCC; transfers the Guardian ad Litem program, Foster Care Review Board, and Continuum of Care to the DCA from Department of Administration; authorizes the State Child Advocate to receive complaints and critical incident reports involving children served by DSS, DMH, DHHS, DJJ, DHEC, DDSN, John de la Howe School, Wil Lou Gray Opportunity School, and the School for the Deaf and Blind and authorizes the State Child Advocate to investigate those reports and incidents.