



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3555	Introduced on January 10, 2023
Author:	G.M. Smith	
Subject:	Permanency Planning Proceedings	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	April 10, 2023 - Updated for Additional Agency Response	

Fiscal Impact Summary

This bill adds additional responsibilities for the Department of Social Services (DSS) related to a child’s permanency plan, plan for adoption, and termination of parental rights. This includes additional hearings in family court for permanency planning. Additionally, this bill requires the family court to review the status of a child in the custody of DSS at a permanency planning hearing and monitor the progress towards achieving permanence in a timely manner and to hold subsequent permanency planning review hearings until permanence for a child is achieved.

Judicial anticipates the family court will be able to manage the additional responsibilities imposed by this bill within the normal course of business. Therefore, the bill will have no expenditure impact for Judicial.

DSS reports that the bill will require the agency to conduct 560 additional permanency planning hearings annually. The agency will need to hire 4.0 new FTEs (1.5 attorney positions and 2.5 case manager positions) to manage the increase in hearings. The salary and fringe costs for these positions total \$354,973, of which \$231,067 will be General Fund expenditures and \$123,906 will be Federal Fund expenditures. DSS will also need to lease vehicles, and purchase computers, equipment, and other items, which will result in a recurring expenditure impact of \$40,884, of which \$27,581 will be General Fund expenditures and \$13,303 will be Federal Fund expenditures. In addition, the agency will need to purchase laptops and wireless headsets, which will result in a non-recurring expenditure impact of \$3,116, of which \$2,102 will be General Fund expenditures and \$1,014 will be Federal Fund expenditures. DSS anticipates the bill will, in FY 2023-24, increase expenditures by \$260,750 in General Fund expenses and \$138,223 in Federal Fund expenses. The agency intends to request an increase in General Fund appropriations to cover the General Fund expenses associated with the bill.

This fiscal impact statement has been updated to include a response from DSS.

Explanation of Fiscal Impact

Updated for Additional Agency Response on April 10, 2023
Introduced on January 10, 2023
State Expenditure

This bill requires the family court to review the status of a child in the custody of DSS at a permanency planning hearing and monitor the progress towards achieving permanence in a timely manner; hold subsequent permanency planning review hearings until permanence for a child is achieved; allow a pending termination of parental right action to be consolidated with an initial or subsequent permanency planning hearing; and address recommendations of DSS, the guardian ad litem, and the local foster care review board prior to approving a permanent plan for the child. Also, at each permanency planning hearing after the court terminates parental rights to a child, the court must determine whether an adoption petition has been filed; and if not, the court must make written findings as to whether DSS has made reasonable efforts to move the child to permanency, evaluate whether the permanent plan of adoption remains appropriate, and enter such orders deemed necessary to further the adoption of the child or another permanent plan.

Further, this bill adds that DSS may amend a petition for removal or complaint for removal to include an action for termination of parental rights and to file a petition for adoption together with the petition for termination of parental rights if certain circumstances are met. When a petition to terminate parental rights is to be filed and a prospective adoptive home has not been identified for a child, DSS must not delay planning for adoption of the child solely because termination of parental rights has not yet been ordered. DSS must file a petition for adoption within thirty days after placement of a child in a pre-adoptive home. The bill also enables DSS to amend a petition for removal to include an action for termination of parental rights under certain circumstances; amend a petition for removal or a complaint for removal to include a cause of action for termination of parental rights after grounds for termination of those rights are determined to be present; and file a petition for adoption for a child in DSS custody or for an infant who was voluntarily left with safe haven. In addition, the bill requires DSS to exercise and document its efforts to promote and expedite an adoptive placement and the adoption of a child and to not delay adoption planning due to a pending termination of parental rights action or an upcoming permanency planning hearing.

Judicial. This bill will increase in the number of hearings in family court for children in DSS custody that are working toward a permanency plan. Judicial anticipates the family court will be able to manage the additional responsibilities due to this bill within the normal course of business. Therefore, this bill will have no expenditure impact for Judicial.

Department of Social Services. DSS currently holds permanency planning hearings for children in foster care within twelve months of the start of out-of-home placement. This bill requires the agency to also hold such hearings for children residing in alternative settings. DSS anticipates there will be an additional 560 permanency planning hearings held each year. The agency estimates that each hearing, on average, requires five hours of working time for an attorney and eight hours of working time for a case manager. Based on these estimates, DSS anticipates a need to hire 4.0 new FTEs (including 0.5 Attorney II positions, 1.0 Attorney III positions, 2.0 Case Manager I positions, and 0.5 Case Manager II positions) to manage the additional hearings. The salary and fringe costs for these positions total \$354,973, of which \$231,067 will be General Fund expenditures and \$123,906 will be Federal Fund expenditures.

Additionally, to support the new FTEs, the agency will need to lease vehicles and purchase computers, equipment, and other items. This will result in a recurring expenditure impact of \$40,884, of which \$27,581 will be General Fund expenditures and \$13,303 will be Federal Fund expenditures. DSS will also need to purchase laptops and wireless headsets. This will result in a non-recurring expenditure impact of \$3,116, of which \$2,102 will be General Fund expenditures and \$1,014 will be Federal Fund expenditures. DSS anticipates the bill will, in FY 2023-24, increase expenditures by \$260,750 in General Fund expenses and \$138,223 in Federal Fund expenses. The agency intends to request an increase in General Fund appropriations to cover the General Fund expenses associated with the bill.

This section of the fiscal impact statement has been updated to include a response from DSS.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 10, 2023

State Expenditure

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cause of action for termination of parental rights after grounds for termination of those rights are determined to be present; and file a petition for adoption for a child in DSS custody or for an infant who was voluntarily left with safe haven. In addition, the bill requires DSS to exercise and document its efforts to promote and expedite an adoptive placement and the adoption of a child and to not delay adoption planning due to a pending termination of parental rights action or an upcoming permanency planning hearing.

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Department of Social Services. This bill adds additional responsibilities for DDS related to a child's permanency plan, plan for adoption, and termination of parental rights. DSS is working to review this bill. Therefore, this fiscal impact statement is pending, contingent upon an additional response from the agency.

State Revenue

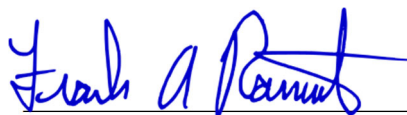
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director