**South Carolina General Assembly**

125th Session, 2023-2024

**S. 540**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimbrell, M. Johnson, Adams, Garrett, Rice and Verdin

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Introduced in the Senate on February 15, 2023

Currently residing in the Senate Committee on **Judiciary**

Summary: Joint Custody of Children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/15/2023 Senate Introduced and read first time ([Senate Journal‑page 4](h:\sj\20230215.docx))

2/15/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](h:\sj\20230215.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=540&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/540_20230215.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 63‑3‑660 SO AS TO PROVIDE MANDATORY IMPRISONMENT FOR A PARTY TO A PROCEEDING IN FAMILY COURT WHO COMMITS PERJURY; AND BY AMENDING SECTION 63‑15‑220, RELATING TO PARENTING PLANS, SO AS TO PROVIDE A PRESUMPTION, REBUTTABLE BY A PREPONDERANCE OF THE EVIDENCE, THAT JOINT CUSTODY IS IN THE BEST INTEREST OF THE CHILD WHERE CUSTODY IS CONTESTED.

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

SECTION 1. Article 5, Chapter 3, Title 63 of the S.C. Code is amended by adding:

Section 63‑3‑660. An adult party to a proceeding in family court who commits perjury as set forth in Sections 16‑9‑10(A) or 16‑9‑20(A), may be proceeded against for contempt of court. An adult found in contempt of court must be punished by imprisonment in a local detention facility for thirty days.

SECTION 2. Section 63‑15‑220(A) of the S.C. Code is amended to read:

(A) (1) At all temporary hearings where custody is contested, each parent must prepare, file, and submit to the court a parenting plan, which reflects parental preferences, the allocation of parenting time to be spent with each parent, and major decisions, including, but not limited to, the child's education, medical and dental care, extracurricular activities and religious training. However, the parties may elect to prepare, file, and submit a joint parenting plan.

(2) At all temporary hearings where custody is contested, there shall be a presumption, rebuttable by a preponderance of the evidence, that joint custody is in the best interest of the child.

(3) The court shall issue temporary and final custody orders only after considering these parenting plans; however, the failure by a party to submit a parenting plan to the court does not preclude the court from issuing a temporary or final custody order.

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

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