**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4468**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Allison, Clyburn and Long

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Introduced in the House on January 10, 2012

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

Summary: Definition of siblings in adoptions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 51](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 51](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4468_20111129.docx)

**A** **BILL**

TO AMEND SECTION 63‑9‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF ADOPTIONS, SO AS TO DEFINE THE TERM “SIBLINGS”; AND BY ADDING SECTION 63‑9‑80 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION FOR THE PLACEMENT OF SIBLINGS TOGETHER IN THE SAME ADOPTIVE HOME WHEN IT IS IN THE CHILDREN’S BEST INTERESTS AND WHEN POSSIBLE.

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

SECTION 1. Section 63‑9‑30 of the 1976 Code is amended to read:

“Section 63‑9‑30. As used in this article unless the context requires otherwise:

(1) ‘Adoptee’ means a person who is proposed to be or who has been legally adopted.

(2) ‘Adoption’ means the judicial act of creating the relationship of parent and child where it did not exist previously.

(3) ‘Adoptive parent’ means an adult who has become a parent of a child through the legal process of adoption.

(4) ‘Child’ means any person under eighteen years of age.

(5) ‘Child‑placing agency’ or ‘agency’ means the State Department of Social Services and any person or entity who holds legal or physical custody of a child for the purpose of placement for adoption or a person or entity who facilitates the placement of children for the purpose of adoption. For the purposes of this subsection, a person or entity who offers services for compensation where the intent of those services is to arrange or secure adoptions must be considered ‘facilitating the placement of children for adoption’, whether those services constitute counseling, referrals, searches, or any other form of adoption services. However, an attorney engaged in the practice of law who represents a client in an adoption or who otherwise facilitates an adoption in the course of that practice is exempt from this definition.

(6) ‘Consent’ means the informed and voluntary release in writing of all parental rights with respect to a child by a parent for the purpose of adoption, or the informed and voluntary release in writing of all custodial or guardianship rights, or both, with respect to a child by the child‑placing agency or person facilitating the placement of the child for adoption where the child’s parent previously has executed a relinquishment to that agency or person.

(7) ‘Court’ means any family court in this State.

(8) ‘Relinquishment’ means the informed and voluntary release in writing of all parental rights with respect to a child by a parent to a child‑placing agency or to a person who facilitates the placement of a child for the purpose of adoption and to whom the parent has given the right to consent to the adoption of the child.

(9) ‘Siblings’ means persons who share a common biological birth parent.

(10) ‘South Carolina resident’ means a person who has established a true, fixed principal residence and place of habitation in this State, and who intends to remain or expects to return upon leaving without establishing residence in another state. Temporary absences for short periods of time do not affect the establishment of residency.

~~(10)~~(11) ‘Special needs child’ means children who fall into one or more of the following categories:

(a) children who are members of a sibling group;

(b) children of mixed racial heritage;

(c) children aged six or older; or

(d) children with physical, mental, or emotional disabilities.”

SECTION 2. Subarticle 1, Article 1, Chapter 9, Title 63 of the 1976 Code is amended by adding:

“Section 63‑9‑80. (A) In providing adoption services, the department, or child‑placing agency, shall make every effort to keep siblings together when it is in the best interest of the children and when possible place siblings in the same adoptive home. These efforts must be documented, in writing, in the child’s case file.

(B) If the department, or child‑placing agency, locates an appropriate, capable, willing, and available joint placement for siblings, the court shall presume that placement of siblings together in the same adoptive home is in the best interests of the children. This presumption may be rebutted by a preponderance of the evidence that placement of the children together in the same adoptive home would be detrimental to the health or welfare of any of the children.”

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

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