**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4717**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brannon and Allison

Document Path: l:\council\bills\nbd\12020ac12.docx

Introduced in the House on February 2, 2012

Introduced in the Senate on April 24, 2012

Last Amended on April 19, 2012

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

Summary: Child custody

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2012 House Introduced and read first time ([House Journal‑page 11](file:///h:\hj%20archive\2012\02-02-12.docx))

2/2/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 11](file:///h:\hj%20archive\2012\02-02-12.docx))

3/28/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 39](file:///h:\hj%20archive\2012\03-28-12.docx))

4/19/2012 House Amended ([House Journal‑page 60](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Read second time ([House Journal‑page 60](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 62](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 63](file:///h:\hj%20archive\2012\04-19-12.docx))

4/20/2012 House Read third time and sent to Senate ([House Journal‑page 4](file:///h:\hj%20archive\2012\04-20-12.docx))

4/24/2012 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\04-24-12.docx))

4/27/2012 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

**VERSIONS OF THIS BILL**

[2/2/2012](file:///p:\pprever\2011-12\4717_20120202.docx)

[3/28/2012](file:///p:\pprever\2011-12\4717_20120328.docx)

[4/19/2012](file:///p:\pprever\2011-12\4717_20120419.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 19, 2012

**H. 4717**

Introduced by Reps. Brannon and Allison

S. Printed 4/19/12--H.

Read the first time February 2, 2012.

**A** **BILL**

TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPEDITED PLACEMENT OF A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES FOLLOWING THE PROBABLE CAUSE HEARING, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT CONTINUING THE CHILD IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD, THE COURT MAY ORDER PLACEMENT WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, WHICH INCLUDES A GRANDPARENT; TO PROVIDE THAT THE COURT SHALL CONSIDER CERTAIN CHARACTERISTICS OF THE RELATIVE AND HOW THESE WOULD IMPACT THE CHILD; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, THE RELATIVE MUST BE NAMED AS A PARTY FOR THE DURATION OF THE CASE.

Amend Title To Conform

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

SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

“Section 63‑7‑730. (A) If the family court makes a finding at the probable cause hearing that continuing the child in the home would be contrary to the welfare of the child and orders the child to remain in the legal custody of the department ~~at the probable cause hearing~~, the ~~family~~ court may order expedited placement of the child with a relative of the first or second degree, which includes, among other relatives, the child’s grandparents. In making this expedited placement decision, the court shall consider the totality of the circumstances, and the court shall consider the capability of the relative to care for the child, including the character, fitness, attitude, and inclination of the relative as these would impact the child. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive ~~the~~ these reports ~~and based on these reports and other information introduced at the probable cause hearing, the court may order expedited placement of the child in the home of the relative. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the relative’s home before placement or the licensing or approval of the relative’s home before placement~~.

(B) If the court orders expedited placement of the child with a relative of the first or second degree, that relative must be named as a party for the duration of the case or upon further order by the court.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑