**A** **BILL**

TO AMEND SECTION 43‑5‑220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD SUPPORT PAYMENTS OWED BY CERTAIN PARENTS, SO AS TO MAKE USE OF THE CHILD SUPPORT SCALE ESTABLISHED BY THE DEPARTMENT MANDATORY IN ESTABLISHING THE AMOUNT OWED BY THE ABSENT PARENT.

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

SECTION 1. Section 43‑5‑220(b) and (d) of the 1976 Code is amended to read:

“(b) The department shall establish a scale of ~~suggested~~ ~~minimum contributions~~ mandatory child support guidelines to assist courts in determining the amount that an absent parent ~~should be expected to~~ is required to pay toward the support of a dependent child. The scale ~~shall~~ must include consideration of gross income, ~~shall~~ must authorize expense deductions including deductions for taxes for determining net income, ~~shall~~ must designate other available resources to be considered and ~~shall~~ must specify the circumstances ~~which should~~ to be considered in reducing liability on the basis of hardship. Copies of this scale ~~shall~~ must be made available to courts, county attorneys, circuit solicitors, and to the public. ~~It is intended that~~ The scale formulated pursuant to this section ~~be optional, and that no court or support official be required to use it~~ is mandatory for usage by all courts pursuant to the provisions of Sections 43-5-580 and 68-17-470.

(d) When the department has obtained sufficient information concerning the absent parent, it shall immediately determine his ability to support his children and shall obtain a court order specifying an appropriate amount of support in accordance with the ~~scale of suggested minimum contributions~~ child support guidelines as provided in subsection (b). If the absent parent is residing out of the county, but within the State, and his whereabouts are known, the department shall obtain the court order in the court of competent jurisdiction as set forth in Section 14‑21‑830. Court orders of support ~~shall~~ must in all cases specify that the payment of support ~~shall~~ must be made directly to the department as reimbursement for assistance and not to the spouse of the absent parent. The support rights assigned to the State ~~shall~~ constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation ~~shall~~ must be deemed for collection purposes to be collectible under all applicable state and local processes. The amount of such obligations ~~shall~~ must be:

(1) The amount specified in a court order which covers the assigned support rights;

(2) If there is no court order, an amount determined by the State in accordance with ~~a formula approved~~ the child support guidelines ~~by~~ in subsection (b);

(3) Any amounts collected from an absent parent under the plan ~~shall~~ must reduce, dollar for dollar, the amount of his obligation. A debt which is a child support obligation assigned to the department under this section is not released by a discharge in bankruptcy under the Bankruptcy Act.”

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

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