**South Carolina General Assembly**

125th Session, 2023-2024

**A10, R18, S341**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Jackson and Hutto

Document Path: SMIN-0069AA23.docx

Introduced in the Senate on January 10, 2023

Introduced in the House on March 2, 2023

Last Amended on February 28, 2023

Currently residing in the Senate

Summary: Probate Courts

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 199)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 199)

 2/9/2023 Scrivener's error corrected

 2/22/2023 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 16)

 2/27/2023 Scrivener's error corrected

 2/28/2023 Senate Committee Amendment Adopted (Senate Journal‑page 39)

 2/28/2023 Senate Read second time (Senate Journal‑page 39)

 2/28/2023 Senate Roll call Ayes-41 Nays-0 (Senate Journal‑page 39)

 3/1/2023 Senate Read third time and sent to House (Senate Journal‑page 14)

 3/1/2023 Scrivener's error corrected

 3/2/2023 House Introduced and read first time (House Journal‑page 8)

 3/2/2023 House Referred to Committee on **Judiciary** (House Journal‑page 8)

 4/19/2023 House Committee report: Favorable **Judiciary** (House Journal‑page 26)

 4/25/2023 Scrivener's error corrected

 4/26/2023 House Read second time (House Journal‑page 37)

 4/26/2023 House Roll call Yeas-106 Nays-0 (House Journal‑page 37)

 4/27/2023 House Read third time and enrolled (House Journal‑page 12)

 5/2/2023 Ratified R 18

 5/8/2023 Signed By Governor

 5/10/2023 Effective date 05/08/23

 5/10/2023 Act No. 10

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=341&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230110.docx)

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230209.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230222.docx)

[02/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230227.docx)

[02/27/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230227a.docx)

[02/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230228.docx)

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230302.docx)

[04/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230419.docx)

[04/25/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/341_20230425.docx)

(A10, R18, S341)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62‑5‑101, RELATING TO DEFINITIONS AND USE OF TERMS, SO AS TO PROVIDE FOR GUARDIANSHIP PROCEEDINGS FOR A MINOR WITHIN ONE HUNDRED EIGHTY DAYS OF TURNING EIGHTEEN; BY AMENDING SECTION 62‑5‑201, RELATING TO JURISDICTION, SO AS TO PROVIDE FOR ADDITIONAL LIMITED JURISDICTION OF THE COURT OVER MINORS; AND BY AMENDING SECTION 62‑5‑303, RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO EXTEND THE TIME A GUARDIANSHIP PROCEEDING CAN BE INITIATED TO ONE HUNDRED EIGHTY DAYS BEFORE A MINOR REACHES THE AGE OF EIGHTEEN.

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

Definitions

SECTION 1. Section 62‑5‑101(11) of the S.C. Code is amended to read:

  (11) “Guardianship proceeding” means a formal proceeding to determine if an adult or a minor within one hundred eighty days of turning eighteen is an incapacitated individual or in which an order for the appointment of a guardian for an adult or a minor within one hundred eighty days of turning eighteen is sought or has been issued.

Jurisdiction

SECTION 2. Section 62‑5‑201 of the S.C. Code is amended to read:

 Section 62‑5‑201. Exclusive jurisdiction of the court is set forth in Sections 62‑1‑302 and 62‑5‑701 as to appointment of a guardian or issuance of a protective order. Pursuant to the court's authority to appoint a guardian, and Section 62‑5‑309, the guardian has the authority to maintain custody of the person of the ward and to establish the ward's place of abode, unless otherwise specified in the court's order. Other than the proceeding set forth in Section 62‑5‑303(C), the court does not have jurisdiction over the care, custody, and control of the person of a minor, but does have jurisdiction over the property of a minor if the court determines that the minor owns property that requires management or protection.

Initiation of guardianship proceedings

SECTION 3. Section 62‑5‑303 of the S.C. Code is amended by adding:

 (C) A person may initiate guardianship proceedings by filing a summons and petition for guardianship of a minor child up to one hundred eighty days prior to the date the child reaches the age of eighteen if the petitioner anticipates the minor child will require a guardian upon attaining the age of eighteen. The court has jurisdiction over the proceedings in this subsection beginning one hundred eighty days prior to the date the child reaches the age of eighteen. The minor shall be provided all due process rights conferred upon an alleged incapacitated individual pursuant to this chapter including, but not limited to, the appointment of an attorney and a guardian ad litem. An order appointing a guardian pursuant to this subsection shall be issued upon the minor’s eighteenth birthday or as soon thereafter as possible.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 2nd day of May, 2023.

Approved the 8th day of May, 2023.

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