



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
**(803)734-3780 • RFA.SC.GOV/IMPACTS**

*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

---

**Bill Number:** H. 4234 Introduced on March 30, 2023  
**Author:** W. Newton  
**Subject:** Probate  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Boggs  
**Impact Date:** February 26, 2024

---

### **Fiscal Impact Summary**

This bill makes certain procedural changes within the probate court related to incapacitated individuals and minors. This includes definitions for those who may examine the incapacitated individual or minor, ordering protective proceedings for instances involving a net aggregate amount exceeding \$15,000, and the duties and processes for guardians ad litem.

The Department of Children's Advocacy (DCA), the Department of Aging (Aging), and Judicial anticipate that this bill will require the agencies to perform activities that can be conducted within existing staff and appropriations. Therefore, the bill will result in no fiscal impact.

The fiscal impact of this bill is pending, contingent upon a response from the Department of Social Services (DSS).

Additionally, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill will have no local expenditure impact as any additional responsibilities of the Probate Courts can be managed within existing budgets.

### **Explanation of Fiscal Impact**

#### **Introduced on March 30, 2023**

#### **State Expenditure**

This bill makes certain procedural changes within the probate court related to incapacitated individuals and minors. This includes definitions for those who may examine the incapacitated individual or minor, ordering protective proceedings for instances involving a net aggregate amount exceeding \$15,000, and the duties and processes for guardians ad litem.

**Judicial.** Judicial reports that implementation of the bill may result in an increase in circuit court filings for real property, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

**Department of Children's Advocacy.** DCA administers the Cass Elias McCarter Guardian ad Litem Program. However, these guardians ad litem only serve as court-appointed special advocates for children in abuse and neglect proceedings within the Family Court. Since this bill

does not relate to guardians ad litem for children in abuse and neglect actions in Family Court, this bill does not operationally or fiscally impact DCA.

**Department of Aging.** Aging administers the Vulnerable Adult Guardian ad Litem Program. However, these guardians ad litem only serve as court-appointed special advocates for vulnerable adult proceedings within the Family Court. Since this bill does not relate to guardians ad litem for vulnerable adult actions in Family Court, this bill does not operationally or fiscally impact Aging.

**Department of Social Services.** The fiscal impact of this bill on DSS is pending, contingent upon a response from the agency.

**State Revenue**

N/A

**Local Expenditure**

This bill may result in an increase in probate court caseload, either due to the number of cases or the length of time dedicated to a case. RFA anticipates any increase can be managed within existing budgets for the probate courts. Therefore, the bill will result in no local expenditure impact.

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director