

Session 125 - (2023-2024)

H*4234 (Rat #0211, Act #0200 of 2024) General Bill, By W. Newton, Bernstein and Mitchell

Summary: Probate

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 62-5-101, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "SUPPORTS AND ASSISTANCE"; BY AMENDING SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF THE FIFTEEN-THOUSAND-DOLLAR THRESHOLD; BY AMENDING SECTION 62-5-106, RELATING TO DUTIES OF GUARDIANS AD LITEM, SO AS TO INCREASE THE LENGTH OF TIME THE GUARDIAN AD LITEM HAS TO SUBMIT HIS REPORT PRIOR TO THE HEARING; BY AMENDING SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; BY AMENDING SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; BY AMENDING SECTION 62-5-401, RELATING TO VENUES, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; BY AMENDING SECTION 62-5-403A, RELATING TO SERVICE OF SUMMONS AND PETITIONS, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; BY AMENDING SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIANS, SO AS TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS EXAMINERS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; BY AMENDING SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; BY AMENDING SECTION 62-5-422, RELATING TO POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE PAYMENT OF CERTAIN FEES; BY AMENDING SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; BY AMENDING SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO THE APPOINTMENT, SO AS TO, AMONG OTHER THINGS, REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; BY AMENDING SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE "GUARDIAN AD LITEM"; BY AMENDING SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIP FROM ANOTHER JURISDICTION; BY AMENDING SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR; BY ADDING SECTION 62-6-401 SO AS TO ESTABLISH A TRANSFER ON DEATH; BY AMENDING SECTIONS 50-23-60, 50-23-70, 50-23-90, 50-23-130, 56-19-290, AND 56-19-420, ALL RELATING TO THE TRANSFER OF PROPERTY, SO AS TO INCLUDE REFERENCE TO TRANSFER ON DEATH; AND BY AMENDING SECTION 62-6-101, RELATING TO DEFINITIONS, SO AS TO DEFINE "OWNER", "TRANSFER ON DEATH", AND "TITLED PERSONAL PROPERTY". - RATIFIED TITLE

03/30/23 House Introduced and read first time (House Journal-page 21)
03/30/23 House Referred to Committee on Judiciary (House Journal-page 21)
03/06/24 House Committee report: Favorable with amendment Judiciary (House Journal-page 7)
03/06/24 House Member(s) request name added as sponsor: Mitchell
03/13/24 Scrivener's error corrected
03/20/24 House Amended (House Journal-page 47)
03/20/24 House Read second time (House Journal-page 47)
03/20/24 House Roll call Yeas-109 Nays-0 (House Journal-page 49)
03/21/24 House Read third time and sent to Senate (House Journal-page 30)

03/26/24 Senate Introduced and read first time (Senate Journal-page 5)
03/26/24 Senate Referred to Committee on Judiciary (Senate Journal-page 5)
04/05/24 Senate Referred to Subcommittee: M.Johnson (ch), Sabb, Talley, Adams, Devine
05/01/24 Senate Committee report: Favorable with amendment Judiciary (Senate Journal-page 9)
05/07/24 Senate Committee Amendment Adopted (Senate Journal-page 115)
05/08/24 Scrivener's error corrected
05/08/24 Senate Amended (Senate Journal-page 110)
05/08/24 Senate Roll call Ayes-44 Nays-0
05/08/24 Senate Read second time (Senate Journal-page 110)
05/09/24 Senate Amended (Senate Journal-page 118)
05/09/24 Senate Read third time and returned to House with amendments (Senate Journal-page 118)
05/09/24 Senate Roll call Ayes-43 Nays-0 (Senate Journal-page 118)
05/09/24 House Concurred in Senate amendment and enrolled (House Journal-page 126)
05/09/24 House Roll call Yeas-106 Nays-0 (House Journal-page 128)
05/15/24 Ratified R 211
05/21/24 Signed By Governor
05/29/24 Effective date See Act for Effective Date
05/29/24 Act No. 200