

Session 119 - (2011-2012)

H*4614 (Rat #0301, Act #0259 of 2012) General Bill, By Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons

Summary: Procedures and requirements of court-ordered child custody

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT-ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING "JOINT CUSTODY" AND "SOLE CUSTODY", REQUIRING EACH PARENT TO PREPARE AND SUBMIT A PARENTING PLAN OR TO JOINTLY SUBMIT A PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS, AND PROVIDING THAT THE SOUTH CAROLINA SUPREME COURT SHALL DEVELOP RULES AND FORMS FOR IMPLEMENTATION OF THE PARENTING PLAN; TO REQUIRE THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, TO REQUIRE THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, AS WELL AS ALL CUSTODY OPTIONS, STATING IN ITS FINAL ORDER THE REASONING FOR ITS CUSTODY DETERMINATION, AND TO ALLOW THE COURT TO ALLOCATE PARENTING TIME REGARDLESS OF THE CUSTODY DETERMINATION; TO PROVIDE MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER AND TO PROVIDE FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD; TO PROVIDE THAT IF A COURT DETERMINES IN ITS ORDER THAT TELEPHONIC AND ELECTRONIC COMMUNICATIONS WITH THE PARENT IS IN THE BEST INTEREST OF THE CHILD, EACH PARENT SHOULD FACILITATE OPPORTUNITIES PROVIDING FOR SUCH COMMUNICATIONS; TO PROVIDE THAT REGARDLESS OF CUSTODY ARRANGEMENTS AND UNLESS OTHERWISE PROHIBITED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL ACCESS AND RIGHTS TO OBTAIN ALL EDUCATIONAL AND MEDICAL RECORDS OF THEIR CHILDREN AND TO PARTICIPATE IN THEIR CHILDREN'S SCHOOL AND EXTRACURRICULAR ACTIVITIES; AND TO CREATE THE SOUTH CAROLINA FAMILY COURT STUDY COMMITTEE TO STUDY THE FEASIBILITY OF TRACKING THE OUTCOME OF CONTESTED CUSTODY PROCEEDINGS AND TO PROVIDE FOR ITS MEMBERSHIP, STAFFING, AND REPORTING. - ratified title

01/17/12 House Introduced and read first time (House Journal-page 10)
01/17/12 House Referred to Committee on Judiciary (House Journal-page 10)
01/19/12 House Member(s) request name added as sponsor: Spires
01/25/12 House Committee report: Favorable with amendment Judiciary (House Journal-page 19)
01/26/12 House 24 hour point of order (House Journal-page 22)
01/26/12 House Member(s) request name added as sponsor: Loftis, Clemmons
01/31/12 House Amended (House Journal-page 38)
01/31/12 House Read second time (House Journal-page 38)
01/31/12 House Roll call Yeas-104 Nays-0 (House Journal-page 45)
02/01/12 House Read third time and sent to Senate (House Journal-page 7)
02/01/12 House Roll call Yeas-95 Nays-0 (House Journal-page 7)
02/01/12 Senate Introduced and read first time (Senate Journal-page 15)
02/01/12 Senate Referred to Committee on Judiciary (Senate Journal-page 15)
02/06/12 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell
04/18/12 Senate Committee report: Favorable with amendment Judiciary (Senate Journal-page 16)
04/19/12 Scrivener's error corrected
05/30/12 Senate Committee Amendment Amended and Adopted (Senate Journal-page 32)
05/30/12 Senate Read second time (Senate Journal-page 32)
05/30/12 Senate Roll call Ayes-33 Nays-0 (Senate Journal-page 32)
06/06/12 Senate Read third time and returned to House with amendments (Senate Journal-page 5)
06/06/12 House Concurred in Senate amendment and enrolled (House Journal-page 89)
06/06/12 House Roll call Yeas-100 Nays-0 (House Journal-page 90)
06/12/12 Ratified R 301
06/18/12 Signed By Governor
06/25/12 Effective date See Act for Effective Date
06/27/12 Act No. 259