**South Carolina General Assembly**

118th Session, 2009-2010

**A252, R316, H3779**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers

Document Path: l:\council\bills\nbd\11347ac09.docx

Introduced in the House on March 26, 2009

Introduced in the Senate on March 2, 2010

Last Amended on February 25, 2010

Passed by the General Assembly on June 2, 2010

Governor's Action: June 11, 2010, Signed

Summary: Child abuse

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/26/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-26-09.docx)‑3

 3/26/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-26-09.docx)‑3

 1/20/2010 House Member(s) request name added as sponsor: Erickson

 2/17/2010 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-17-10.docx)‑3

 2/23/2010 House Member(s) request name added as sponsor: Clemmons

 2/25/2010 House Member(s) request name added as sponsor: Viers

 2/25/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑61

 2/25/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑61

 2/25/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑62

 2/26/2010 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-26-10.docx)‑5

 3/2/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-02-10.docx)‑16

 3/2/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-02-10.docx)‑16

 3/5/2010 Senate Referred to Subcommittee: Campbell (ch), Knotts, Campsen, Lourie, Massey

 5/26/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-26-10.docx)‑16

 5/27/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-27-10.docx)‑43

 5/27/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-27-10.docx)‑43

 6/1/2010 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑36

 6/2/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-02-10.docx)‑69

 6/2/2010 House Roll call Yeas‑100 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-02-10.docx)‑69

 6/7/2010 Ratified R 316

 6/11/2010 Signed By Governor

 7/1/2010 Effective date 06/11/10

 7/8/2010 Act No. 252

**VERSIONS OF THIS BILL**

[3/26/2009](file:///p%3A%5Cpprever%5C2009-10%5C3779_20090326.docx)

[2/17/2010](file:///p%3A%5Cpprever%5C2009-10%5C3779_20100217.docx)

[2/25/2010](file:///p%3A%5Cpprever%5C2009-10%5C3779_20100225.docx)

[5/26/2010](file:///p%3A%5Cpprever%5C2009-10%5C3779_20100526.docx)

[5/27/2010](file:///p%3A%5Cpprever%5C2009-10%5C3779_20100527.docx)

(A252, R316, H3779)

**AN ACT TO AMEND SECTION 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM IN ABUSE AND NEGLECT PROCEEDINGS, SO AS TO PROVIDE THAT CHILDREN MUST BE APPOINTED A GUARDIAN AD LITEM AND MAY BE APPOINTED LEGAL COUNSEL, THAT ATTORNEYS MUST BE APPOINTED FOR GUARDIANS AD LITEM IN THE SOUTH CAROLINA GUARDIANS AD LITEM PROGRAM AND IN RICHLAND COUNTY CASA, AND THAT LEGAL COUNSEL APPOINTED FOR A CHILD MUST NOT BE THE SAME COUNSEL AS COUNSEL FOR THE CHILD’S GUARDIAN AD LITEM.**

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

**Appointment of guardians ad litem and legal counsel in child abuse and neglect proceedings**

SECTION 1. Section 63‑7‑1620 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

 “Section 63‑7‑1620. In all child abuse and neglect proceedings:

 (1) Children must be appointed a guardian ad litem by the family court. A guardian ad litem serving on behalf of the South Carolina Guardian ad Litem Program or Richland County CASA must be represented by legal counsel in any judicial proceeding pursuant to Section 63‑11‑530(C).

 (2) The family court may appoint legal counsel for the child. Counsel for the child may not be the same as counsel for:

 (a) the parent, legal guardian, or other person subject to the proceeding;

 (b) any governmental or social agency involved in the proceeding;

 (c) the child’s guardian ad litem.

 (3) Parents, legal guardians, or other persons subject to any judicial proceeding are entitled to legal counsel. Those persons unable to afford legal representation must be appointed counsel by the family court.

 (4) The interests of the State and the Department of Social Services must be represented by the legal representatives of the Department of Social Services in any judicial proceeding.”

**Time effective**

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

Ratified the 7th day of June, 2010.

Approved the 11th day of June, 2010.

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