**South Carolina General Assembly**

119th Session, 2011-2012

**H. 5143**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. McLeod

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Introduced in the House on April 19, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Grandparent visitation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/19/2012 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 10](file:///h:\hj%20archive\2012\04-19-12.docx))

**VERSIONS OF THIS BILL**

[4/19/2012](file:///p:\pprever\2011-12\5143_20120419.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 63‑3‑530, AS AMENDED, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING THE AUTHORITY TO ORDER GRANDPARENT VISITATION, SO AS TO DELETE PROVISIONS REQUIRING ONE OR BOTH OF THE PARENTS OF THE CHILD TO BE DECEASED OR REQUIRING THE PARENTS TO BE DIVORCED OR LIVING SEPARATE AND APART, PROVIDING THAT DEPRIVING GRANDPARENT VISITATION TO BE IN EXCESS OF NINETY DAYS, REQUIRING THE GRANDPARENT TO HAVE MAINTAINED A RELATIONSHIP WITH THE CHILD SIMILAR TO A PARENT‑CHILD RELATIONSHIP, AND REQUIRING THE COURT TO FIND THAT THE CHILD’S PARENTS ARE UNFIT; AND TO DELETE THE CLEAR AND CONVINCING EVIDENCE STANDARD TO OVERCOME THE PARENT’S DECISION TO DENY GRANDPARENT VISITATION.

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

SECTION 1. Section 63‑3‑530(33) of the 1976 Code, as last amended by Act 267 of 2010, is further amended by read:

“(33) to order visitation for the grandparent of a minor child ~~where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats,~~ if the court finds that:

~~(1)~~(a) the child’s parents or guardians are unreasonably depriving the grandparent of the opportunity to visit with the child~~, including denying visitation of the minor child to the grandparent for a period exceeding ninety days~~; and

~~(2)~~(b) ~~the grandparent maintained a relationship similar to a parent‑child relationship with the minor child; and~~

~~(3)~~ ~~that~~ awarding grandparent visitation would not interfere with the parent‑child relationship; and~~:~~

~~(a)~~ ~~the court finds by clear and convincing evidence that the child’s parents or guardians are unfit; or~~

~~(b)~~(c) ~~the court finds by clear and convincing evidence that~~ there are compelling circumstances to overcome the presumption that the parental decision is in the child’s best interest.

The judge presiding over this matter may award attorney’s fees and costs to the prevailing party.

For purposes of this item, ‘grandparent’ means the natural or adoptive parent of any parent to a minor child;”

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

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