~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 29, 2012

**S. 126**

Introduced by Senators Campsen, McConnell, Fair, Rose and Ford

S. Printed 2/29/12--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 126) to amend Section 63‑5‑30, Code of Laws of South Carolina, 1976, relating to equal rights and duties of parents regarding minor children, so as to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

VINCENT A. SHEHEEN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department indicates that this bill will have no fiscal impact on the General Fund of the State, or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 63‑5‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EQUAL RIGHTS AND DUTIES OF PARENTS REGARDING MINOR CHILDREN, SO AS TO PROVIDE THAT IN ADDITION TO EQUAL ACCESS AND EQUAL RIGHTS TO OBTAIN EDUCATIONAL AND MEDICAL RECORDS, A PARENT HAS EQUAL ACCESS AND EQUAL RIGHTS TO OBTAIN A MINOR CHILD’S COUNSELING AND THERAPY RECORDS.

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

SECTION 1. Section 63‑5‑30 of the 1976 Code is amended to read:

“Section 63‑5‑30. The mother and father are the joint natural guardians of their minor children and are equally charged with the welfare and education of their minor children and the care and management of the estates of their minor children; and the mother and father have equal power, rights, and duties, and neither parent has any right paramount to the right of the other concerning the custody of the minor or the control of the services or the earnings of the minor or any other matter affecting the minor. Each parent, whether the custodial or noncustodial parent of the child, has equal access and the same right to obtain all educational records, counseling and therapy records, and medical records of their minor children and the right to participate in their children’s school activities unless prohibited by order of the court. Neither parent shall forcibly take a child from the guardianship of the parent legally entitled to custody of the child.”

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

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