**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑15‑35 SO AS TO PROVIDE THAT IN DETERMINING THE BEST INTERESTS OF A MINOR CHILD FOR AN AWARD OF CHILD CUSTODY, THE FAMILY COURT SHALL CONSIDER THE GRANDPARENTS AND IMMEDIATE FAMILY MEMBERS OF THE CHILD FOR CUSTODY AND GIVE PRIORITY FOR CUSTODY TO A GRANDPARENT OR IMMEDIATE FAMILY MEMBER EXCEPT OVER A PARENT OF THE CHILD, AND TO PROVIDE THAT IN CONSIDERING PLACEMENT OF A CHILD WITH A GRANDPARENT OR IMMEDIATE FAMILY MEMBER, THE COURT MUST CONSIDER THE RELATIVE CAPABILITY OF THE INDIVIDUAL TO CARE FOR THE CHILD, INCLUDING THE CHARACTER, FITNESS, ATTITUDE, AND INCLINATIONS OF THE INDIVIDUAL AS THEY WOULD IMPACT THE CHILD, IN ADDITION TO THE TOTALITY OF THE CIRCUMSTANCES.

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

SECTION 1. Article 1, Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Section 63‑15‑35. In determining the best interests of the child, the family court shall consider the grandparents and immediate family members of the child for custody and give priority for custody to a grandparent or immediate family member except over a parent of the child. In considering placement of a child with a grandparent or immediate family member, the court must consider the relative capability of the individual to care for the child, including the character, fitness, attitude, and inclinations of the individual as they would impact the child, in addition to the totality of the circumstances.”

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

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