~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 18, 2011

**H. 3400**

Introduced by Rep. Weeks

S. Printed 5/18/11--H.

Read the first time January 20, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3400) to amend Section 63‑3‑530, as amended, Code of Laws of South Carolina, 1976, relating to jurisdiction of the family court in certain matters, so as to provide that, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking SECTION 1 of the bill and inserting:

/ SECTION 1. Section 63-3-530(A)(17) of the 1976 Code is amended to read:

“(17) To make all orders for support run until further order of the court, except that orders for child support ~~run until~~ terminate when the child ~~is~~ turns eighteen years of age or ~~until~~ when the child is married or becomes self‑supporting, as determined by the court, whichever occurs first~~;~~, or ~~without further order,~~ past the age of eighteen years if the child is enrolled and still attending high school, not to exceed high school graduation or the end of the school year after the child reaches nineteen years of age, whichever is later; or in accordance with a preexisting agreement or order to provide for child support past the age of eighteen years; or in the discretion of the court, to provide for child support past age eighteen ~~where~~ when there are physical or mental disabilities of the child or other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the physical or mental disabilities or exceptional circumstances continue. When child support is terminated due to the child turning eighteen years of age, graduating from high school, or reaching the end of the school year when the child is nineteen, no arrearage may be incurred as to that child after the date of the child’s eighteenth birthday, the date of the child’s graduation from high school, or the last day of the school year when the child is nineteen, whichever date terminated the child support obligation.”/

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 63‑3‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

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

SECTION 1. Section 63‑3‑530(A)(17) of the 1976 Code is amended to read:

“(17) To make all orders for support run until further order of the court, except that orders for child support ~~run until~~ automatically terminate when the child ~~is~~ turns eighteen years of age or ~~until the child is married or becomes self‑supporting, as determined by the court~~ when the child graduates from high school, whichever occurs first, and no arrearage may be incurred after the date of the child’s eighteenth birthday or the date of the child’s graduation from high school; ~~or without further order, past the age of eighteen years if the child is enrolled and still attending high school, not to exceed high school graduation or the end of the school year after the child reaches nineteen years of age, whichever is later; or in accordance with a preexisting agreement or order to provide for child support past the age of eighteen years;~~ or in the discretion of the court, to provide for child support past age eighteen ~~where~~ when there are physical or mental disabilities of the child or other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the physical or mental disabilities or exceptional circumstances continue.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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