**South Carolina General Assembly**

120th Session, 2013-2014

**A58, R98, H3464**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Allison, Brannon, Erickson, Bedingfield, Taylor, Kennedy, Clyburn, Anderson, G.A. Brown, Clemmons, H.A. Crawford, Douglas, Forrester, Goldfinch, Hamilton, Hardwick, Hixon, Horne, Hosey, Nanney, Pope, Powers Norrell, G.R. Smith, J.R. Smith, Stringer, Wood, Felder, Cobb‑Hunter and Gilliard

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Companion/Similar bill(s): 371

Introduced in the House on January 30, 2013

Introduced in the Senate on April 25, 2013

Last Amended on June 5, 2013

Passed by the General Assembly on June 5, 2013

Governor's Action: June 12, 2013, Signed

Summary: Child custody

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/30/2013 House Introduced and read first time ([House Journal‑page 50](file:///h%3A%5CHJ%20Archive%5C2013%5C01-30-13.docx))

 1/30/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 50](file:///h%3A%5CHJ%20Archive%5C2013%5C01-30-13.docx))

 2/20/2013 House Member(s) request name added as sponsor: Felder

 4/18/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 9](file:///h%3A%5CHJ%20Archive%5C2013%5C04-18-13.docx))

 4/24/2013 House Member(s) request name added as sponsor: Cobb‑Hunter, Gilliard

 4/24/2013 House Amended ([House Journal‑page 67](file:///h%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 4/24/2013 House Read second time ([House Journal‑page 67](file:///h%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 4/24/2013 House Roll call Yeas‑92 Nays‑0 ([House Journal‑page 68](file:///h%3A%5CHJ%20Archive%5C2013%5C04-24-13.docx))

 4/25/2013 House Read third time and sent to Senate ([House Journal‑page 28](file:///h%3A%5CHJ%20Archive%5C2013%5C04-25-13.docx))

 4/25/2013 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h%3A%5CSJ%20Archive%5C2013%5C04-25-13.docx))

 4/25/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h%3A%5CSJ%20Archive%5C2013%5C04-25-13.docx))

 4/25/2013 Scrivener's error corrected

 4/30/2013 Senate Referred to Subcommittee: Sheheen (ch), Corbin, McElveen, Shealy, Thurmond

 5/29/2013 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2013%5C05-29-13.docx))

 6/4/2013 Senate Read second time ([Senate Journal‑page 80](file:///h%3A%5CSJ%20Archive%5C2013%5C06-04-13.docx))

 6/4/2013 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 80](file:///h%3A%5CSJ%20Archive%5C2013%5C06-04-13.docx))

 6/5/2013 Senate Amended ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 Senate Read third time and returned to House with amendments ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 Senate Roll call Ayes‑45 Nays‑0 ([Senate Journal‑page 24](file:///h%3A%5CSJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 129](file:///h%3A%5CHJ%20Archive%5C2013%5C06-05-13.docx))

 6/5/2013 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 130](file:///h%3A%5CHJ%20Archive%5C2013%5C06-05-13.docx))

 6/11/2013 Ratified R 98

 6/12/2013 Signed By Governor

 6/18/2013 Effective date 06/12/13

 6/18/2013 Act No. 58

**VERSIONS OF THIS BILL**

[1/30/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130130.docx)

[4/18/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130418.docx)

[4/24/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130424.docx)

[4/25/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130425.docx)

[5/29/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130529.docx)

[6/5/2013](file:///p%3A%5Cpprever%5C2013-14%5C3464_20130605.docx)

(A58, R98, H3464)

**AN ACT** **TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED PLACEMENT OF A CHILD WITH RELATIVES AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; TO REQUIRE THE COURT TO CONSIDER A PARENT FOR PLACEMENT OF A CHILD AT THE PROBABLE CAUSE HEARING BEFORE CONSIDERING OTHER RELATIVES OF THE FIRST OR SECOND DEGREE IN CERTAIN CIRCUMSTANCES; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MAY BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.**

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

**Child abuse, expedited placement of child with relatives at probable cause hearing**

SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

 “Section 63‑7‑730. (A) If the court finds at the probable cause hearing that the department made reasonable efforts to prevent removal of the child and that continuation of the child in the home would be contrary to the welfare of the child, the court may order expedited placement of the child with a grandparent or other relative of the first or second degree. In making this expedited placement decision, the court shall consider the totality of the circumstances including, but not limited to, the individual’s suitability, fitness, and willingness to serve as a placement for the child. A parent who complies with these requirements must be the first relative considered by the court for expedited placement. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive these reports. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the individual’s home before placement or the licensing or approval of the individual’s home before placement.

 (B) If the court orders expedited placement of the child with a grandparent or other relative of the first or second degree, the individual may be added as a party to the action for the duration of the case or until further order of the court.”

**Time effective**

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

Ratified the 11th day of June, 2013.

Approved the 12th day of June, 2013.

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