~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 21, 2014

**H. 4348**

Introduced by Reps. Lucas, Clemmons, Southard, Douglas, Allison, Taylor, Felder, Loftis, W.J. McLeod, Pitts, D.C. Moss and Bales

S. Printed 5/21/14--S.

Read the first time April 15, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4348) to amend Section 63‑3‑530, as amended, Code of Laws of South Carolina, 1976, relating to the jurisdiction of the family court, including jurisdiction to, etc., respectfully

**REPORT:**

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

ROSS TURNER 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

The department indicates that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at their current level of funding.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 63‑3‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN, SO AS TO ELIMINATE CERTAIN PREREQUISITES TO ORDERING VISITATION.

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

SECTION 1. Section 63‑3‑530(A)(33) of the 1976 Code, as last amended by Act 267 of 2010, is further amended to 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) 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) ~~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) 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~~ a natural or adoptive parent ~~to~~ of a minor child.”

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

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