**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 AND TO ADD REQUIREMENTS, INCLUDING A PROHIBITION OF VISITATION BY A GRANDPARENT WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN CRIMINAL OFFENSES OR WHO HAS ABUSED OR NEGLECTED A CHILD.

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)(a) to order visitation for ~~the~~ a 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 by clear and convincing evidence 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.

(i) the child’s parents or guardians are unfit, and grandparent visitation is in the child’s best interest; or

(ii) compelling circumstances exist that overcome the presumption that the parental decision to deny visitation is in the child’s best interest;

(b) the court must not order grandparent visitation if the grandparent has been:

(i) convicted of or pled guilty or nolo contendere to an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16, an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16, criminal domestic violence as provided for in Section 16‑25‑20, criminal domestic violence of a high and aggravated nature as provided for in Section 16‑25‑65, contributing to the delinquency of a minor as provided for in Section 16‑17‑490, unlawful conduct toward a child as provided for in Section 63‑5‑70, cruelty to a child as provided for in Section 63‑5‑80, a felony drug‑related offense under the laws of the State, or a criminal offense similar in nature to a crime enumerated in this item when the crime was committed in another jurisdiction or under federal law; or

(ii) determined by a court of this State to have abused or neglected a child as provided for in Chapter 7, Title 63, or by a court of another jurisdiction pursuant to the other jurisdiction’s child abuse and neglect statutes;

(c) 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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