~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 23, 2019

**S. 21**

Introduced by Senators Hutto, Shealy and Jackson

S. Printed 1/23/19--S.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 21) to amend Section 63‑17‑70, Code of Laws of South Carolina, 1976, relating to court orders determining that a putative father is the legal father, 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, beginning on page 1, by striking lines 26 through 41 on page 1 and lines 1 through 8 on page 2, in Section 63-17-70, as contained in SECTION 1, and inserting therein the following:

/ “Section 63‑17‑70. (A)(1) Upon a finding that the putative father is the natural father of the child, the court must issue an order designating the putative father as the natural father and ordering that the birth certificate be amended to include the name of the father.

(2) The order ~~also shall~~ must:

(a) set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of both parents~~. The order shall~~;

(b) establish a duty of support and provide for child support payments in amounts and at a frequency to be determined by the court~~. The order also shall~~; and

(c) provide for other relief which has been properly prayed for in the pleadings and which is considered reasonable and just by the court.

(B) Upon a finding that the putative father is not the father of the child, the court shall issue an order which sets forth this finding.

(C) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control.” /

Amend the bill further, as and if amended, page 2, by striking line 13, in Section 44-63-163, as contained in SECTION 2, and inserting therein the following:

/ “Section 44-63-163. Upon entry of a court order or an /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**A** **BILL**

TO AMEND SECTION 63‑17‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT ORDERS DETERMINING THAT A PUTATIVE FATHER IS THE LEGAL FATHER, SO AS TO REQUIRE THAT THE CHILD’S BIRTH CERTIFICATE BE AMENDED; AND TO AMEND SECTION 44‑63‑163, RELATING TO BIRTH CERTIFICATES PREPARED AFTER A PATERNITY DETERMINATION, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 63‑17‑70 of the 1976 Code is amended to read:

“Section 63‑17‑70. (A)(1) Upon a finding that the putative father is the natural father of the child, the court must issue an order designating the putative father as the natural father and ordering that the birth certificate be amended to include the name of the father. (2) The order ~~also shall~~ must:

(a) set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of both parents~~. The order shall~~;

(b) establish a duty of support and provide for child support payments in amounts and at a frequency to be determined by the court~~. The order also shall~~; and

(c) provide for other relief which has been properly prayed for in the pleadings and which is considered reasonable and just by the court.

(3) Upon a finding that the putative father is not the father of the child, the court shall issue an order which sets forth this finding.

(B) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control.”

SECTION 2. Section 44‑63‑163 of the 1976 Code is amended to read:

“Section 44‑63‑163. (B) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63‑17‑70 (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Health and Environmental Control showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Health and Environmental Control. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63‑17‑10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, ~~the request for the certificate must specify the surname to be placed~~ the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.”

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

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