~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 3, 2022

**S. 1025**

Introduced by Senators Shealy, Hutto and Jackson

S. Printed 3/3/22--S. [SEC 3/4/22 12:04 PM]

Read the first time January 27, 2022.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 1025) to amend Section 44-63-80 of the 1976 Code, relating to certified copies of birth certificates, to expand the definition of legal representative and to alter the process, etc., respectfully

**REPORT:**

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

DANIEL B. VERDIN III for Committee.

**A** **BILL**

TO AMEND SECTION 44-63-80 OF THE 1976 CODE, RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES, TO EXPAND THE DEFINITION OF LEGAL REPRESENTATIVE AND TO ALTER THE PROCESS FOR OBTAINING BIRTH CERTIFICATES.

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

SECTION 1. Section 44‑63‑80 of the 1976 Code is amended to read:

“Section 44‑63‑80. (A) Except as otherwise provided, certified copies of the original birth certificate or any new or amendatory certificate, exclusive of that portion containing confidential information, must be issued only by the state registrar and only to the registrant, if of legal age, his parent or guardian, or other legal representative, and upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The registrar shall include a copy of the pamphlet ‘South Carolina Family Respect’, as provided in Section 20‑1‑720, when it mails or sends the certified copy of the birth certificate. However, the certified copy of the birth certificate may not disclose the name of the father in any illegitimate birth unless the name of the father is entered on the certificate pursuant to Section 44‑63‑163 or Section 44‑63‑165. ~~The short form certificate or birth card may be furnished only to the registrant, his parent or guardian, or other legal representative by the state or county registrar.~~

(B) For purposes of this section and obtaining a birth certificate, the term ‘other legal representative’ shall include:

(1) a person or agency that has current legal custody of a registrant by any currently-effective order of a court of competent jurisdiction, including a temporary order;

(2) the Department of Social Services for any individual or registrant in foster care or its legal custody;

(3) a caregiver, including a kinship caregiver, providing care to a child pursuant to any currently-effective order of a court of competent jurisdiction, including a temporary order;

(4) an attorney representing the registrant or, if the parent is listed on the registrant’s birth certificate, the registrant’s parent;

(5) subject to the department’s verification process, on behalf of a homeless child or youth served by them:

(a)a director or designee of a South Carolina governmental agency or a nonprofit organization registered with the South Carolina Secretary of State’s Office that receives public or private funding to provide services to the homeless, and

(b) a South Carolina school district’s McKinney‑Vento liaison for homeless children or youth.

(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of Health and Environmental Control and the Department of Social Services, and no copies of court orders or other third‑party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.

(D) When one hundred years have elapsed after the date of birth, these records must be made available in photographic or other suitable format for public viewing.”

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

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