**South Carolina General Assembly**

125th Session, 2023-2024

**A80, R99, H3553**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope

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Introduced in the House on January 10, 2023

Introduced in the Senate on April 5, 2023

Last Amended on May 11, 2023

Currently residing in the House

Governor's Action: June 19, 2023, Signed

Summary: Adoption

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2022 House Prefiled

12/15/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 208](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 208](h:\hj\20230110.docx))

1/12/2023 House Member(s) request name added as sponsor: S.
Jones, White

1/18/2023 House Member(s) request name added as sponsor: Hixon, Hiott

1/19/2023 House Member(s) request name added as sponsor: Oremus,
M.M. Smith

1/31/2023 Scrivener's error corrected

2/1/2023 House Member(s) request name added as sponsor: Landing

3/28/2023 House Member(s) request name added as sponsor: W. Newton

3/29/2023 House Member(s) request name added as sponsor: Robbins,
Brewer

3/29/2023 House Committee report: Favorable **Judiciary** ([House Journal‑page 51](h:\hj\20230329.docx))

3/30/2023 House Member(s) request name added as sponsor: Cromer,
Weeks, Wheeler

4/4/2023 House Member(s) request name added as sponsor:
Magnuson, Yow, Pope

4/4/2023 House Read second time ([House Journal‑page 27](h:\hj\20230404.docx))

4/4/2023 House Roll call Yeas-107 Nays-0 ([House Journal‑page 28](h:\hj\20230404.docx))

4/5/2023 House Read third time and sent to Senate ([House Journal‑page 20](h:\hj\20230405.docx))

4/5/2023 House Roll call Yeas-104 Nays-0 ([House Journal‑page 21](h:\hj\20230405.docx))

4/5/2023 Senate Introduced and read first time ([Senate Journal‑page 2](h:\sj\20230405.docx))

4/5/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 2](h:\sj\20230405.docx))

4/20/2023 Senate Referred to Subcommittee: Talley (ch), Matthews,
McLeod, Garrett, Gustafson

5/9/2023 Senate Committee report: Favorable with amendment **Judiciary**

5/10/2023 Scrivener's error corrected

5/11/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 165](h:\sj\20230511.docx))

5/11/2023 Senate Read second time ([Senate Journal‑page 165](h:\sj\20230511.docx))

5/12/2023 Scrivener's error corrected

5/23/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 48](h:\sj\20230523.docx))

5/23/2023 Senate Roll call Ayes-45 Nays-0 ([Senate Journal‑page 48](h:\sj\20230523.docx))

6/7/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 25](h:\hj\20230607.docx))

6/7/2023 House Roll call Yeas-104 Nays-0 ([House Journal‑page 26](h:\hj\20230607.docx))

6/14/2023 Ratified R 99

6/19/2023 Signed By Governor

6/26/2023 Effective date 06/19/23

6/26/2023 Act No. 80

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3553&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20221215.docx)

[01/31/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230131.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230329.docx)

[05/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230509.docx)

[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230510.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230511.docx)

[05/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3553_20230512.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R99, H3553)

AN ACT to amend the south carolina code of laws BY AMENDING SECTION 63‑9‑750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION; BY AMENDING SECTIONS 63-7-1710, 63-7-2530, 63-9-710, AND 63-7‑1660, ALL RELATING TO CHILD PERMANENCY PROCEEDINGS, SO AS TO MAKE CERTAIN CHANGES TO EXPEDITE PERMANeNCY FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; BY AMENDING SECTION 63-7-40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63-9-30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS CHILD”; and BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CERTAIN CHANGES TO PROMOTE TIMELY PERMANENCE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; AND FOR OTHER PURPOSES.

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

Final adoption hearing

SECTION 1. Section 63-9-750(A) of the S.C. Code is amended to read:

(A) The final hearing on the adoption petition must be held no later than six months after the filing of the adoption petition. In the case of a special needs child, the hearing must be held no later than twelve months after the filing of the adoption petition. In its discretion, upon good cause shown, the court may extend the time within which the final hearing on the adoption petition may be held.

Termination of parental rights standards

SECTION 2. Section 63-7-1710(A) of the S.C. Code is amended to read:

(A) When a child is in the custody of the department, the department shall file a petition to terminate parental rights or shall join as party in a termination petition filed by another party or may amend or supplement a petition for removal or a complaint for removal to include an action for termination of parental rights if:

(1) a child has been in foster care under the responsibility of the State for fifteen of the most recent twenty-two months;

(2) a court of competent jurisdiction has determined the child to be an abandoned infant;

(3) a court of competent jurisdiction has determined that the parent has committed murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

(4) a court of competent jurisdiction has determined that the parent has aided, abetted, conspired, or solicited to commit murder, voluntary manslaughter, or homicide by child abuse of another child of the parent;

(5) a court of competent jurisdiction has determined that the parent has committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent; or

(6) a court of competent jurisdiction has found the parent to be in wilful contempt on two occasions over a twelve-month period for failure to comply with the terms of the treatment plan or placement plan established pursuant to subarticle 11.

Termination of parental rights petition

SECTION 3. Section 63-7-2530(B) of the S.C. Code is amended to read:

(B) The department may file an action for termination of parental rights without first seeking the court's approval of a change in the permanency plan pursuant to Section 63-7-1680 and without first seeking an amendment of the placement plan pursuant to Section 63-7-1700. Additionally, the department may amend or supplement a petition for removal or a complaint for removal to include a cause of action for termination of parental rights any time after grounds for termination of parental rights are present.

Adoption petition

SECTION 4. Section 63-9-710 of the S.C. Code is amended to read:

Section 63-9-710. (A) A petition for adoption shall specify:

(1) the full name, age, address, and place of residence of each petitioner, and, if married, the place and date of the marriage;

(2) when the petitioner acquired, or intends to acquire, custody or placement of the child and from what person or agency;

(3) the date and place of birth of the child, if known;

(4) the name used for the child in the proceeding, and if a change in name is desired, the new name;

(5) that it is the desire of the petitioner to establish the relationship of parent and child between the petitioner and the child, and that the petitioner is a fit and proper person and able to care for the child and to provide for the child's welfare;

(6) a full description and statement of value of all real property and of any personal property of value owned or possessed by the child;

(7) facts, if any, which excuse consent on the part of a parent to the adoption or which excuse notice of the adoption proceedings to a parent;

(8) facts, if any, which may permit placement with or adoption by nonresidents of this State, pursuant to Section 63-9-60;

(9) the existence and nature of any prior court orders known to the petitioner which affect the custody, support, or visitation of the child;

(10) the relationship, if any, of each petitioner to the child; and

(11) the name and address of the child placing agency or the person facilitating placement of the child for adoption, if any.

(B)(1) The petition must be filed within sixty days of the date the adoptee is placed for the purpose of adoption in the home of the petitioner.

(2) For a child in the custody of the department by a removal action pursuant to Section 63‑7‑1660 or an infant who has been voluntarily left with a safe haven pursuant to Section 63-7-40, the petition for adoption may be filed prior to the issuance of a court order terminating parental rights to the child.

(C) All of the following must be filed at the time the adoption petition is filed or, after the filing, upon good cause shown:

(1) any consent or relinquishment required by Section 63-9-310;

(2) the preplacement investigation report;

(3) the background investigation report;

(4) a statement of all payments of money or anything of value made within the past five years or agreed to be made in the future by or on behalf of the petitioner to any person, agency, or organization connected with the adoption that is not a disbursement made and reported pursuant to Section 63‑9‑740.

(D) For purposes of this article, the petitioner may employ the use of fictitious names where necessary to avoid disclosure of identities of parties or persons, so long as service of process or notice is considered sufficient by the court.

Removal actions

SECTION 5. Section 63-7-1660 of the S.C. Code is amended by adding:

(H)(1) If the court removes custody of the child and there is a pending petition for termination of parental rights filed by the department, the department shall promptly exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child, and the department must not delay adoption planning because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

(2) If at any time after the court removes custody of the child and the department files a petition for termination of parental rights, then the department promptly shall exercise and document every reasonable effort to promote and expedite an adoptive placement and the adoption of the child prior to any permanency planning or termination of parental rights hearing, and the department must not delay adoption planning because of a pending termination of parental rights action or because of an upcoming permanency planning hearing.

Infant safe havens

SECTION 6. Section 63-7-40(E) of the S.C. Code is amended to read:

(E)(1) Within forty-eight hours after taking legal custody of the infant, the department shall publish notice, in a newspaper of general circulation in the area where the safe haven that initially took the infant is located, and send a news release to broadcast and print media in the area. The notice and the news release must state the circumstances under which the infant was left at the safe haven, a description of the infant, and the date, time, and place of the permanency planning and termination of parental rights hearing provided for in subsection (E)(2). The notice and the news release must also state that any person wishing to assert parental rights in regard to the infant must do so at the hearing. If the person leaving the infant identified anyone as being a parent of the infant, the notice must be sent by certified mail to the last known address of the person identified as a parent at least two weeks prior to the hearing.

(2) Within forty-eight hours after obtaining legal custody of the infant, the department shall file a petition for permanency planning alleging that the infant has been abandoned, that the court should dispense with reasonable efforts to preserve or reunify the family, that continuation of keeping the infant in the home of the parent or parents would be contrary to the welfare of the infant, and that termination of parental rights is in the best interest of the infant. The department shall file concurrently with the petition for permanency planning a petition for termination of parental rights pursuant to Section 63-7-2570 based on abandonment and any other applicable grounds. A hearing on both petitions must be held no earlier than thirty and no later than sixty days after the department takes legal custody of the infant. Unless a person wishing to assert parental rights does so at the hearing, this hearing shall serve as the permanency planning hearing and the termination of parental rights hearing for the infant. If the court approves the permanent plan of termination of parental rights and issues an order terminating parental rights to the infant, the order must also provide that the department shall, within thirty days of the close of the hearing, submit a plan to the court and to the infant’s guardian ad litem for permanent placement of the infant and otherwise comply with the requirements of Section 63‑7‑2580(A). If a person asserts parental rights to the infant at the hearing, and the court approves a permanent plan of termination of parental rights and adoption, the court shall schedule a hearing on the petition to terminate parental rights no later than thirty days after the close of the permanency planning hearing.

Infant safe havens

SECTION 7. Section 63-7-40(F) of the S.C. Code is amended to read:

(F) In any judicial proceeding in which the abuse or neglect of an infant is an issue, the act of voluntarily leaving an infant with a safe haven pursuant to this section is conclusive evidence that the infant has been abused or neglected for purposes of Department of Social Services’ jurisdiction and for evidentiary purposes. The act of voluntarily leaving an infant with a safe haven pursuant to this section is also conclusive evidence that the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.

Definitions

SECTION 8. Section 63-9-30(10) of the S.C. Code is amended to read:

(10) For purposes of adoption, “special needs child” means children who fall into one or more of the following categories:

(a) children who are members of a sibling group;

(b) children of marginalized ethnic backgrounds, except for purposes of Section 63-9-60(B);

(c) children aged six or older; or

(d) children with physical, mental, or emotional disabilities.

Permanency planning

SECTION 9. Section 63-7-1700(C) of the S.C. Code is amended to read:

(C) At the permanency planning hearing, the court shall approve a plan for achieving permanence for the child.

(1) The court shall review the proposed plans of the department, the guardian ad litem, and the local foster care review board and shall address the recommendations of each in the record.

(2) At each permanency planning hearing where the department's plan is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights and adoption, the department must provide documentation of the department's intensive, ongoing, yet unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. If the court approves a plan of another planned permanent living arrangement (APPLA), the court must find compelling reasons for approval of the plan, including compelling reasons why reunification with the parents, custody, or guardianship with a fit and willing relative, or termination of parental rights and adoption is not in the best interest, and that the plan is and continues to be in the child's best interest. The court shall not approve or order APPLA pursuant to this item for children under the age of sixteen. At each hearing in which the court approves or renews APPLA for a child over the age of sixteen, the court must ask the child about the child's wishes as to the placement plan.

(3) In addition to the requirements in items (1) and (2), at each permanency planning hearing, the court shall review the department's efforts to facilitate the caregiver's compliance with the reasonable and prudent parent standard pursuant to Section 63-7-20 and Section 63-7-25 and the department's efforts to determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

(4) Upon motion of any party or at the discretion of the court, a pending termination of parental rights action may be consolidated with a contested permanency planning hearing.

Time effective

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 14th day of June, 2023.

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President of the Senate

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Speaker of the House of Representatives

Approved the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2023.

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Governor

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