**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3556**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, Mitchell, Yow, Hixon, Hiott, Oremus, W. Newton, Robbins, Brewer, Weeks, Wheeler, Magnuson, Pace, Taylor and Pope

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Introduced in the House on January 10, 2023

Introduced in the Senate on April 5, 2023

Currently residing in the House

Summary: Infant Safe Havens

**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 209)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 209)

 1/12/2023 House Member(s) request name added as sponsor: Yow

 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

 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 53)

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

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

 4/4/2023 House Read second time (House Journal‑page 33)

 4/4/2023 House Roll call Yeas-111 Nays-0 (House Journal‑page 34)

 4/5/2023 House Read third time and sent to Senate (House Journal‑page 25)

 4/5/2023 House Roll call Yeas-109 Nays-0 (House Journal‑page 25)

 4/5/2023 Senate Introduced and read first time (Senate Journal‑page 3)

 4/5/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 3)

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

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3556&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3556_20221215.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3556_20230329.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 29, 2023

H. 3556

Introduced by Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, Mitchell, Yow, Hixon, Hiott, Oremus, W. Newton, Robbins and Brewer

S. Printed 03/29/23--H.

Read the first time January 10, 2023

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The committee on House Judiciary

To who was referred a Bill (H. 3556) to amend the South Carolina Code of Laws by amending Section 63-7-40, relating to infant safe havens, so as to allow the permanency planning hearing and termination, etc., respectfully

Report:

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

WESTON NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill allows, with exceptions, the permanency planning hearing and termination of parental rights hearing to occur in the same proceeding for infants who are left at a safe haven. Further, 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.

Judicial and DSS report that this bill requires them to perform activities that will be managed with existing staff and appropriations. Therefore, there will be no expenditure impact on Judicial or DSS.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

to amend the South Carolina Code of Laws 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.

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

SECTION 1. Section 63-7-40 (E) and (F) 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 ground. A hearing on the petition both petitions must be held no earlier than thirty and no later than sixty days after the department takes legal custody of the infant. This Unless a person wishing to assert parental rights does so at the hearing, this hearing is shall serve as the permanency planning hearing and termination of parental rights hearing for the infant. If the court approves the permanent plan of termination of parental rights and issues an order forever terminating parental rights to the infant, the order must also provide that a petition for termination of parental rights on the grounds of abandonment must be filed within ten days after receipt of the order by the department shall submit a plan for permanent placement of the infant within thirty days of the close of the proceedings to the court and to the infant’s guardian ad litem 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.

 (F) The 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 in any judicial proceeding in which abuse or neglect of an infant is an issue. It 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.

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

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