**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3557**

**STATUS INFORMATION**

General Bill

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

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Abandonment of a Child

**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

 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 with amendment **Judiciary** (House Journal‑page 53)

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

 4/4/2023 House Debate adjourned (House Journal‑page 35)

 4/5/2023 House Recommitted to Committee on **Judiciary** (House Journal‑page 27)

 6/7/2023 House Member(s) request name added as sponsor: Leber

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3557_20221215.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3557_20230329.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 29, 2023

H. 3557

Introduced by Reps. G. M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, B. Newton, Mitchell, Yow, Hixon, Hiott, Landing, 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. 3557) to amend the South Carolina Code of Laws by amending Section 63‑7‑20, relating to children’s code definitional terms, so as to add and change definitions concerning, 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, by striking all after the enacting words and inserting:

SECTION 1. Section 63-7-20(1) of the S.C. Code is amended to read:

 (1) “Abandonment of a child” means a parent or guardian wilfully deserts a child or wilfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child or conduct of a parent or guardian, while being able, of making no significant contribution to the child's care and maintenance or failing to establish or maintain a substantial and positive relationship with the child, which conduct is sufficient to evince an intent to reject parental responsibilities. If, in the opinion of the court, the efforts of such parent, guardian, or other person responsible for the child's welfare are only marginal or incidental efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned.

SECTION 2. Section 63-7-320(A) of the S.C. Code is amended by adding:

 (4) a parent of an infant who voluntarily left the infant with a safe haven pursuant to Section 63-7-40 or a parent of a child who engaged in conduct that constitutes abandonment of a child as that term is defined in Section 63-7-20.

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

Renumber sections to conform.

Amend title to conform.

WESTON NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill adds a definition to the children’s code for abandoned and changes the definition of abandonment of a child. Additionally, this bill specifies that DSS must provide consent for adoption when a child is voluntarily left with a safe haven or was otherwise abandoned. Lastly, this bill adds the parents of an infant who was left at a safe haven and the parents of a child who was otherwise abandoned to the list of persons not required to give consent or relinquishment for adoption.

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 63‑7‑20, relating to children’s code definitional terms, so as to add and change definitions concerning child abandonment; by amending Section 63‑9‑310, relating to Persons whose consent to adoption is required, so as to clarify that the department of social services’ consent is required for abandoned children; and by amending Section 63‑9‑320, relating to Persons whose consent to adoption is not required, so as to include the parent of an abandoned child.

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

SECTION 1. Section 63‑7‑20(1) of the S.C. Code is amended to read:

 (1)(a) “Abandoned” means to have engaged in conduct that constitutes the abandonment of a child as defined in this item.

 (b) “Abandonment of a child” means a parent or guardian wilfully deserts a child or wilfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child the conduct of a parent or guardian, while being able to, of making little or no provision for the child’s support or making little or no effort to communicate with the child, which situation is sufficient to evince an intent to reject parental responsibilities. If, in the opinion of the court, the efforts of such parent, guardian, or other person responsible for the child’s welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. In making this decision, the court may consider the conduct of a father toward the child’s mother during her pregnancy.

SECTION 2. Section 63‑9‑310(C) of the S.C. Code is amended to read:

 (C)(1) Consent is required of the child placing agency or person facilitating the placement of the child for adoption if the child has been relinquished for adoption to the agency or person.

 (2) Consent is required of the department as the child placing agency if the child was voluntarily left with a safe haven pursuant to Section 63‑7‑40 or was otherwise abandoned as that term is defined in Section 63‑7‑20.

SECTION 3. Section 63‑9‑320(A)(3) of the S.C. Code is amended to read:

 (3) the biological parent of a child conceived as a result of that parent's criminal sexual conduct or incest as found by a court of competent jurisdiction unless, with respect to a conviction for criminal sexual conduct, the sentencing court makes specific findings on the record that the conviction resulted from consensual sexual conduct where neither the victim nor the actor were younger than fourteen years of age nor older than eighteen years of age at the time of the offense;

 (4) a parent of an infant who voluntarily left the infant with a safe haven pursuant to Section 63‑7‑40 or a parent of a child who otherwise abandoned the child as the term “abandoned” is defined Section 63‑7‑20.

SECTION 4. This act takes effect upon approval by the Governor.

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