



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 3481	Introduced on January 10, 2023
<b>Author:</b>	S. Jones	
<b>Subject:</b>	Child Custody	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	April 25, 2023	

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### **Fiscal Impact Summary**

This bill creates a rebuttable presumption that a time-sharing schedule which grants each parent equal parenting time is in the best interest of the child and assigns responsibility to the family court for making determinations on time-sharing schedules in child custody orders. This bill also prohibits the family court from modifying a child custody order, parenting plan, or a time-sharing schedule unless it is in the best interest of the child and there is a substantial, material, and unanticipated change in circumstance.

Judicial reports that the bill is not anticipated to increase caseloads in family court. Therefore, the bill will have no expenditure impact on Judicial.

### **Explanation of Fiscal Impact**

#### **Introduced on January 10, 2023**

##### **State Expenditure**

This bill creates within the child custody and visitation section of the South Carolina Children's Code a rebuttable presumption that a time-sharing schedule granting each parent equal parenting time is in the best interest of the child when both parents are willing, able, and fit. The family court is responsible for reviewing evidence in determining whether the presumption is rebutted and must take into consideration the best interest of the child. The bill also requires the family court when issuing or modifying a child custody order, to consider the frequency with which the parent would be likely to leave the child in the care of a nonrelative on evenings and weekends when the other parent would be available and willing to provide care. Further, the bill requires the family court to provide written findings of fact when a child custody order establishes a time-sharing schedule that does not allocate equal parenting time to each parent. Finally, the bill provides that a determination of custody, a parenting plan, or a time-sharing schedule may not be modified unless the family court determines that a modification is in the best interest of the child and there is a showing of a substantial, material, and unanticipated change in circumstance.

This bill will require Judicial to perform activities that will be conducted in the normal course of business and is not anticipated to increase family court caseloads. As such, the bill will have no expenditure impact on Judicial.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director