**South Carolina General Assembly**

126th Session, 2025-2026

**S. 240**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cash, Kimbrell, Corbin, Leber and Kennedy

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Introduced in the Senate on January 16, 2025

Currently residing in the Senate Committee on **Family and Veterans' Services**

Summary: Parental Rights to Affirm Biological Sex in Child Welfare

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2025 Senate Introduced and read first time ([Senate Journal‑page 11](h:\sj\20250116.docx))

1/16/2025 Senate Referred to Committee on **Family and Veterans' Services** ([Senate Journal‑page 11](h:\sj\20250116.docx))

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**VERSIONS OF THIS BILL**

[01/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/240_20250116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “SOUTH CAROLINA PARENTAL RIGHTS TO AFFIRM BIOLOGICAL SEX IN CHILD WELFARE AND PLACEMENT ACT”; AND BY ADDING SECTION 63-7-50 SO AS TO ENCOURAGE CHILDREN TO IDENTIFY WITH THEIR BIOLOGICAL SEX BY REQUIRING COURTS AND AGENCIES TO CONSIDER A CHILD’S BIOLOGICAL SEX AS A POSITIVE FACTOR IN CHILD WELFARE PROCEEDINGS, TO PROVIDE THAT PARENTS AND LEGAL GUARDIANS HAVE THE RIGHT TO ENCOURAGE A CHILD TO ALIGN WITH THEIR BIOLOGICAL SEX, INCLUDING IN MAKING MEDICAL DECISIONS, AND TO OFFER PROTECTIONS FOR EXERCISING THIS RIGHT, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES AND FAMILY COURT SYSTEM TO DEVELOP POLICIES AND THE DEPARTMENT OF SOCIAL SERVICES TO SUBMIT ANNUAL REPORTS, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. This act may be cited as the “South Carolina Parental Rights to Affirm Biological Sex in Child Welfare and Placement Act”.

SECTION 2. Article 1, Chapter 7, Title 63 of the S.C. Code is amended by adding:

Section 63-7-50. (A) As used in this section:

(1) “Affirmation of biological sex” means a caregiver’s or parent’s encouragement of a child to identify with and accept their biological sex.

(2) “Biological sex” means a child’s sex as assigned at birth based on physical anatomy and genetic composition.

(3) “Gender confusion” means a self‑reported or observed incongruence or uncertainty between a child’s biological sex and gender identity.

(4) “Positive factor” means any factor considered as favorable or beneficial in determining the best interests of the child.

(B)(1) In any court or agency proceeding regarding child custody, welfare, abuse, neglect, or foster care placement, the act of affirming a child’s biological sex shall be considered a positive factor in determining the best interests of the child.

(2) Affirming a child’s biological sex shall never be treated as a negative factor or as evidence of abuse, neglect, or unfit parenting.

(C) Parents, legal guardians, and foster caregivers in South Carolina have the right to encourage, guide, or counsel a child to align with their biological sex, even if the child has expressed gender confusion. This right shall be protected and shall not be grounds for a negative determination in parental evaluations, custody hearings, or foster care placements.

(D)(1) South Carolina agencies responsible for foster care placements shall consider the affirmation of a child’s biological sex as a positive factor when determining the suitability of prospective foster homes.

(2) Foster parents who encourage a child to identify with their biological sex shall not face discrimination in the foster care placement process.

(E)(1) South Carolina agencies shall not be compelled to follow any federal rule, policy, or guidelines that mandates placements or evaluations that conflict with the provisions of this section.

(2) To the extent permissible by federal law, South Carolina shall exercise its right to prioritize child welfare standards consistent with this section over conflicting federal mandates regarding gender identity affirmation in foster care placements.

(F)(1) No South Carolina agency or court shall consider a caregiver’s refusal to pursue or support medical procedures, including, but not limited to, hormone blockers, cross‑sex hormones, or surgeries intended to alter a child’s physical appearance or biological sex, as evidence of abuse, neglect, or an unfit parenting decision.

(2) Parents, guardians, and foster caregivers shall retain the right to make medical decisions based on the child’s best interests and developmentally appropriate considerations, without penalty or presumption of harm for encouraging a child to identify with their biological sex.

(G)(1) The South Carolina Department of Social Services, the South Carolina Family Court system, and related agencies shall update their policies to reflect the provisions of this section.

(2) The Department of Social Services must submit an annual report to the General Assembly on the implementation and adherence to the provisions of this section.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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