**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4540**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Guest and Crawford

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Currently residing in the House Committee on **Judiciary**

Summary: Joint Custody

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/8/2025 House Introduced and read first time

 5/8/2025 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[05/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4540_20250508.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 63‑3‑530, 63‑15‑210, 63‑15‑220, AND 63‑15‑230, RELATING TO CHILD CUSTODY AND PARENTING TIME, SO AS TO CLARIFY THAT ONLY SOLE CUSTODY OR JOINT CUSTODY MAY BE AWARDED BY THE FAMILY COURT, THERE IS NO PRESUMPTION FOR OR AGAINST EITHER TYPE OF CUSTODY, AND EVERY CHILD CUSTODY ORDER MUST ADDRESS PARENTING TIME; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 63‑3‑530(A)(42) of the S.C. Code is amended to read:

 (42) to order sole or joint or divided custody where the court finds it is in the best interestsinterest of the child;

SECTION 2. Section 63‑15‑210 of the S.C. Code is amended to read:

 Section 63‑15‑210. As used in this article:

 (1) “Joint custody” means both parents have equal rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training; however, a judge may designate one parent to have sole authority to make specific, identified decisions while both parents retain equal rights and responsibilities for all other decisions. Regardless, a judge may designate one parent to have sole authority to make specific, identified decisions concerning the child.

 (2) “Sole custody” means a person, including, but not limited to, a parent who has temporary or permanent custody of a child and, unless otherwise provided for by court order, the rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training.

 (3) “Parenting time” means the time during which the child is in the care of a parent.

SECTION 3. Section 63‑15‑220 of the S.C. Code is amended to read:

 Section 63‑15‑220. (A) At all temporary hearings where custody is contested, each parent must prepare, file, and submit to the court a parenting plan, which reflects parental preferences, the allocation of parenting time to be spent with each parent, and major decisions, including, but not limited to, the child's education, medical and dental care, extracurricular activities and religious training. However, the parties may elect to prepare, file, and submit a joint parenting plan. The court shall issue temporary and final custody orders only after considering these parenting plans; however, the failure by a party to submit a parenting plan to the court does not preclude the court from issuing a temporary or final custody order.

 (B) At the final hearing, either party may file and submit an updated parenting plan for the court's consideration.

 (C) The South Carolina Supreme Court shall develop rules and forms for the implementation of the parenting plan.

 (A) A parenting plan is a document submitted by a party to the family court which identifies the type of custody, the parenting time for each parent with the child, and the manner and terms by which major decisions including, but not limited to, the child’s education, medical and dental care, extracurricular activities, and religious training shall be made.

 (B) At any hearing where custody, parenting time, or decision making is contested, a party may submit a proposed parenting plan. The court shall consider any submitted parenting plan prior to issuing temporary and final custody orders.

SECTION 4. Section 63‑15‑230 of the S.C. Code is amended to read:

 Section 63‑15‑230. (A) The court shall make the finalevery custody determination in the best interest of the child based upon the evidence presented.

 (B) The court may award joint custody to both parents or sole custody to either parent.The only type of custody which may be ordered by the family court is either sole custody or joint custody. There is no presumption for or against either type of custody. There is no requirement on the court to find exceptional circumstances to award either type of custody.

 (C) If custody is contested or if either parent seeks an award of joint custody, the court shall consider all custody options, including, but not limited to, joint custody, and, in its final order, the court shall state its determination as to custody and shall state its reasoning for that decision. Every custody order shall:

 (1) determine and specify the schedule of parenting time for each parent with the child; and

 (2) in the event of joint custody, provide for how major decisions including, but not limited to, the child’s education, medical and dental care, extracurricular activities, and religious training regarding the child shall be made.

 (D) Notwithstanding the custody determination, the court may allocate parenting time in the best interest of the child.

SECTION 5. This act takes effect upon approval by the Governor.

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