**South Carolina General Assembly**

126th Session, 2025-2026

**S. 541**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Devine

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Currently residing in the Senate Committee on **Medical Affairs**

Summary: Involuntary Admission

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/3/2025 Senate Introduced and read first time (Senate Journal‑page 5)

 4/3/2025 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 5)

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**VERSIONS OF THIS BILL**

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/541_20250403.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑20‑30, RELATING TO DEFINITIONS PERTAINING TO INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES, SO AS TO PROVIDE DEFINITIONS FOR HEAD INJURY AND SPINAL CORD INJURY; AND BY AMENDING SECTION 44‑20‑450, RELATING TO PROCEEDINGS FOR INVOLUNTARY ADMISSION, SO AS TO ADD HEAD INJURIES TO QUALIFYING DISABILITIES FOR PROCEEDINGS FOR INVOLUNTARY ADMISSION OF A PERSON.

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

SECTION 1. Section 44‑20‑30 of the S.C. Code is amended by adding:

 (20) “Head injury” means an insult to the skull or brain, not of a degenerative or congenital nature but one caused by an external physical force, that may produce a diminished or altered state of consciousness that results in impairment of cognitive abilities or physical functioning and possibly in behavioral or emotional functioning. It does not include cerebral vascular accidents and aneurysms.

 (21) “Spinal cord injury” means an acute, traumatic lesion of neural elements in the spinal canal resulting in any degree of sensory deficit, motor deficit, or major life function deficit. The deficit or dysfunction may be temporary or permanent.

SECTION 2. Section 44‑20‑450 of the S.C. Code is amended to read:

 Section 44‑20‑450. (A) For the purpose of involuntary judicial admission to the department, the person to be involuntarily judicially admitted must have an intellectual disability, a related disability, or a head injury, provided, however, that the head injury:

 (1) has resulted in impairment of general intellectual functioning or adaptive behavior similar to that of a person with intellectual disability and requires treatment or services similar to those required for persons with intellectual disabilities;

 (2) is likely to continue indefinitely;

 (3) results in substantial functional limitations in at least two of the following life activities:

 (a) self‑care;

 (b) receptive and expressive communication;

 (c) learning;

 (d) mobility;

 (e) self‑direction;

 (f) capacity for independent living; or

 (g) economic self‑sufficiency; and

 (4) reflects the person’s need for a combination and sequence of special interdisciplinary or generic care or treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.

 (B) Proceedings for the involuntary admission of a person with intellectual disability, or a related disability, or a head injury to the services of the department may be initiated by the filing of a verified petition with the probate or the family court by:

 (1) the spouse;

 (2) a relative;

 (3) the parents;

 (4) a parent with legal custody;

 (5) the legal guardian of the person;

 (6) the person in charge of a public or private institution in which the individual is residing at the time;

 (7) the director of the county department of social services of the county in which the person resides; or

 (8) a solicitor or an assistant solicitor responsible for the criminal prosecution pursuant to Section 44‑23‑430(2).

 Upon filing of the petition, the judge shall set a date for a hearing on it and ensure that the client has an attorney who represents him. The parents, parent with legal custody, spouse, guardian, or nearest known relative of the person alleged to have intellectual disability, or a related disability, or a head injury and in whose behalf the petition has been made and in the discretion of the court, the individual alleged to have intellectual disability, or a related disability, or a head injury and the department must be served by the court with a written notice of the time and place of the hearing, together with a written statement of the matters stated in the petition. If no parent, spouse, legal guardian, or known relative of the person alleged to have intellectual disability, or a related disability, or a head injury is found, the court shall appoint a guardian ad litem to represent the person alleged to have intellectual disability, or a related disability, or a head injury, and the notice must be served upon the guardian. If the parent, spouse, guardian, or known relative of the person alleged to have intellectual disability, or a related disability, or a head injury is found, he must be notified of the right to an attorney at the hearing.

 (B) (C) The hearing on the petition may be in the courthouse or at the place of residence of the person alleged to have intellectual disability, or a related disability, or a head injury or at another place considered appropriate by the court. The person alleged to have intellectual disability, or a related disability, or a head injury does not need to be present if the court determines that the hearing would be injurious or detrimental to the person alleged to have intellectual disability, or a related disability, or a head injury or if the person's mental or physical condition prevents his participation in the hearing. However, his attorney must be present.

 (C) (D) A report of the person in charge of the examination of the person alleged to have intellectual disability, or a related disability, or a head injury at the diagnostic center referred to in “Requirement for Admission” must be submitted to the court at the hearing. The court may not render judgment in the hearing unless this report is available and introduced.

 (D) (E) If the court determines that the evidence presented by the examiners at the diagnostic center, along with other evidence presented to the court, is to the effect that the person does not in fact have intellectual disability, or a related disability, or a head injury to an extent which would require commitment involuntary judicial admission, it shall terminate the proceeding and dismiss the petition.

 (E) (F) If the person is found by the court to have intellectual disability, or a related disability, or a head injury and be in need of placement in a facility or service program of the department, the court shall order that he be admitted to the jurisdiction of the department as soon as necessary services are available and include in the order a summary of the evidence presented and order of the court.

 (F) (G) The department shall inform the court as soon after the date of the order as practical that suitable accommodations and services are available to meet the needs of the person with intellectual disability, or a related disability, or a head injury. Upon notification, the court shall direct the petitioner in these proceedings to transport the person with intellectual disability, or a related disability, or a head injury to a program the department designates.

 (G) (H) A party to these proceedings may appeal from the order of the court to the court of common pleas, and a trial de novo with a jury must be held in the same manner as in civil actions unless the petitioner through his attorney waives his right to a jury trial. Pending a final determination of the appeal, the person with intellectual disability, or a related disability, or a head injury must be placed in protective custody in either a facility of the department or in some other suitable place designated by the court. No person with intellectual disability, or a related disability, or a head injury must be confined in jail unless there is a criminal charge pending against him.

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

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