



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.

Bill Number:	H. 3013	Introduced on January 14, 2025
Subject:	Guardians ad Litem	
Requestor:	House Judiciary	
RFA Analyst(s):	Boggs	
Impact Date:	February 20, 2025	

Fiscal Impact Summary

This bill requires that an individual must undergo a criminal background check conducted by the South Carolina Law Enforcement Division (SLED) prior to each appointment as a guardian ad litem, pursuant to §63-3-810. Further, the cost of the background check is to be covered by the individual seeking to be appointed as the guardian ad litem. Additionally, this bill adds that upon appointment to a case, a guardian ad litem must provide a copy of the criminal background check from SLED in the affidavit provided to the court.

Judicial and the Department of Children's Advocacy (DCA) do not anticipate that this bill will have a fiscal impact on family court or the agency respectively since the bill does not alter their responsibilities.

SLED anticipates that any increase in workload created by the background checks can be managed within existing staff and appropriations. Therefore, this bill will have no expenditure impact on the agency.

The cost to run a name-based, SLED CATCH, check required by this bill is \$25. This fee is retained by SLED. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED. The current three-year average in fees collected for background checks totals approximately \$17,541,968, of which \$4,461,000 is deposited to the General Fund, and the remainder is retained by SLED. The potential increase in fee revenue for SLED will depend on the number of additional CATCH checks done as a result of this bill. Therefore, the impact to Other Funds revenue for the increase in criminal record checks fee is undetermined.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill requires that an individual must undergo a criminal background check conducted by SLED prior to each appointment as a guardian ad litem, pursuant to §63-3-810. Further, the cost of the background check is to be covered by the individual seeking to be appointed as the guardian ad litem. Additionally, this bill adds that upon appointment to a case, a guardian ad

litem must provide a copy of the criminal background check from SLED in the affidavit provided to the court.

Judicial and DCA anticipate that this bill will have no expenditure impact. Judicial states that this bill will not result in any additional actions or workload for family court. DCA indicates that it administers the Cass Elias McCarter Guardian ad Litem Program which manages volunteer guardians ad litem, not private guardians ad litem, and therefore, are not subject to the requirements of this bill.

SLED anticipates that any increase in workload due to the increase in requests for background checks can be managed within existing staff and appropriations. Therefore, this bill will have no expenditure impact on the agency. For information, SLED notes this bill will require the agency to run a name-based check, a SLED CATCH, rather than a more extensive, finger-print based background check.

State Revenue

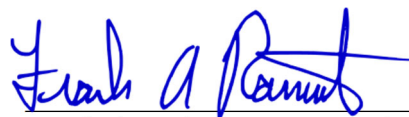
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Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director