



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

WWW.RFA.SC.GOV • (803)734-3793

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: S. 0901 Introduced on February 10, 2026
Subject: Equal Parenting Act
Requestor: Senate Judiciary
RFA Analyst(s): Boggs
Impact Date: March 19, 2026 - Updated for Additional Agency Response

Fiscal Impact Summary

This bill allows a party in a private action before the family court to file a motion to dispute the court's appointment of a guardian ad litem on the basis of misconduct by the appointed guardian ad litem and seek a new appointment by the court. Additionally, this bill requires guardians ad litem in a private action before the family court to pass a drug test administered by a certified laboratory approved by the court before appointment and annually thereafter during their term of service. The court is responsible for providing notice of the results of the drug test. The applicant or appointed private guardian ad litem is responsible for the cost of the drug test, unless waived by the court for financial hardship. Further, this bill adds language to reflect that an award of joint custody with equal or approximately equal parenting time is presumed to be in the child's best interest unless circumstances warrant modification of custody or parenting time.

Judicial anticipates this bill may result in an increase in expenses. While most of the requirements of this bill are within the normal course of business for the family court, Judicial notes that it is unclear who would bear the costs of the drug test for a guardian ad litem if a financial hardship waiver was granted. Also, it is unclear who would be responsible for filing the test results with the court, which current case management systems do not have the ability to do. If the bill results in a significant increase to expenses, Judicial will request an increase in General Fund appropriations.

The Department of Children's Advocacy (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.

The Department of Social Services (DSS) states that the agency does not manage private guardians ad litem, and therefore, not subject to the requirements of this bill.

This fiscal impact statement has been updated to include a response from DSS.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 19, 2026

Introduced on February 10, 2026

State Expenditure

This bill allows a party in a private action before the family court to file a motion to dispute the court's appointment of a guardian ad litem on the basis of misconduct by the appointed guardian ad litem and seek a new appointment by the court. Additionally, this bill requires guardians ad litem in a private action before the family court to pass a drug test administered by a certified laboratory approved by the court before appointment and annually thereafter during their term of service. The applicant or appointed private guardian ad litem is responsible for the cost of the drug test, unless waived by the court for financial hardship. A positive test result for an illegal controlled substance or a refusal to test is grounds for disqualification or removal from appointment. The court must provide notice of the test results and an opportunity for the individual to contest the findings through a hearing. This bill also states that the court has the discretion to allocate the fees and costs associated with the guardian ad litem based on the parties' financial circumstances and outlines the manner in which those are to be allocated, including circumstances where proceedings must be expedited to reduce financial burden. Additionally, this bill adds language to reflect that an award of joint custody with equal or approximately equal parenting time is presumed to be in the child's best interest unless circumstances warrant modification of custody or parenting time.

This bill may have an impact on expenses for Judicial. Judicial notes that while most of the requirements of this bill are within the normal course of business for the family court, it is unclear who would bear the costs of the drug test for a guardian ad litem if a financial hardship waiver was granted. Also, it is unclear who would be responsible for filing the test results with the court, which current case management systems do not have the ability to do. Depending upon how the costs for the drug test are paid when a financial hardship waiver is granted and how the drug test results are delivered and are entered into the case managed system will determine the increase in expenses for Judicial. If the bill results in a significant increase to expenses, Judicial will request an increase in General Fund appropriations.

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.

DSS states that the agency does not manage private guardians ad litem, and therefore, not subject to the requirements of this bill.

This fiscal impact statement has been updated to include a response from DSS.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director