**South Carolina General Assembly**

124th Session, 2021-2022

**A212, R240, S1025**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Hutto and Jackson

Document Path: l:\s-res\ks\049birt.kmm.ks.docx

Companion/Similar bill(s): 4834

Introduced in the Senate on January 27, 2022

Introduced in the House on March 29, 2022

Last Amended on May 12, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 23, 2022, Signed

Summary: Birth certificate, certified copy

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2022 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h:\sj\20220127.docx))

1/27/2022 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 3](file:///h:\sj\20220127.docx))

3/3/2022 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 14](file:///h:\sj\20220303.docx))

3/4/2022 Scrivener's error corrected

3/16/2022 Senate Read second time ([Senate Journal‑page 13](file:///h:\sj\20220316.docx))

3/16/2022 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 13](file:///h:\sj\20220316.docx))

3/17/2022 Senate Read third time and sent to House ([Senate Journal‑page 12](file:///h:\sj\20220317.docx))

3/29/2022 House Introduced and read first time ([House Journal‑page 38](file:///h:\hj\20220329.docx))

3/29/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 38](file:///h:\hj\20220329.docx))

5/3/2022 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 77](file:///h:\hj\20220503.docx))

5/5/2022 House Debate adjourned ([House Journal‑page 90](file:///h:\hj\20220505.docx))

5/10/2022 House Amended ([House Journal‑page 19](file:///h:\hj\20220510.docx))

5/10/2022 House Read second time ([House Journal‑page 19](file:///h:\hj\20220510.docx))

5/10/2022 House Roll call Yeas‑100 Nays‑1 ([House Journal‑page 45](file:///h:\hj\20220510.docx))

5/11/2022 House Read third time and returned to Senate with amendments ([House Journal‑page 6](file:///h:\hj\20220511.docx))

5/11/2022 Senate Non‑concurrence in House amendment ([Senate Journal‑page 180](file:///h:\sj\20220511.docx))

5/11/2022 House House insists upon amendment and conference committee appointed Reps.  B Newton, Jordan, Bernstein ([House Journal‑page 290](file:///h:\hj\20220511.docx))

5/12/2022 Senate Conference committee appointed Shealy, Hutto, Jackson ([Senate Journal‑page 31](file:///h:\sj\20220512.docx))

5/12/2022 House Conference report received and adopted ([House Journal‑page 192](file:///h:\hj\20220512.docx))

5/12/2022 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 194](file:///h:\hj\20220512.docx))

5/12/2022 Senate Conference report received and adopted ([Senate Journal‑page 30](file:///h:\sj\20220512.docx))

5/12/2022 Senate Ordered enrolled for ratification ([Senate Journal‑page 33](file:///h:\sj\20220512.docx))

5/18/2022 Ratified R 240

5/23/2022 Signed By Governor

6/1/2022 Effective date 05/23/22

6/1/2022 Act No.  212

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**VERSIONS OF THIS BILL**

[1/27/2022](file:///p:\pprever\2021-22\1025_20220127.docx)

[3/3/2022](file:///p:\pprever\2021-22\1025_20220303.docx)

[3/4/2022](file:///p:\pprever\2021-22\1025_20220304.docx)

[5/3/2022](file:///p:\pprever\2021-22\1025_20220503.docx)

[5/10/2022](file:///p:\pprever\2021-22\1025_20220510.docx)

[5/12/2022](file:///p:\pprever\2021-22\1025_20220512.docx)

(A212, R240, S1025)

**AN ACT TO AMEND SECTION 44‑63‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES, SO AS TO EXPAND THE DEFINITION OF LEGAL REPRESENTATIVE AND TO ALTER THE PROCESS FOR OBTAINING BIRTH CERTIFICATES.**

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

**Original birth certificates, certified copies**

SECTION 1. Section 44‑63‑80 of the 1976 Code is amended to read:

“Section 44‑63‑80. (A) Except as otherwise provided, certified copies of the original birth certificate or any new or amendatory certificate, exclusive of that portion containing confidential information, must be issued only by the state registrar and only to the registrant, if of legal age, his parent or guardian, or other legal representative, and upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The registrar shall include a copy of the pamphlet ‘South Carolina Family Respect’, as provided in Section 20‑1‑720, when it mails or sends the certified copy of the birth certificate. However, the certified copy of the birth certificate may not disclose the name of the father in any illegitimate birth unless the name of the father is entered on the certificate pursuant to Section 44‑63‑163 or Section 44‑63‑165.

(B) For purposes of this section and obtaining a birth certificate, the term ‘other legal representative’ shall include:

(1) a person or agency that has current legal custody of a registrant by any currently effective order of a court of competent jurisdiction, including a temporary order;

(2) the Department of Social Services for any individual or registrant in foster care or its legal custody;

(3) a caregiver, including a kinship caregiver, providing care to a child pursuant to any currently effective order of a court of competent jurisdiction, including a temporary order;

(4) an attorney representing the registrant or, if the parent is listed on the registrant’s birth certificate, the registrant’s parent;

(5) subject to the department’s verification process, on behalf of a homeless child or youth served by them:

(a)a director or designee of a South Carolina governmental agency or a nonprofit organization registered with the South Carolina Secretary of State’s Office that receives public or private funding to provide services to the homeless; and

(b) a South Carolina school district’s McKinney‑Vento liaison for homeless children or youth.

(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of Health and Environmental Control and the Department of Social Services, and no copies of court orders or other third‑party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.

(D) When one hundred years have elapsed after the date of birth, these records must be made available in photographic or other suitable format for public viewing.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 18th day of May, 2022.

Approved the 23rd day of May, 2022.

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