

## Session 122 - (2017-2018)

**H\*3538 (Rat #0058, Act #0036 of 2017) General Bill, By J.E. Smith**

**Similar (S 0291)**

**Summary:** Persons with Disabilities Right to Parent Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PERSONS WITH DISABILITIES RIGHT TO PARENT ACT" BY ADDING CHAPTER 21 TO TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, LAW ENFORCEMENT, AND THE FAMILY AND PROBATE COURTS, AMONG OTHERS, TO PROTECT THE PARENTING RIGHTS OF PERSONS WITH A DISABILITY BY ESTABLISHING CERTAIN REQUIREMENTS AND SAFEGUARDS APPLICABLE IN CHILD CUSTODY, CHILD PROTECTION, AND PROBATE GUARDIANSHIP PROCEEDINGS TO ENSURE THAT PERSONS WITH DISABILITIES ARE NOT DENIED THE RIGHT TO PARENT OR TO HAVE CUSTODY OF OR VISITATION WITH A CHILD BECAUSE OF THE DISABILITY; AND TO PROHIBIT CHILD PLACING AGENCIES AND ADOPTION SERVICE PROVIDERS FROM DENYING PERSONS WITH A DISABILITY THE RIGHT TO ACCESS SERVICES BECAUSE OF THE PERSON'S DISABILITY, WITH EXCEPTIONS; TO AMEND SECTION 63-7-720, RELATING TO REASONABLE EFFORTS REQUIREMENTS FOR PROBABLE CAUSE HEARINGS, SO AS TO REQUIRE CERTAIN EFFORTS IF A PARENT OR LEGAL GUARDIAN HAS A DISABILITY, TO INCLUDE REFERRALS FOR SERVICES PROVIDING INSTRUCTION ON ADAPTIVE PARENTING TECHNIQUES AND OTHER REASONABLE ACCOMMODATIONS WITH REGARD TO ACCESSING SERVICES; TO AMEND SECTION 63-7-1640, AS AMENDED, RELATING TO FAMILY COURT DETERMINATIONS WHETHER TO REQUIRE REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY WHEN THE PARENT OR LEGAL GUARDIAN HAS A DISABILITY, SO AS TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO PRESERVE OR REUNIFY THE FAMILY; TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO PROHIBIT TERMINATION OF PARENTAL RIGHTS SOLELY ON THE BASIS OF A DISABILITY. - ratified title

01/19/17	House	Introduced and read first time (House Journal-page 6)
01/19/17	House	Referred to Committee on Judiciary (House Journal-page 6)
03/22/17	House	Committee report: Favorable Judiciary (House Journal-page 48)
03/23/17	House	Read second time (House Journal-page 45)
03/23/17	House	Roll call Yeas-103 Nays-0 (House Journal-page 46)
03/23/17	House	Unanimous consent for third reading on next legislative day (House Journal-page 47)
03/24/17	House	Read third time and sent to Senate (House Journal-page 2)
03/29/17	Senate	Introduced and read first time (Senate Journal-page 11)
03/29/17	Senate	Referred to Committee on General (Senate Journal-page 11)
04/27/17	Senate	Committee report: Favorable General (Senate Journal-page 51)
05/03/17	Senate	Read second time (Senate Journal-page 32)
05/03/17	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 32)
05/04/17	Senate	Read third time and enrolled (Senate Journal-page 15)
05/09/17		Ratified R 58
05/10/17		Signed By Governor
05/17/17		Effective date 05/10/17
05/18/17		Act No. 36