**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3712**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Funderburk

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Introduced in the House on March 11, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Joint custody of minor children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/11/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-11-09.docx)‑14

3/11/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\03-11-09.docx)‑14

**VERSIONS OF THIS BILL**

[3/11/2009](file:///p:\pprever\2009-10\3712_20090311.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑15‑15 SO AS TO DEFINE JOINT CUSTODY OF MINOR CHILDREN FOR PURPOSES OF SEPARATION AND DIVORCE.

Whereas, the General Assembly finds that:

(1) Both the mother and the father of a child are endowed with the same inalienable, natural rights to parent, nurture, and raise their minor children.

(2) Joint custody is a viable option for parents and the courts of South Carolina to select for custody arrangements for minor children.

(3) Many parents throughout South Carolina have joint custody of their minor children.

(4) The best interests of children are often served by joint custody, and therefore, in appropriate cases, parents should be encouraged to co‑parent their minor children and to cooperate as much as practicable in caring for their minor children.

(5) A clear definition of joint custody is desirable and necessary. Now, therefore,

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

SECTION 1. Article 1, Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Section 63‑15‑15. Joint custody is a custodial arrangement where both the mother and the father equally share the legal custody and physical custody of a minor child such that each parent begins with equal care-giving time with the minor child in any manner or fashion determined to meet the child’s needs and best interests. Even if one parent in a joint custody arrangement is designated as primary caregiver and the other parent is designated as secondary caregiver, each parent has equal weight and voice concerning the minor child that must be considered by the other parent before making major decisions regarding the minor child’s educational, extracurricular, athletic, medical, spiritual, and emotional wellbeing. Visitation is not involved in joint custody.”

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

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