**South Carolina General Assembly**

120th Session, 2013-2014

**S. 371**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Bright, Turner, L. Martin, Peeler, Bennett, Fair, Hembree and Cromer

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Companion/Similar bill(s): 3464

Introduced in the Senate on February 12, 2013

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

Summary: Child custody

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/12/2013 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2013\02-12-13.docx))

2/12/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2013\02-12-13.docx))

4/12/2013 Senate Referred to Subcommittee: Sheheen (ch), Corbin, McElveen, Shealy, Thurmond

**VERSIONS OF THIS BILL**

[2/12/2013](file:///p:\pprever\2013-14\371_20130212.docx)

**A** **BILL**

TO AMEND SECTION 63‑7‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

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

SECTION 1. Section 63‑7‑730 of the 1976 Code is amended to read:

“Section 63‑7‑730. (A) If the court ~~orders the child to remain in the legal custody of the department at the probable cause hearing~~ finds at the probable cause hearing that the department made reasonable efforts to prevent removal of the child and that continuation of the child in the home would be contrary to the welfare of the child, the ~~family~~ court may order expedited placement of the child with a grandparent or other relative of the first or second degree. In making this expedited placement decision, the court shall consider the totality of the circumstances including, but not limited to, the individual’s suitability, fitness, and willingness to serve as a placement for the child. The court shall require the department to check the names of all adults in the home against the Central Registry of Child Abuse and Neglect, other relevant records of the department, county sex abuse registers, and records for the preceding five years of law enforcement agencies in the jurisdiction in which the person resides and, to the extent reasonably possible, jurisdictions in which the person has resided during that period. The court may hold open the record of the probable cause hearing for up to twenty‑four hours to receive ~~the~~ these reports ~~and based on these reports and other information introduced at the probable cause hearing, the court may order expedited placement of the child in the home of the relative~~. Nothing in this section precludes the department from requesting or the court from ordering pursuant to the department’s request either a full study of the individual’s home before placement or the licensing or approval of the individual’s home before placement.

(B) If the court orders expedited placement of the child with a grandparent or other relative of the first or second degree, the individual must be added as a party to the action for the duration of the case or until further order of the court.”

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

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