**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3121**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 10, 2017

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

Summary: Child support

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 80](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 80](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3121&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3121_20161215.docx)

**A** **BILL**

TO AMEND SECTION 63‑17‑400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE OF AN ARREST WARRANT FOR FAILURE TO PAY CHILD SUPPORT, SO AS TO PROHIBIT SERVICE AT THE PERSON’S PLACE OF EMPLOYMENT, WITH EXCEPTIONS, AND TO PROHIBIT AN EMPLOYER FROM DISCHARGING OR TAKING OTHER DISCIPLINARY ACTION AGAINST AN EMPLOYEE WHO IS SERVED WITH AN ARREST WARRANT, OR IS DETAINED OR ARRESTED, FOR FAILURE TO PAY CHILD SUPPORT; AND TO AMEND SECTION 63‑17‑490, RELATING TO THE REQUIREMENT FOR CERTAIN NONCUSTODIAL PARENTS VIOLATING CHILD SUPPORT ORDERS TO PARTICIPATE IN AN EMPLOYMENT TRAINING PROGRAM OR PUBLIC SERVICE EMPLOYMENT, SO AS TO ENABLE A NONCUSTODIAL PARENT WHO IS DETAINED OR IMPRISONED FOR FAILURE TO PARTICIPATE IN SUCH A PROGRAM OR EMPLOYMENT TO BE RELEASED UPON DEMONSTRATING THE WILLINGNESS TO PARTICIPATE.

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

SECTION 1. Section 63‑17‑400 of the 1976 Code is amended to read:

“Section 63‑17‑400. (A) When a petition is presented to the court and it shall appear that:

(1) the summons or rule to show cause cannot be served; or

(2) the respondent has failed to obey the summons or rule to show cause; or

(3) the respondent is likely to leave the jurisdiction; or

(4) a summons or rule to show cause would be ineffectual; or

(5) the safety of the petitioner is endangered; or

(6) a respondent on bond or on probation has failed to appear, the court may issue a warrant, in the form prescribed in Section 63‑17‑410, directing that the respondent be arrested and brought before the court.

(B) Warrants and other processes may be served by any peace officer, or by the probation counselor. The court shall make rules relative to the service of warrants. Warrants issued by the court shall be valid throughout the State. The judge may issue ex parte orders for temporary child support, temporary custody and restraining orders where conditions warrant. A warrant or other process issued pursuant to this subsection may not be served on a respondent at the respondent’s place of employment, unless it is not possible or reasonable to serve the respondent at home or another location. To authorize service of the warrant or other process at the person’s place of employment, the court order must state the reason that service at the person’s home or another location is not possible or reasonable.

(C) An employer is prohibited from discharging, refusing to employ, or taking other disciplinary action against a person because of:

(1) issuance of a summons or rule to show cause for failure to pay child support; or

(2) the service of an arrest warrant or other process on, or the detention or arrest of, a person for the failure to pay child support.”

SECTION 2. Section 63‑17‑490 of the 1976 Code is amended to read:

“Section 63‑17‑490. Notwithstanding any other provision of law, a court or administrative order for child support or order for contempt for nonpayment of child support being enforced under Title IV‑D of the Social Security Act may direct a noncustodial parent who is unemployed or underemployed and who is the parent of a child receiving ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families benefits to participate in an employment training program or public service employment. Upon failure of the noncustodial parent to comply with an order of contempt which directed the noncustodial parent to participate in the employment training program or public service employment, the Family Court, upon receiving an affidavit of noncompliance from the department, immediately may issue a bench warrant for the arrest of the noncustodial parent. A noncustodial parent who is detained or imprisoned for violating the requirements of this section is entitled to be released as soon as the noncustodial parent demonstrates a willingness to participate in the employment training program or public service employment. The Department of Social Services shall promulgate regulations governing the eligibility criteria and implementation of these training programs and public service employment.”

SECTION 3. This act takes effect upon approval by the Governor.

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