**South Carolina General Assembly**

126th Session, 2025-2026

**S. 540**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cash, Kimbrell, Kennedy, Leber, Reichenbach, Zell, Chaplin, Fernandez, Goldfinch, Blackmon, Adams, Corbin, Verdin, Gambrell, Garrett, Grooms, Rice, Campsen, Stubbs and Climer

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Introduced in the Senate on April 3, 2025

Currently residing in the Senate Committee on **Family and Veterans' Services**

Summary: Definition of child abuse

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/3/2025 Senate Introduced and read first time (Senate Journal‑page 5)

 4/3/2025 Senate Referred to Committee on **Family and Veterans' Services** (Senate Journal‑page 5)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=540&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/540_20250403.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑7‑20, RELATING TO DEFINITIONS, SO AS TO CLARIFY THAT RAISING A CHILD CONSISTENT WITH THE CHILD’S SEX DOES NOT CONSTITUTE CHILD ABUSE, NEGLECT, OR HARM.

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

SECTION 1. Section 63‑7‑20(6) of the S.C. Code is amended to read:

 (6)(A) “Child abuse or neglect” or “harm” occurs when:

 (a)(1) the parent, guardian, or other person responsible for the child's welfare:

 (i)(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

 (A)(i) is administered by a parent or person in loco parentis;

 (B)(ii) is perpetrated for the sole purpose of restraining or correcting the child;

 (C)(iii) is reasonable in manner and moderate in degree;

 (D)(iv) has not brought about permanent or lasting damage to the child; and

 (E)(v) is not reckless or grossly negligent behavior by the parents;

 (ii)(b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

 (iii)(c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter “adequate health care” includes any medical or nonmedical remedial health care permitted or authorized under state law;

 (iv)(d) abandons the child;

 (v)(e) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval;

 (vi)(f) commits or allows to be committed against the child female genital mutilation as defined in Section 16‑3‑2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

 (vii)(g) has committed abuse or neglect as described in subsubitems (i) through (vi) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect; or

 (b)(2) a child is a victim of trafficking in persons as defined in Section 16‑3‑2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

 (B) "Child abuse or neglect" or "harm" shall not be interpreted or construed to allow an adverse action against the parent, guardian, or other person responsible for the child's welfare who:

 (1) guides, instructs, or raises a child, or intends to guide, instruct, or raise a child, consistent with the child’s sex;

 (2) seeks out and consents to any lawful mental healthcare service for a child to assist the child in living consistent with the child’s sex; or

 (3) declines to consent to any physical or mental healthcare service for a child for the purpose of gender transition as defined in Section 44‑42‑310.

SECTION 2. Section 63‑15‑240 of the S.C. Code is amended to read:

 Section 63‑15‑240. (A) In issuing or modifying an order for custody affecting the rights and responsibilities of the parents, the order may include, but is not limited to:

 (1) the approval of a parenting plan;

 (2) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent;

 (3) the award of joint custody, in which case the order must include:

 (a) residential arrangements with each parent in accordance with the needs of each child; and

 (b) how consultations and communications between the parents will take place, generally and specifically, with regard to major decisions concerning the child's health, medical and dental care, education, extracurricular activities, and religious training;

 (4) other custody arrangements as the court may determine to be in the best interest of the child.

 (B) In issuing or modifying a custody order, the court must consider the best interest of the child, which may include, but is not limited to:

 (1) the temperament and developmental needs of the child;

 (2) the capacity and the disposition of the parents to understand and meet the needs of the child;

 (3) the preferences of each child;

 (4) the wishes of the parents as to custody;

 (5) the past and current interaction and relationship of the child with each parent, the child's siblings, and any other person, including a grandparent, who may significantly affect the best interest of the child;

 (6) the actions of each parent to encourage the continuing parent‑child relationship between the child and the other parent, as is appropriate, including compliance with court orders;

 (7) the manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute;

 (8) any effort by one parent to disparage the other parent in front of the child;

 (9) the ability of each parent to be actively involved in the life of the child;

 (10) the child's adjustment to his or her home, school, and community environments;

 (11) the stability of the child's existing and proposed residences;

 (12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, must not be determinative of custody unless the proposed custodial arrangement is not in the best interest of the child;

 (13) the child's cultural and spiritual background;

 (14) whether the child or a sibling of the child has been abused or neglected;

 (15) whether one parent has perpetrated domestic violence or child abuse or the effect on the child of the actions of an abuser if any domestic violence has occurred between the parents or between a parent and another individual or between the parent and the child;

 (16) whether one parent has relocated more than one hundred miles from the child's primary residence in the past year, unless the parent relocated for safety reasons; and

 (17) other factors as the court considers necessary.

 (C) In issuing or modifying a custody order, a court shall not consider the following actions by a parent to be contrary to the best interests of the child’s safety, health and welfare:

 (1) guiding, instructing, or raising a child, or intending to guide, instruct, or raise a child, consistent with the child’s sex;

 (2) seeking out and consenting to any lawful mental healthcare service for a child to assist the child in living consistent with the child’s sex; or

 (3) declining to consent to any physical or mental healthcare service for a child for the purpose of gender transition as defined in Section 44‑42‑310.

SECTION 3. Chapter 9, Title 63 of the S.C. Code is amended by adding:

Article 12

Protections for Adoption Agencies and Foster Care Providers and Adoptive and Foster Parents

 Section 63‑9‑2310. As used in this chapter:

 (A) “State government” means:

 (1) the State or a political subdivision of the State;

 (2) any agency of the State or of a political subdivision of the State, including a department, bureau, board, commission, council, or court;

 (3) any city, county, urban‑county government, charter county government, unified local government, consolidated local government, special district, or any combination thereof;

 (4) any person acting under color of state law; and

 (5) any private person suing under or attempting to enforce a law, rule, or regulation adopted by the State or a political subdivision of the State.

 (B) “Religious organization” means:

 (1) a house of worship, including, but not limited to, churches, synagogues, shrines, mosques, and temples;

 (2) a religious group, corporation, association, school or educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; and

 (3) an officer, owner, employee, manager, religious leader, clergy, or minister of an entity or organization described in this subsection.

 (C) “Adoption or foster care” means social services provided to or on behalf of children, including:

 (1) promoting foster parenting;

 (2) providing foster homes, residential care, group homes, or temporary group shelters for children;

 (3) recruiting foster parents;

 (4) placing children in foster homes;

 (5) licensing or certifying foster homes;

 (6) promoting adoption or recruiting adoptive parents;

 (7) assisting adoptions or supporting adoptive families;

 (8) performing or assisting home studies;

 (9) assisting kinship guardianships or kinship caregivers;

 (10) providing family preservation services;

 (11) providing family support services; and

 (12) providing temporary family reunification services.

 Section 63‑9‑2320. (A) The State government shall not take any discriminatory action against a person that advertises, provides, or facilitates adoption or foster care, wholly or partially on the basis that the person has provided or declined to provide any adoption or foster‑care service, or related service, based upon or in a manner consistent with a sincerely held religious belief.

 (B)(1) The State government shall not take any discriminatory action against a person to whom the State grants custody of a foster or adoptive child, or who seeks from the State custody of a foster or adoptive child, wholly or partially on the basis that the person:

 (a) guides, instructs, or raises a child, or intends to guide, instruct, or raise a child, based upon or in a manner consistent with a sincerely held religious belief;

 (b) guides, instructs, or raises a child, or intends to guide, instruct, or raise a child, consistent with the child’s sex;

 (c) seeks out and consents to any lawful mental healthcare service for a child to assist the child in living consistent with the child’s sex; or

 (d) declines to consent to any physical or mental healthcare service for a child for the purpose of gender transition as defined in Section 44‑42‑310.

 (2) The State may consider whether a person shares the same religion or faith tradition as a foster or adoptive child when considering placement of the child in order to prioritize placement with a person of the same religion or faith tradition.

 (C) The State government shall consider accredited, licensed, or certified any person that would otherwise be accredited, licensed, or certified, respectively, for any purposes under state law but for a determination against such person on the basis that the person believes, maintains policies and procedures, or acts in accordance with a sincerely held religious belief.

 (D) The State shall consider any person for a contract, grant, or agreement who would otherwise be considered for a contract, grant, or agreement but for a determination against such person on the basis that the person maintains policies and procedures, or acts in accordance with a sincerely held religious belief.

 Section 63‑9‑2330. (A) A person may assert a violation of this chapter as a claim against the State in any judicial or administrative proceeding or as a defense in any judicial or administrative proceeding without regard to whether the proceeding is brought by or in the name of the State, any private person, or any other party. Notwithstanding any other provision of law, an action under this act may be commenced, and relief may be granted, without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

 (B) Any person who successfully asserts a claim or defense under this act may recover declaratory relief; injunctive relief to prevent or remedy a violation of this act or the effects of such a violation; compensatory damages; reasonable attorneys’ fees and costs; and any other appropriate relief.

SECTION 4. This act takes effect upon approval by the Governor.

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