**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4620**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Robbins, Carter, Cobb-Hunter, Trantham, Pope, Guffey, Hartnett, Leber and Felder

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Introduced in the House on January 9, 2024

Currently residing in the House

Summary: Guardians ad Litem

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 101)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 101)

 1/10/2024 House Member(s) request name added as sponsor: Felder

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4620_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-3-820, RELATING TO QUALIFICATIONS TO SERVE AS A GUARDIAN AD LITEM IN PRIVATE FAMILY COURT CASES, SO AS TO REQUIRE A CRIMINAL HISTORY BACKGROUND CHECK TO SERVE AS A GUARDIAN AD LITEM.

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

SECTION 1. Section 63-3-820(B) and (D) of the S.C. Code is amended to read:

 Section 63-3-820. (B)(1) A person shall not be appointed as a guardian ad litem pursuant to Section 63-3-810 who has been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person; in Chapter 15 of Title 16, Offenses Against Morality and Decency; in Chapter 25 of Title 16, Criminal Domestic Violence; in Article 3 of Chapter 53 of Title 44, Narcotics and Controlled Substances; or convicted of the crime of contributing to the delinquency of a minor, provided for in Section 16-17-490.

 (2) A guardian ad litem appointed pursuant to Section 63-3-810 must undergo a criminal history background check conducted by the South Carolina Law Enforcement Division prior to each appointment as a guardian ad litem. Costs of conducting each criminal history background check must be borne by the individual seeking to be appointed as the guardian ad litem.

 (D) Upon appointment to a case, a guardian ad litem must provide an affidavit to the court and to the parties attesting to compliance with the statutory qualifications. The affidavit must include, but is not limited to, the following:

 (1) a statement affirming that the guardian ad litem has completed the training requirements provided for in subsection (A);

 (2) a statement affirming that the guardian ad litem has complied with the requirements of this section, including a statement that the person has not been convicted of a crime enumerated in subsection (B) and a copy of the criminal history background check from the South Carolina Law Enforcement Division obtained pursuant to subsection (B); and

 (3) a statement affirming that the guardian ad litem is not nor has ever been on the Department of Social Services Central Registry of Child Abuse and Neglect pursuant to Subarticle 13, Article 3, Chapter 7.

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

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