

## Session 124 - (2021-2022)

### H 5113 General Bill, By W. Cox and Henderson-Myers

**Summary:** Probate Code, Revisions to Article V

A BILL TO AMEND SECTION 62-5-101, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO ARTICLE 5, TITLE 62, SO AS TO REVISE THE DEFINITION OF "SUPPORTS AND ASSISTANCE"; TO AMEND SECTION 62-5-103, RELATING TO FACILITY OF PAYMENT OR DELIVERY, SO AS TO CLARIFY THE NATURE OF THE FIFTEEN THOUSAND DOLLAR THRESHOLD; TO AMEND SECTION 62-5-106, RELATING TO THE DUTIES OF GUARDIANS AD LITEM, SO AS TO PROVIDE THAT THE GUARDIAN AD LITEM MUST SUBMIT HIS REPORT TO THE COURT AT LEAST SEVENTY-TWO HOURS PRIOR TO THE HEARING; TO AMEND SECTION 62-5-108, RELATING TO EMERGENCY AND TEMPORARY ORDERS AND HEARINGS, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTIONS 62-5-303, 62-5-303A, 62-5-303B, 62-5-303C, AND 62-5-303D, ALL RELATING TO THE PROCEDURE FOR COURT APPOINTMENT OF A GUARDIAN, SO AS TO CLARIFY CERTAIN ASPECTS OF THE PROCESS; TO AMEND SECTION 62-5-307, RELATING TO INFORMAL REQUESTS FOR RELIEF, SO AS TO CLARIFY THE WARD'S ABILITY TO SUBMIT CERTAIN REQUESTS TO THE COURT; TO AMEND SECTION 62-5-401, RELATING TO THE VENUE FOR CERTAIN PROCEEDINGS, SO AS TO CLARIFY, AMONG OTHER THINGS, THAT, IN THE CASE OF MINOR CONSERVATORSHIPS, PROPER VENUE IS THE COUNTY IN WHICH THE MINOR RESIDES OR OWNS PROPERTY; TO AMEND SECTION 62-5-403A, RELATING TO THE SERVICE OF SUMMONS AND PETITION, SO AS TO INCLUDE CERTAIN OTHER AFFIDAVITS AND REPORTS AMONG THOSE THAT MUST BE FILED WITH THE PETITION; TO AMEND SECTION 62-5-403B, RELATING TO THE APPOINTMENT OF COUNSEL AND GUARDIAN AD LITEM, SO AS TO ALLOW THE COURT ALSO TO APPOINT NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, NURSES, AND PSYCHOLOGISTS TO SERVE AS EXAMINERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-403C, RELATING TO HEARINGS AND WAIVERS, SO AS TO REVISE, AMONG OTHER THINGS, CERTAIN PROCEDURES IF NO PARTY REQUESTS A HEARING OR IF THE ALLEGED INCAPACITATED INDIVIDUAL WAIVES HIS RIGHT TO A HEARING; TO AMEND SECTION 62-5-405, RELATING TO PROTECTIVE ARRANGEMENTS, SO AS TO REVISE CERTAIN ACTS THAT MAY BE PERFORMED BY CONSERVATORS AND SPECIAL CONSERVATORS; TO AMEND SECTION 62-5-422, RELATING TO THE POWERS OF CONSERVATORS IN ADMINISTRATION, SO AS TO MAKE CONFORMING CHANGES REGARDING THE PAYMENT OF CERTAIN FEES; TO AMEND SECTION 62-5-426, RELATING TO CLAIMS AGAINST PROTECTED PERSONS, SO AS TO REQUIRE, AMONG OTHER THINGS, THAT THE CLAIMANT ALSO MUST FILE A WRITTEN STATEMENT OF THE CLAIM WITH THE PROBATE COURT IN WHICH THE CONSERVATORSHIP IS UNDER ADMINISTRATION; TO AMEND SECTION 62-5-428, RELATING TO ACTIONS FOR REQUESTS SUBSEQUENT TO APPOINTMENT, SO AS TO REVISE CERTAIN ACTIONS THAT THE COURT MAY TAKE AFTER THE TIME FOR RESPONSE TO THE PETITION HAS ELAPSED TO ALL PARTIES SERVED; TO AMEND SECTION 62-5-433, RELATING TO DEFINITIONS AND PROCEDURES FOR SETTLEMENT OF CLAIMS IN FAVOR OF OR AGAINST MINORS OR INCAPACITATED PERSONS, SO AS TO, AMONG OTHER THINGS, DEFINE "GUARDIAN AD LITEM"; TO AMEND SECTION 62-5-715, RELATING TO CONFIRMATIONS OF GUARDIANSHIPS OR CONSERVATORSHIPS TRANSFERRED FROM OTHER STATES, SO AS TO ALLOW THE COURT MORE DISCRETION AS TO THE TYPE OF DOCUMENTS IT MAY REQUIRE IN THE TRANSFER OF A GUARDIANSHIP OR CONSERVATORSHIPS FROM ANOTHER JURISDICTION; AND TO AMEND SECTION 62-5-716, RELATING TO THE REGISTRATION OF ORDERS FROM ANOTHER STATE, SO AS TO, AMONG OTHER THINGS, ACKNOWLEDGE THAT IN CERTAIN OTHER JURISDICTIONS, A GUARDIAN MAY ALSO HOLD THE SAME POWERS AS A CONSERVATOR.

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| 03/10/22 | House  | Introduced and read first time (House Journal-page 103)                             |
| 03/10/22 | House  | Referred to Committee on Judiciary (House Journal-page 103)                         |
| 03/30/22 | House  | Committee report: Favorable Judiciary (House Journal-page 2)                        |
| 03/31/22 | House  | Member(s) request name added as sponsor: Henderson-Myers                            |
| 03/31/22 | House  | Read second time (House Journal-page 12)  |
| 03/31/22 | House  | Roll call Yeas-109 Nays-0 (House Journal-page 14)                                   |
| 03/31/22 | House  | Unanimous consent for third reading on next legislative day (House Journal-page 15) |
| 04/01/22 | House  | Read third time and sent to Senate (House Journal-page 2)                           |
| 04/05/22 | Senate | Introduced and read first time (Senate Journal-page 8)                              |
| 04/05/22 | Senate | Referred to Committee on Judiciary (Senate Journal-page 8)                          |