

Session 107 - (1987-1988)

H*3710 (Rat #0771, Act #0653 of 1988) General Bill, By Wilkins, D.M. Beasley, Fair and Hayes

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 20-7-1736 so as to provide for the use of fictitious names in adoption records; and to amend Section 20-7-420, relating to the jurisdiction of the Family Court in domestic matters, so as to provide for the court to hear and determine actions related to adoption as well as for adoption; Section 20-7-1650, relating to definitions pertaining to adoption, so as to delete the reference to the Children's Bureau and the definition of "legal age", revise the definitions of "child placing agency", "consent", and "relinquishment", and define "court"; Section 20-7-1670, relating to persons who may petition for adoption, so as to delete the requirement that specific findings of fact must exist for adoption by a nonresident, provide for the judicial determinations that must be made before a child is placed for adoption by a nonresident, and provide for a petition to be brought before birth or placement in an adoption by a nonresident, and provide for the requirements of the court order ruling on the petition, including specific findings of fact; Section 20-7-1680, relating to jurisdiction of adoption proceedings, so as to provide for the proceedings to be brought in the county in which the child is born; Section 20-7-1690, relating to consent or relinquishment for adoption, so as to revise the circumstances under which consent or relinquishment is required and under which costs may be assessed and payment made for the purpose of adoption; Section 20-7-1695, relating to persons from whom consent or relinquishment for adoption is not required, so as to delete the provisions for a parent who has been adjudged incompetent, provide for a parent who is unlikely to provide minimally acceptable care, provide for the appointment of a guardian ad litem for an incompetent parent, provide for the appointment of independent counsel for an indigent and incompetent parent which may be waived, and provide for relinquishment to a person facilitating the adoption; Section 20-7-1700, relating to the form and content of consent or relinquishment, so as to provide for it to specify whether counseling is needed or required and that there is no duress or coercion instead of no pressure and delete the requirement that it be freely given; Section 20-7-1705, relating to the signing of the consent or relinquishment, so as to change the reference to the Children's Bureau to the Department of Social Services, provide for the determinations which must be made for a consent or relinquishment obtained outside of this State to be valid in South Carolina, provide for signing of the certification to the document giving consent or relinquishment, and provide for consent or relinquishment to be given without duress or coercion instead of knowingly, intentionally, and freely; Section 20-7-1730, relating to the filing of the adoption petition, consent or relinquishment, and postplacement investigation, so as to revise the requirements as to which reports and documents must be filed at the time the adoption petition is filed, unless good cause is shown; Section 20-7-1732, relating to the appointment of a guardian ad litem, so as to delete the requirement that the appointment must occur after the filing of the adoption petition, provide for appointment before a hearing on the adoption or related matters, and provide for service of the petition upon the adoptee; Section 20-7-1734, relating to notice of adoption proceedings, so as to require the filing of the reasons for contesting, intervening, or otherwise responding to an adoption; Section 20-7-1740, as amended, relating to adoption investigations and reports, so as to revise the requirements in a preplacement and postplacement investigation and provide for updating of the preplacement investigation report before the placement of the child instead of one year from the initial report and every six months; Section 20-7-1750, relating to certification of persons who conduct investigations or obtain certain consents or relinquishments for adoption, so as to change the references to Children's Bureau to Department of Social Services; Section 20-7-1760, relating to final adoption hearings, so as to provide for extending or shortening the time of the hearing for a special needs child and for the court to modify the time of the hearing even when the petitioner has had custody of the adoptee for ninety days; Section 20-7-1775, relating to disbursements by or on behalf of the adoption petitioner, so as to provide for an accounting of expenses incurred or fees for services rendered; and Section 20-7-1780, as amended, relating to the confidentiality of hearings and records, so as to provide for the Section to apply to files and records maintained by any person certified by the Department of Social Services; Section 20-7-1820, as amended, relating to the adoption of a spouse's child and a child related by blood or marriage, so as to provide for the court to waive the requirement of the appointment of independent counsel; and Section 16-3-1060, relating to the compensation for the relinquishment of a child for adoption, so as to prohibit the selling or buying of a minor child and the receiving or paying of any thing of value for relinquishment and provide for the circumstances under which costs may be assessed; and to provide for adoption proceedings in progress and not completed before this Act's effective date to be carried to conclusion pursuant to the provisions as they existed before amendment, unless the proceedings are revised to conform and to define "proceedings in progress".-amended title

02/09/88 House Introduced and read first time HJ-989

02/09/88 House Referred to Committee on Judiciary HJ-991

03/02/88 House Committee report: Favorable with amendment Judiciary HJ-1684

03/08/88 House Amended HJ-1818

03/08/88 House Read second time HJ-1818

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| 03/09/88 | House | Read third time and sent to Senate HJ-1841 |
| 03/10/88 | Senate | Introduced and read first time SJ-29 |
| 03/10/88 | Senate | Referred to Committee on Judiciary SJ-29 |
| 05/25/88 | Senate | Committee report: Favorable with amendment Judiciary SJ-35 |
| 05/26/88 | Senate | Read second time SJ-68 |
| 05/26/88 | Senate | Ordered to third reading with notice of amendments SJ-68 |
| 05/31/88 | Senate | Amended SJ-51 |
| 05/31/88 | Senate | Read third time SJ-57 |
| 05/31/88 | Senate | Returned SJ-57 |
| 06/01/88 | House | Concurred in Senate amendment and enrolled HJ-4473 |
| 06/02/88 | | Ratified R 771 |
| 06/07/88 | | Signed By Governor |
| 06/07/88 | | Effective date 06/07/88 |
| 06/07/88 | | Act No. 653 |
| 06/07/88 | | See act for exception to or explanation of effective date |
| 06/16/88 | | Copies available |