

## Session 121 - (2015-2016)

### H 3989 General Bill, By J.E. Smith, Bernstein, Pitts, Horne, McCoy, Thayer, McEachern and Hicks

#### Summary: Persons with Disabilities Right to Parent Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "PERSONS WITH DISABILITIES RIGHT TO PARENT ACT" BY ADDING CHAPTER 21 TO TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, LAW ENFORCEMENT, AND THE FAMILY AND PROBATE COURTS, AMONG OTHERS, TO PROTECT THE PARENTING RIGHTS OF PERSONS WITH A DISABILITY BY ESTABLISHING CERTAIN REQUIREMENTS AND SAFEGUARDS APPLICABLE IN CHILD CUSTODY, CHILD PROTECTION, AND PROBATE GUARDIANSHIP PROCEEDINGS TO ENSURE THAT PERSONS WITH DISABILITIES ARE NOT DENIED THE RIGHT TO PARENT OR TO HAVE CUSTODY OF OR VISITATION WITH A CHILD BECAUSE OF THE DISABILITY; TO PROHIBIT CHILD PLACING AGENCIES, ADOPTION SERVICE PROVIDERS, AND ASSISTED REPRODUCTIVE TECHNOLOGY SERVICE PROVIDERS FROM DENYING PERSONS WITH A DISABILITY THE RIGHT TO ACCESS SERVICES BECAUSE OF THE PERSON'S DISABILITY, WITH EXCEPTIONS; BY ADDING SECTION 62-1-510 SO AS TO REQUIRE ASSESSMENTS AND EVALUATIONS OF CERTAIN PERSONS WITH A DISABILITY IN PROBATE COURT PROCEEDINGS, AND TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO ENABLE THE PERSON TO PARENT A CHILD ADEQUATELY; BY ADDING SECTIONS 63-7-1695, 63-7-2575, AND 63-15-270 SO AS TO REQUIRE ASSESSMENTS AND EVALUATIONS OF CERTAIN PERSONS WITH A DISABILITY IN FAMILY COURT PROCEEDINGS TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO ENABLE THE PERSON TO PARENT A CHILD ADEQUATELY; TO AMEND SECTION 63-7-720, RELATING TO REASONABLE EFFORTS REQUIREMENTS FOR PROBABLE CAUSE HEARINGS, SO AS TO REQUIRE SERVICES FOR PARENTS AND LEGAL GUARDIANS WITH A DISABILITY TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO AVOID REMOVAL OF THE CHILD; AND TO AMEND SECTION 63-7-1640, AS AMENDED, RELATING TO FAMILY COURT DETERMINATIONS WHETHER TO REQUIRE REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY WHEN THE PARENT OR LEGAL GUARDIAN HAS A DISABILITY, SO AS TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO PRESERVE OR REUNIFY THE FAMILY; AND FOR OTHER PURPOSES.

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| 04/16/15 | House  | Introduced and read first time (House Journal-page 12)                        |
| 04/16/15 | House  | Referred to Committee on Judiciary (House Journal-page 12)                    |
| 04/21/15 | House  | Member(s) request name added as sponsor: Pitts                                |
| 02/09/16 | House  | Member(s) request name added as sponsor: Horne                                |
| 02/25/16 | House  | Member(s) request name added as sponsor: McCoy, Thayer, McEachern, Hicks      |
| 03/03/16 | House  | Committee report: Favorable Judiciary (House Journal-page 2)                  |
| 03/08/16 | House  | Read second time (House Journal-page 22)                                      |
| 03/08/16 | House  | Roll call Yeas-99 Nays-0 (House Journal-page 23)                              |
| 03/08/16 |        | Scrivener's error corrected   |
| 03/09/16 | House  | Read third time and sent to Senate (House Journal-page 9)                     |
| 03/10/16 | Senate | Introduced and read first time (Senate Journal-page 6)                        |
| 03/10/16 | Senate | Referred to Committee on Judiciary (Senate Journal-page 6)                    |
| 04/26/16 | Senate | Referred to Subcommittee: Coleman (ch), Shealy, Turner                        |
| 05/24/16 | Senate | Committee report: Favorable with amendment Judiciary (Senate Journal-page 11) |
| 05/25/16 |        | Scrivener's error corrected   |
| 06/01/16 | Senate | Committee Amendment Amended and Adopted (Senate Journal-page 52)              |
| 06/02/16 |        | Scrivener's error corrected   |