**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4766**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Sellers

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Introduced in the House on March 23, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Becca's Law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/23/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-23-10.docx)‑34

3/23/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-23-10.docx)‑34

**VERSIONS OF THIS BILL**

[3/23/2010](file:///p:\pprever\2009-10\4766_20100323.docx)

**A** **BILL**

TO ENACT “BECCA’S LAW”, TO AMEND SECTION 63‑9‑340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXECUTING A CONSENT OR RELINQUISHMENT FOR THE PURPOSE OF ADOPTION, SO AS TO PROVIDE THAT A MOTHER OR A FATHER MUST NOT EXECUTE A CONSENT OR RELINQUISHMENT UNTIL FIFTEEN DAYS AFTER THE CHILD IS BORN.

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

SECTION 1. This act may be cited as “Becca’s Law”.

SECTION 2. Section 63‑9‑340 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑9‑340. (A) The sworn document provided for in Section 63‑9‑330, which gives consent or relinquishment for the purpose of adoption, must be signed in the presence of two witnesses one of whom must be one of the following:

(1) a judge of any family court in this State;

(2) an attorney licensed to practice law in South Carolina who does not represent the prospective adoption petitioners;

(3) a person certified by the State Department of Social Services, pursuant to Section 63‑9‑360, to obtain consents or relinquishments;

(4) when the consent or relinquishment is obtained outside of this State, by an attorney licensed to practice law in that state, by a person designated by an agency of that state, by a person or agency authorized by that state’s law to obtain consents or relinquishments or to conduct investigations for adoptions, or by a qualified resident of that state authorized by a South Carolina family court. When a consent or relinquishment is obtained outside of this State, it may be accepted as valid in this State, provided the court determines:

(a) the consent or relinquishment complies with the laws of the state where it is obtained; and

(b) the relinquishing party or agency is domiciled in that state at the time of the signing of the consent or relinquishment; or

(c) the content of the consent or relinquishment is in substantial compliance with the intent of Section 63‑9‑330(A).

(B) The mother and the father, if he is required to execute a consent or relinquishment pursuant to Section 63‑9‑310, must not execute a consent or relinquishment for the purpose of adoption until fifteen days after the birth of the child.

(C) The persons who witness the signing of the sworn document, as provided for in subsection (A) of this section shall attach to the document written certification signed by each witness that before the signing of the document, the provisions of the document were discussed with the person giving consent or relinquishment, and that based on this discussion, it is each witness’ opinion that consent or relinquishment is being given voluntarily and that it is not being obtained under duress or through coercion.

~~(C)~~(D) A copy of the document must be delivered to the person giving the consent or relinquishment at the time of the signing of the document.”

SECTION 3. This act takes effect July 1, 2010.

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