**South Carolina General Assembly**

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**S. 594**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Shealy, McElveen and Hutto

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**HISTORY OF LEGISLATIVE ACTIONS**

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3/2/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](h:\sj\20230302.docx))

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**VERSIONS OF THIS BILL**

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/594_20230302.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑7‑20, RELATING TO TERMS DEFINED IN THE CHILDREN’S CODE, SO AS TO CHANGE THE DEFINITION OF “ABANDONMENT OF A CHILD”; BY AMENDING SECTION 63‑7‑40, RELATING TO INFANT SAFE HAVENS, SO AS TO ALLOW THE PERMANENCY PLANNING HEARING AND TERMINATION OF PARENTAL RIGHTS HEARING TO OCCUR IN THE SAME PROCEEDING, WITH EXCEPTIONS; BY AMENDING SECTION 63‑9‑30, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA ADOPTION ACT, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS CHILD”; BY AMENDING SECTION 63‑9‑320, RELATING TO PERSONS WHOSE CONSENT TO ADOPTION IS NOT REQUIRED, SO AS TO INCLUDE THE PARENT OF AN infant voluntarily left with a safe haven AND the parent of an ABANDONED CHILD; BY AMENDING SECTIONS 63‑9‑510 AND 63‑9‑520, RELATING TO TEMPORARY PLACEMENT AND CUSTODY OF ADOPTEES AND ADOPTION INVESTIGATIONS AND REPORTS, RESPECTIVELY, SO AS TO AUTHORIZE THE COURT TO WAIVE THE REQUIREMENT FOR CERTAIN PREPLACEMENT REPORTS AND ANY POSTPLACEMENT INVESTIGATION AND REPORT; AND BY AMENDING section 63‑9‑750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY‑DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

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

SECTION 1. Section 63‑7‑20(1) of the S.C. Code is amended to read:

(1) “Abandonment of a child” means a parent or guardian wilfully deserts a child or wilfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child conduct of a parent or guardian, while being able, of making no significant contribution to the child’s care and maintenance or failing to establish or maintain a substantial and positive relationship with the child, which conduct is sufficient to evince an intent to reject parental responsibilities. If, in the opinion of the court, the efforts of such parent, guardian, or other person responsible for the child’s welfare are only marginal or incidental efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned.

SECTION 2. Section 63‑7‑40(E) and (F) of the S.C. Code is amended to read:

(E)(1) Within forty‑eight hours after taking legal custody of the infant, the department shall publish notice, in a newspaper of general circulation in the area where the safe haven that initially took the infant is located, and send a news release to broadcast and print media in the area. The notice and the news release must state the circumstances under which the infant was left at the safe haven, a description of the infant, and the date, time, and place of the permanency planning and termination of parental rights hearing provided for in subsection (E)(2). The notice and the news release must also state that any person wishing to assert parental rights in regard to the infant must do so at the hearing. If the person leaving the infant identified anyone as being a parent of the infant, the notice must be sent by certified mail to the last known address of the person identified as a parent at least two weeks prior to the hearing.

(2) Within forty‑eight hours after obtaining legal custody of the infant, the department shall file a petition for permanency planning alleging that the infant has been abandoned, that the court should dispense with reasonable efforts to preserve or reunify the family, that continuation of keeping the infant in the home of the parent or parents would be contrary to the welfare of the infant, and that termination of parental rights is in the best interest of the infant. The department shall file concurrently with the petition for permanency planning a petition for termination of parental rights pursuant to Section 63‑7‑2570 based on abandonment and any other applicable ground. A hearing on the petition both petitions must be held no earlier than thirty and no later than sixty days after the department takes legal custody of the infant. Unless a person wishing to assert parental rights does so at the hearing, this hearing is shall serve as the permanency planning hearing and termination of parental rights hearing for the infant. If the court approves the permanent plan of termination of parental rights and issues an order forever terminating parental rights to the infant, the order must also must provide that a petition for termination of parental rights on the grounds of abandonment must be filed within ten days after receipt of the order by the department shall submit a plan for permanent placement of the infant within thirty days of the close of the proceedings to the court and to the infant’s guardian ad litem and otherwise comply with the requirements of Section 63‑7‑2580(A). If a person asserts parental rights to the infant as the hearing and the court approves a permanent plan of termination of parental rights and adoption, the court shall schedule a hearing on the petition to terminate parental rights no later than thirty days after the close of the permanency planning hearing. An order issued pursuant to this item is final and any appeal must be filed within fifteen days of service of the order.

(F) The In any judicial proceeding in which the abuse or neglect of an infant is an issue, the act of voluntarily leaving an infant with a safe haven pursuant to this section is conclusive evidence that the infant has been abused or neglected for purposes of Department of Social Services’ jurisdiction and for evidentiary purposes in any judicial proceeding in which abuse or neglect of an infant is an issue. It The act of voluntarily leaving an infant with a safe haven pursuant to this section is also conclusive evidence that the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.

SECTION 3. Section 63‑9‑30(10) of the S.C. Code is amended to read:

(10) “Special needs child” means children who fall into one or more of the following categories:

(a) children who are members of a sibling group;

(b) children of mixed racial heritage historically marginalized ethnic background, except for purposes of Section 63‑9‑60(B);

(c) children aged six or older; or

(d) children with physical, mental, or emotional disabilities.

SECTION 4. Section 63‑9‑320(A)(3) of the S.C. Code is amended to read:

(3) the biological parent of a child conceived as a result of that parent's criminal sexual conduct or incest as found by a court of competent jurisdiction unless, with respect to a conviction for criminal sexual conduct, the sentencing court makes specific findings on the record that the conviction resulted from consensual sexual conduct where neither the victim nor the actor were younger than fourteen years of age nor older than eighteen years of age at the time of the offense;

(4) a parent of an infant who voluntarily left the infant with a safe haven pursuant to Section 63‑7‑40 or a parent of a child who abandoned the child as the term “abandoned” is defined in Section 63‑7‑20.

SECTION 5. Section 63‑9‑510 of the S.C. Code is amended to read:

Section 63‑9‑510. Once a petitioner has received the adoptee into his home and a petition for adoption has been filed, the petitioner has temporary custody of the adoptee and is responsible for the care, maintenance, and support of the adoptee, including necessary medical or surgical treatment, except as provided in Article 7. Unless waived by the court, a postplacement investigation and report of this investigation pursuant to Section 63‑9‑520 must be completed before the final hearing. Unless the adoptee is removed pursuant to Subarticle 3, Article 3, Chapter 7, when adoptive parents have received the adoptee into their home for the purpose of adoption but no petition has been filed pursuant to Section 63‑9‑710, the child‑placing agency shall secure an order from the family court before removal of the child from the adoptive parents. At the hearing the burden of proof is on the child‑placing agency to prove that continued placement with the adoptive family is not in the adoptee's best interest.

SECTION 6. Section 63‑9‑520(A)(1)(b) and (2) before the lettered subitems of the S.C. Code is amended to read:

(b) if the waiting period for an adoptive placement exceeds one year from the date the preplacement investigation report is completed, the report must be updated before the placement of a child for the purpose of adoption to determine any change in circumstances; provided, the court in its discretion may waive the requirement for an updated preplacement investigation report;

(2) A postplacement investigation and report of this investigation must be completed after the filing of the adoption petition; provided, the court in its discretion may waive the requirement for a postplacement investigation and report. Copies of this report must be provided to the adoption petitioner and must be filed with the court at the final hearing on the adoption provided for in Section 63‑9‑750. A postplacement investigation and report of this investigation must:

SECTION 7. Section 63‑9‑750(A) of the S.C. Code is amended to read:

(A) The final hearing on the adoption petition must not be held before ninety days and no later than six months after the filing of the adoption petition. In the case of a special needs child, the hearing must not be held before ninety days and be held no later than twelve months after the filing of the adoption petition. In its discretion, upon good cause shown, the court may extend, or in the case of a special needs child extend or shorten the time within which the final hearing on the adoption petition may be held.

SECTION 8. This act takes effect upon approval by the Governor.

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