

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2024 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/26	2/23	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates.....1

EXECUTIVE ORDERS

Executive Order No. 2024-03 Authorizing Leave with Pay Due to Severe Weather.....4
Executive Order No. 2024-04 Appointing Abbeville County Treasurer.....5

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Certificate of Need6

REVENUE AND FISCAL AFFAIRS OFFICE
Economic Advisors, Board of
Non-Economic Medical Malpractice Damages Limitation – Inflation Component.....7
Punitive Damage Award Limitation – Inflation Component7
Economic Research Division
Bankruptcy Property Exemption – Inflation Component.....7

FINAL REGULATIONS

SOCIAL SERVICES, DEPARTMENT OF
Document No. 5145 Child Support Guidelines.....9

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5145	SR48-2		Child Support Guidelines	01/13/2024	Dept of Social Services	Regs and Admin Procedures	Judiciary
5175			Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111			Campaign Practices and Reports	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5112			Contested Case Procedure	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5113			General	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5115			Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5114			Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5180			Definitions	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5182			Unclassified Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5179			License Requirement for Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5181			Day Programs for Persons with Intellectual Disability	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5183		Article 5, Sewerage Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5177		Article 3, Electric Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5191		Solid Waste Management Regulation (Solar Projects)	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs	
5168		Article 8, Practice and Procedure	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5176		Displaying the Flag	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5184		Article 7, Water Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5195		R.45-4, Certification of Program Instructions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5196		R.45-5, Ballot Envelopes and Fold Over Ballot Cards	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5197		R.45-6, Defective Ballot Cards	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5192		R.45-1, Definitions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5193		R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5198		R.45-7, Ballot Cards, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5194		R.45-3, Tabulating Center Personnel	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5199		R.45-9, Write-in-Ballots, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5204		R.45-10, Retention and Disposition of Certain Voting Records	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5224		R.45-8, Defective and Duplicate Ballot Cards, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5222		Criteria for Entry into Programs of Special Education for Students with Disabilities	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5223		Operation of Public Student Transportation Services	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5178		Article 4, Gas Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5200		Statement of Policy; Applying for a Permit; General Guidelines for All Critical Areas; and Specific Project Standards for Beaches and the Beach/Dune System	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources	
5221		Billing Accounts	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5227		License Plates	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5228		Self-Insurers	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5226		Transportation of Radioactive Waste Into or Within South Carolina	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Labor, Commerce and Industry	
5210		Borrower's Preference Re Attorney and Insurance	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	
5215		Home Improvement Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	
5216		Insurance and Fidelity Bond Protection	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

5217	Investment of Surpluses	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5219	Limitations and Restrictions on Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5207	Mobile Home Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5208	Notice of Intention to Withdraw Shares	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5209	Participation in RFC Loans	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5213	Servicemen's Readjustment Act	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5201	Emergency Election Procedures	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5202	Poll Worker Training; Candidate Withdrawals	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5203	Procedures for Electronic Petitions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5205	Reports to State Election Commission by County Boards of Voter Registrations and Elections	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5225	Retention and Storage of Election Records and Election Equipment	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5249	Additional Regulations Applicable to Specific Properties	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5250	Rules and Regulations Governing the Issuance of Deer Depredation Permits	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5251	Wildlife Management Area Regulations	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5229	Family Day Care Homes	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5231	Residential Group Care Facilities for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5232	Wilderness Therapeutic Camps for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5190	Parking Regulations	05/08/2024	Dept of Mental Health	Regs and Admin Procedures	Medical Affairs
5240	Pharmacy Benefits Managers	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5258	Recordkeeping	05/08/2024	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
5236	Compensation for the Occupational Health and Safety Review Board	05/08/2024	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
5257	State Board of Pharmacy	05/08/2024	LLR-State Board of Pharmacy	Regs and Admin Procedures	Medical Affairs
5247	Board of Podiatry Examiners	05/08/2024	LLR-Board of Podiatry Examiners	Regs and Admin Procedures	Medical Affairs
5235	Board of Physical Therapy Examiners	05/08/2024	LLR-Board of Physical Therapy Examiners	Regs and Admin Procedures	Medical Affairs
5256	State Board of Examiners in Psychology	05/08/2024	LLR-State Board of Ex. in Psychology	Regs and Admin Procedures	Medical Affairs
5253	Real Estate Commission	05/08/2024	LLR-Real Estate Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5238	Real Estate Commission (Residential Property Condition Disclosure Statement Form)	05/08/2024	LLR-Real Estate Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5243	Fee Schedule for the Building Codes Council	05/08/2024	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5252	State Board of Social Work Examiners	05/08/2024	LLR-State Board of Social Work Exam.	Regs and Admin Procedures	Family and Veterans' Services
5237	Board of Examiners in Speech/Language Pathology and Audiology	05/08/2024	LLR-Ex. in Speech/Language Path & Aud	Regs and Admin Procedures	Medical Affairs
5233	Fee Schedule for the Board of Medical Examiners	05/08/2024	LLR	Regs and Admin Procedures	Medical Affairs
5248	Building Codes Council	05/08/2024	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5254	South Carolina Board of Chiropractic Examiners	05/08/2024	LLR-SC Board of Chiropractic Examiners	Regs and Admin Procedures	Medical Affairs
5244	State Licensing Board for Contractors	05/08/2024	LLR-State Licensing Board for Contractors	Regs and Admin Procedures	Labor, Commerce and Industry
5255	Office of Elevators and Amusement Rides	05/08/2024	LLR-Off of Elev and Amusement Rides	Regs and Admin Procedures	Labor, Commerce and Industry
5246	Professional Land Surveyor Licensure Requirements	05/08/2024	LLR-SC State Board of Registration for Prof Engineers and Land Surveyors	Regs and Admin Procedures	Labor, Commerce and Industry
5245	Environmental Certification Board	05/08/2024	LLR-SC Environmental Certification Board	Regs and Admin Procedures	Labor, Commerce and Industry
5187	Quorum	05/08/2024	LLR-State Board of Reg for Foresters	Regs and Admin Procedures	Fish, Game and Forestry
5234	Athletic Trainers	05/08/2024	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5241	Pharmacy Services Administrative Organizations	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5259	Turkey Hunting Rules and Seasons	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5260	Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5263	Pesticide	01/21/2025	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5266	Payment of Compensation	02/04/2025	SC Workers' Compensation Commission	Regs and Admin Procedures	Judiciary

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

Committee Request Withdrawal
5136 Certification of Need for Health Facilities and Services Tolloed Dept of Health and Envir Control Regs and Admin Procedures Medical Affairs

4 EXECUTIVE ORDERS

Executive Order No. 2024-03

WHEREAS, on December 17, 2023, certain portions of the State of South Carolina experienced severe weather, including significant rainfall, high winds, localized flooding, and one (1) confirmed tornado, as well as other hazardous conditions, as a result of a dangerous storm system that impacted the East Coast; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in Horry County followed the county government's decision to operate on an abbreviated schedule and delay opening until 10:00 a.m. on Monday, December 18, 2023, to ensure the safety of employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that "whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions."

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Authorization of Leave with Pay Due to Severe Weather

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following county and on the following date:

December 18, 2023:

Abbreviated Schedule: Horry County (opened at 10:00 a.m.).

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures without the need for further Orders.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 29th DAY OF JANUARY, 2024.

**HENRY MCMASTER
Governor**

Executive Order No. 2024-04

WHEREAS, the undersigned has been notified that there presently exists a vacancy in the office of Treasurer of Abbeville County due to the resignation of Betty Cowan, effective December 31, 2023; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Raphael Coleman, of Abbeville, South Carolina, is a fit and proper person to serve as Treasurer of Abbeville County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Raphael Coleman to serve as Treasurer of Abbeville County until a successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF FEBRUARY, 2024.

**HENRY MCMASTER
Governor**

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **February 23, 2024**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

The Department did not receive any new applications for filing.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **February 23, 2024**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Chesterfield County

McLeod Health Cheraw

Construction of a new 30,000 sf hospital for the replacement of the current McLeod Health Cheraw hospital with a decrease in beds to 29 acute care beds and 6 ICU beds for a total of 35 hospital beds at a total project cost of \$45,170,000.00.

Affecting Florence County

Open Heart Health Care, LLC d/b/a Open Heart Home Health

Establishment of a Home Health Agency in Florence County at a total project cost of \$11,550.00.

Affecting Horry County

Open Heart Health Care, LLC d/b/a Open Heart Home Health

Establishment of a Home Health Agency in Horry County at a total project cost of \$11,550.00.

Affecting Lexington County

Three Rivers Behavioral Health, LLC d/b/a Three Rivers Behavioral Health

Addition of 7 psychiatric beds for a total of 119 psychiatric beds at a total project cost of \$38,792.52.

Affecting Williamsburg County

Open Heart Health Care, LLC d/b/a Open Heart Home Health

Establishment of a Home Health Agency in Williamsburg County at a total project cost of \$11,550.00.

**REVENUE AND FISCAL AFFAIRS OFFICE
BOARD OF ECONOMIC ADVISORS**

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to South Carolina Code of Laws, Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor, Bureau of Labor Statistics as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year of 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2023, the index increased by 61.2 percent from a value of 190.3 in December 2004 to 306.746 in December 2023. With this inflation factor, the limit against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered increases to \$564,168. Also, the limit against all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims increases to \$1,692,503. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the State Register, pursuant to South Carolina Code of Laws, Section 1-23-40(2).

**REVENUE AND FISCAL AFFAIRS OFFICE
BOARD OF ECONOMIC ADVISORS**

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on punitive damages awarded to each claimant that is entitled to an award. Pursuant to South Carolina Code of Laws, Section 15-32-530(D), the limit on these awards is adjusted each calendar year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor, Bureau of Labor Statistics as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year of 2010. The 2010 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2023, the index increased by 40.0 percent from a value of 219.179 in December 2010 to 306.746 in December 2023. With this inflation factor, the limit increases to \$699,761. The adjusted limitation on an award for punitive damages becomes effective upon publication in the State Register pursuant to South Carolina Code of Laws, Section 1-23-40(2).

**REVENUE AND FISCAL AFFAIRS OFFICE
ECONOMIC RESEARCH DIVISION**

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the change in the maximum value of property of a debtor domiciled in this state that is exempt from attachment, level and sales. Pursuant to the South Carolina Code of Laws, Section 15-41-30(B), biannually, each dollar amount in Section 15-41-30(A)(1) through (14), will be adjusted by the change in the Southeastern Consumer Price Index, All Urban Consumers, as published by the U.S. Department of Labor Statistics, for the most recent year ending immediately before January first preceding July first. This adjustment will become effective on July first of each even-numbered year. We computed the change in the index as the change in the average value of the index for the period from January 1, 2023, through December 31, 2023, compared to the average value of the index for the period from January 1, 2006, through December 31, 2006. This percentage change was 52.2 percent. Each dollar amount has been rounded to the nearest \$25 as required by law. The table below represents dollar value that will take effect as of July 1, 2024.

8 NOTICES

Section 15-41-30. Property Exempt from Attachment, Levy, and Sales.

Subsection	Amount Specified as of May 22, 2008	Adjusted for Inflation
1	\$50,000	\$76,125
	\$100,000	\$152,250
2	\$5,000	\$7,600
3	\$4,000	\$6,100
4	\$1,000	\$1,525
5	\$5,000	\$7,600
6	\$1,500	\$2,275
7	\$5,000	\$7,600
8	Unspecified	
9	\$4,000	\$6,100
10	Unspecified	
11	Unspecified	
12	Unspecified	
13	Unspecified	
14	Unspecified	
15	\$3,000	

Document No. 5145

DEPARTMENT OF SOCIAL SERVICES**CHAPTER 114**

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56

- 114-4710. Use of the Guidelines.
- 114-4720. Determination of Child Support Awards.
- 114-4730. Unusual Custody Arrangements.
- 114-4740. Periodic Review.
- 114-4750. Child Support Guidelines Schedule and Worksheets.

Synopsis:

The Department of Social Services is required to perform a quadrennial review of Regulation 114-4710 through 114-4750, known as the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following proposed regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the judiciary and Court Administration. Issues covered include the update, and expansion, of the support table and charts themselves, correction of clerical mistakes, imputation of income to incarcerated individuals, imputation of income to unemployed or underemployed individuals, factors the court may consider for the verification of income, amending the current self support reserve amount to reflect changes in economic factors, adding a paragraph to define extraordinary medical expenses, modification of terminology concerning health insurance, adding emphasis to existing language in regard to child care costs, revision of the adjustment to child care costs for qualified tax credits, and an enhancement of the language concerning the application of the Worksheet C in shared parenting arrangements. The issues concerning incarceration, imputation of income, verification of income, and modification of terminology concerning health insurance were prompted by the 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule as they relate to 45 CFR §302.56.

Section-by-Section Discussion:

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| 114-4710, A., A.1., A.2. | There were no changes to this section, which covers the general application of the Guidelines and addresses the minimum support obligation. |
| 114-4710, A.3. | The combined household income covered by the tables has been increased from \$360,000 per year to \$480,000 per year. |
| 114-4710, B., B.1.-B.12. | There were no changes to this section, which delineate circumstances under which the court may deem it appropriate to deviate from the Guidelines. |
| 114-4720, A., A.1., A.2., A.3. | There were no changes to this section, which covers definitions used within the Guidelines and defines "Gross Income." |
| 114-4720, A.4. | A clerical mistake has been corrected to remove "of" and replace it with "or." |
| 114-4720, A.5. | Wording was added here to ensure compliance with the Federal Office of Child Support Enforcement (FOCSE) as it relates to a prohibition of imputing wages to an incarcerated individual pursuant to 45 CFR §302.56(c)(3). |
| 114-4720, A.5.A. | There were no changes to this section. |
| 114-4720, A.5.B. | These changes, which delineate the factors the court may use when imputing income to a parent is unemployed or underemployed, |

10 FINAL REGULATIONS

- 114-4720, A.6. provide an increased number of factors for consideration and mirrors 45 CFR §302.56(c)(1)(iii).
Oral testimony has been added as a method in which the court may verify income. While this method of verification is used throughout South Carolina, it has not been previously enumerated within the Guidelines.
- 114-4720, A.7. – A.10.
114-4720, A.11. There were no changes to these sections.
The self support reserve amount was revised to reflect the increased cost of living and increased federal poverty line that has occurred since the last review of the Guidelines.
- 114-4720, A.12. The term “insurance” has been replaced with “coverage” to allow for inclusion of public health plans and assistance as envisioned by 45 CFR §302.56(c)(2). The term “parent” was replaced with “party.” Clarification was added to clearly explain how the Guidelines incorporate the first \$250.00 per child per year of uninsured medical expenses. The term “orthodontia” and “professional counseling” were removed to allow the court to make a determination of “reasonable and necessary unreimbursed medical expenses.”
- 114-4720, A.13. (new) This section has been added and is entitled “Extraordinary Medical Expenses.” The Child Support Worksheets include a “line item” for extraordinary medical expenses; however, there is no definition, or explanation, of the term in the existing Guidelines. The new section defines and describes examples of extraordinary medical expenses while leaving the determination for the same with the court.
- 114-4720, A.14. (former A.13.) This section was formerly 11-4720, A13; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. This section was modified to emphasize that child care from an unlicensed provider may be considered by the court. The section was also modified in regard to the adjustment for tax credits as there have been changes to the Tax Code since the last review of the Guidelines. A clerical mistake has been corrected by removing the numeral “1” that was erroneously included in the fourth (4th) sentence of section. The term “day care” has been replaced with “child care.”
- 114-4720, A.15. (former A.14.) This section was formerly 11-4720, A14; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. There have been no changes other than the renumbering.
- 11-4730, A. The term “advisory and not compulsory” have been removed to allow the court to determine whether Worksheet C should be used in shared physical custody cases.
- 11-4730, A.1.-A.5. There were no changes to these sections.
- 11-4730, B. There were no changes to this section.
- 11-4740 There were no changes to this section.
- 11-4750 There were no changes to the language contained in this section or the worksheets referenced therein; however, the Guidelines Schedule referenced in the section has been revised to reflect the changes in economic factors and applicable Tax Codes. The revised Guidelines Schedule is available from the Child Support Services Division of the South Carolina Department of Social Services @ <https://dss.sc.gov/about/data-and-resources/child-support-proviso-3826/>

The Notice of Drafting was published in the *State Register* on April 22, 2022.

Instructions:

Please print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 47

CHILD SUPPORT GUIDELINES

(Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56)

114-4710. Use of the Guidelines.

A. The Child Support Guidelines are available to be used for temporary and permanent orders, actions for separate maintenance and support, divorce and child support awards. Additionally, the guidelines are to be used to assess the adequacy of agreements for support and encourage settlement of this issue between parties. The implementation date of these guidelines shall be January 1, 2024.

1. In any proceeding in which child support is an issue, the amount of the award which would result from the application of these guidelines is the amount of the child support to be awarded. However, a different amount may be awarded upon a showing that application of the guidelines is inappropriate. When the court orders a child support award that varies significantly from the amount resulting from the application of the guidelines, the court shall make specific, written findings of those facts upon which it bases its conclusion supporting that award.

2. In cases where the parents' combined monthly gross income is less than \$750.00, the guidelines provide for a case-by-case determination of child support, which should ordinarily be set at no less than \$100.00 per month. In those cases, the court should take care to award an amount of child support that would not jeopardize the ability of the parent with the legal obligation to pay support to live at a minimum level of subsistence. However, the guidelines encourage that a specific amount of child support always be ordered to establish in the payer's mind the principle of the parent's obligation to pay as well as lay the basis for increased/decreased orders if income changes in the future.

3. These guidelines provide for calculated amounts of child support for a combined parental gross income of up to \$40,000 per month, or \$480,000 per year. Where the combined gross income is higher, courts should determine child support awards on a case-by-case basis.

B. Deviation from the guidelines should be the exception rather than the rule. When the court deviates, it must make written findings that clearly state the nature and extent of the variation from the guidelines. These Child Support Guidelines do not take into account the economic impact of the following factors which can be possible reasons for deviation.

1. Educational expenses for the child(ren) or the spouse (i.e., those incurred for private, parochial, or trade schools, other secondary schools, or post-secondary education where there is tuition or related costs);

2. Equitable distribution of property;

3. Consumer debts;

4. Families with more than six children;

12 FINAL REGULATIONS

5. Unreimbursed extraordinary medical/dental expenses for either parent, or extraordinary travel expenses for court-ordered visitation;

6. Mandatory deduction of retirement pensions and union fees;

7. Child-related unreimbursed extraordinary medical expenses;

8. Monthly fixed payments imposed by court or operation of law;

9. Significant available income of the child(ren);

10. Substantial disparity of the parents' incomes;

11. Alimony. Because of their unique nature, lump sum, rehabilitative and reimbursement alimony may be considered by the court as a possible reason for deviation from these guidelines;

12. Agreements Reached Between Parties. The court may deviate from the guidelines based on an agreement between the parties if both parties are represented by counsel or if, upon a thorough examination of any party not represented by counsel, the court determines the party fully understands the agreement as to child support. The court still has the discretion and the independent duty to determine if the amount is reasonable and in the best interest of the child(ren).

114-4720. Determination of Child Support Awards.

A. Income

1. Definition

The guidelines define income as the actual gross income of the parent, if employed to full capacity, or potential income if unemployed or underemployed. Gross income is used in order to avoid contention over issues of deductibility which would otherwise arise if net income were used. The guidelines are based on the assumption that the parent with the legal obligation to pay support will have only one federal exemption and will have higher taxes than the parent to whom support is owed. Adjustments have been made in the Schedule of Basic Child Support Obligation for lower child support payments. Other factors included in the schedule are South Carolina taxes, FICA, and earned income.

2. Gross Income

Gross income includes income from any source including salaries, wages, commissions, royalties, bonuses, rents (less allowable business expenses), dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits (but not Supplemental Social Security Income), workers' compensation benefits, unemployment insurance benefits, Veterans' benefits and alimony, including alimony received as a result of another marriage and alimony which a party receives as a result of the current litigation. Unreported case income should also be included if it can be identified.

A. The court may also take into account assets available to generate income for child support. For example, the court may determine the reasonable earning potential of any asset at its market value and assess against it the current treasury bill interest rate or some other similar appropriate method of computing income.

B. In addition to determining potential earnings, the court should impute income to any non-income producing assets of either parent, if significant, other than a primary residence or personal property. Examples of such assets are vacation homes (if not maintained as rental property) and idle land. The current rate determined by the court is the rate at which income should be imputed to such nonperforming assets.

3. Gross income does not include:

A. Benefits received from means-tested public assistance programs, such as Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps and General Assistance;

B. Income derived by other household members; and/or

C. In-kind income; however, the court should count as income expense reimbursements or in-kind payments received by a parent from self-employment or operation of a business if they are significant and reduce personal living expenses, such as a company car, free housing, or reimbursed meals. With regard to military allotments, individuals not receiving Housing allotments should be imputed with the BAH-II amount for dependents. This differential is consistent and unrelated to the domicile location of the service member, as well as easily obtained.

4. Income from Self-Employment or Operation of a Business

For income from self-employment, proprietorship of a business, or ownership or a partnership or closely held corporation, gross income is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operation, including employer's share of FICA. However, the court should exclude from those expenses amounts allowed by the Internal Revenue Service for accelerated depreciation or investment tax credits for purposes of the guidelines and add those amounts back in to determine gross income. In general, the court should carefully review income and expenses from self-employment or operation of a business to determine actual levels of gross income available to the parent to satisfy a child support obligation. As may be apparent, this amount may differ from the determination of business income for tax purposes.

5. Potential Income

If the court finds that a parent is voluntarily unemployed or underemployed, it should calculate child support based on a determination of potential income which would otherwise ordinarily be available to the parent. A determination of willful or voluntary unemployment or underemployment shall not be made when an individual's incarceration prevents employment. If income is imputed to a parent to whom support is owed, the court may also impute reasonable day care expenses. Although Temporary Assistance to Needy Families (TANF) and other means-tested public assistance benefits are not included in gross income, income may be imputed to these recipients. However, the court may take into account the presence of young children or handicapped children who must be cared for by the parent, necessitating the parent's inability to work.

A. The court may also wish to factor in considerations of rehabilitative alimony in order to enable the parent to become employed.

B. In order to impute income to a parent who is unemployed or underemployed, the court should take into consideration the specific circumstances of the parent to the extent known, including such factors as the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earning level in the community, and other relevant factors in the case.

6. Income Verification

Ordinarily, the court will determine income from verified financial declarations required by the Family Court rules. However, in the absence of any financial declaration, or where the amounts reflected on the financial declaration may be an issue, the court may rely on suitable documentation of current earnings, preferably for at least one month, using such documents as pay stubs, employer statements, receipts and expenses if the parent is self-employed, and oral testimony provided under oath. Verification of current earnings, whether reflected on a

14 FINAL REGULATIONS

financial declaration or not, can be supported with copies of the most recent tax returns filed by the payer. Income can also be verified through the Employment Security Commission or through the State Department of Revenue.

7. Monthly Alimony (this action)

Any award of alimony between the parties should be taken into consideration by the court when utilizing these guidelines as a deduction from the payer spouse's gross income, and as gross income received by the recipient spouse. Because of their unique nature, lump sum, rehabilitative reimbursement, or any other alimony the court may award, may be considered by the court as a possible reason for deviation from these guidelines. The purpose of this adjustment is not to give priority to alimony or child support payments, but to recognize that each parent's proportional share of total combined monthly income changes with the introduction of any alimony award between the parties, and to provide for a sharing of the Total Combined Monthly Child Support Obligation based upon each parent's actual percentage share of the total combined monthly income, taking into consideration the financial impact of any alimony award between them, rather than the parent's share of the total combined monthly income as it existed before any alimony award. Accordingly, the court, in its discretion, may consider any modification or termination of any alimony award between the parties of a child support award made under these guidelines. This adjustment does not affect the Total Combined Monthly Child Support Obligation of both parents as determined under these guidelines, which may be determined before any determination on the issue of alimony, as the total combined monthly income of both parties will remain the same irrespective of any income shifting between the parents as the result of an alimony award.

8. Other Monthly Alimony or Child Support Paid

Any previous or existing court orders requiring the payment of child support, alimony, or both, should be protected by any subsequent child support order. Alimony actually paid as a result of another marriage or child support actually paid for the benefit of children other than those considered in this computation, to the extent such payment or payments are required by a previous or existing court order, should be deducted from gross income.

9. Other Children in the Home

Either parent shall receive credit for additional natural or adopted children living in the home, but not for step-children, unless a court order establishes a legal responsibility. Such credit shall be given whether or not such children are supported by a third party. The basis of this is to recognize the responsibility of the parent to whom support is owed and share in supporting those other children in the home just like that parent's responsibility and share to the child or children in the present calculation.

Using the income of the parent with the additional child(ren) in the home only, the basic child support obligation for the number of additional dependents living with that parent (from the Schedule of Basic Child Support Obligations) is determined for that parent. This figure is multiplied by .75 and the resulting credit is subtracted from that parent's gross income.

10. Basic Child Support Obligation

The court can determine the basic child support obligation using the Schedule of Basic Child Support Obligations. "Combined gross income" refers to the combined monthly gross incomes of the parents. Where combined gross income amounts fall between the amounts reflected in the Schedule of Basic Child Support Obligations, the court is encouraged to extrapolate upwardly to set the basic award. The number of children refers to that number for whom the parents share support responsibility and for whom support is being sought.

11. Self Support Reserve

A self support reserve allows a low-income parent with the legal duty to pay support to retain a minimal amount of income before being assessed a full percentage of child support. This insures that the parent with the legal duty to pay support has sufficient income available to maintain a minimum standard of living which does not affect negatively his or her earning capacity, incentive to continue working, and ability to provide for him or herself. These Guidelines incorporate a self support reserve of \$1,010.50 per month. In order to safeguard the self support reserve in cases where the income of the parent with the obligation to pay support and corresponding number of children fall within the shaded area of the Schedule of Basic Child Support Obligations, the support obligation must be calculated using the obligor's income only. To include the income of the parent to whom support is owed in the calculation of such cases, or include any adjustments like medical insurance or day care expense, would reduce the net income of the parent with the legal duty to pay support to an amount below the self support reserve.

12. Health Insurance

The court shall consider provisions for the children's health care needs through health care coverage and/or cash medical support. The court should require coverage by one or both parents who can obtain the most comprehensive coverage through an employer or otherwise, at the most reasonable cost. If either or both parents carry health care coverage for the child(ren) who is to receive support, the cost of the coverage should be added. If the employer provides some measure of coverage, only that amount actually paid by the employee or contributed by the employee should be added. This amount should be determined by the difference between self-only coverage and family coverage, or the cost of private medical insurance for the child. If the amounts for self-only and family coverage cannot be verified, the total cost of the premium should be divided by the total number of persons covered by the policy and then multiplied by the number of children in the support order. The party responsible for paying the health insurance premium will receive a credit. The guidelines are based on the assumption that the party to whom support is owed will pay up to \$250.00 per year per child in uninsured medical expenses. The Schedule of Basic Child Support Obligations includes \$250 per child per year for uninsured medical expenses such as co-pays, over-the-counter medicines and similar expenses. Reasonable and necessary unreimbursed medical expenses in excess of this \$250 per child per year shall be divided in pro rata percentages based on the proportional share of combined monthly adjusted gross income. The determination of "reasonable and necessary" would be at the discretion of the court.

13. Extraordinary Medical Expense

Medical expenses that incurred on a regular basis should be incorporated into the monthly support calculation for concurrent payment as opposed to reimbursement. The amount of such extraordinary medical expenses must be readily determinable and incurred regularly, as determined by the Court. Examples could include professional counseling and allergy treatments. Any such expenses classified as extraordinary should not be included in any reimbursement addressed above.

14. Child Care Costs

The cost of child care the parent incurs due to employment or the search for employment, net of the federal and state income tax credit for such child care, is to be added to the basic obligation. This is to encourage parents to work and generate income for themselves as well as their children. Child care costs must be reasonable, not to exceed the level required to provide high quality care for children from a licensed provider absent exceptional circumstances. As parents to whom support is owed may be eligible for qualified tax credits, the actual child care expense should be adjusted to recognize this credit. This adjustment may take place in two ways. In cases where the primary residential parent's gross income exceeds the thresholds listed below, the actual or allowed child care cost is multiplied by .27 to simulate the federal and state income tax credits. The lesser of the simulated amount and \$68.00 for one child and \$135 for two or more children is subtracted from the actual or allowed child care cost. It is entered as the adjusted amount on the appropriate line 6.c.

16 FINAL REGULATIONS

	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
Primary						
Residential						
Parent's Monthly Income	\$3,200	\$4,600	\$6,000	\$6,785	\$7,650	\$8,400

These thresholds are based upon the standard deduction for head-of-household, dependent exemptions, and the intricate application of the child care tax credit. While these will hold true in most cases, judges can always review child care costs with the actual credit method, below. The maximum amounts for the tax credits that can be subtracted from actual or allowed day care are based on the maximum qualifying child care expense according to federal and state tax code.

The other method would be to take the actual costs and subtract the actual value of the federal and state tax credit such as determined by the last filed IRS Form 2441 and SC 1040, Line 11. This adjusted amount would then be entered on line 6.c.

15. Computation of Child Support

The court can determine a total child support obligation by adding the basic child support obligation, health insurance premium (portion covering children), and work related child care costs.

A. The total child support obligation is divided between the parents in proportion to their income. Each parent's proportional share of combined adjusted gross income must be calculated. Compute the obligation of each parent by multiplying each parent's share of income by the total child support obligation, and give the necessary credit for adjustments to the basic combined child support obligation.

B. Although a monetary obligation is computed for each parent, the guidelines presume that the parent to whom support is owed will spend that parent's share directly on the child in that parent's custody. In cases of joint custody or split custody, where both parents have responsibility of the child for a substantial portion of the time, there are provisions for adjustments.

114-4730. Unusual Custody Arrangements.

A. Shared Parenting Arrangements

When both parents are deemed fit, and other relevant logistical circumstances apply, active participation in the life of the child(ren) by the parent without custody should be encouraged in order to ensure the maximum involvement by both parents in the life of the child(ren). The amount of visitation, however, is left to the discretion of the judge in consideration of the various factors of the Children's Code, as is the use of the calculation on Worksheet C. The court should consider each case individually before applying the adjustment to ensure that it does not produce a substantial negative effect on the child(ren)'s standard of living.

For the purpose of this section, shared physical custody means that each parent has court-ordered visitation with the children overnight for more than 109 overnights each year (30%) and that both parents contribute to the expenses of the child(ren) in addition to the payment of child support.

If a parent with shared physical custody does not exercise it as ordered by the court, the parent to whom support is owed may petition the court for a reversion to the level of support calculated under the guidelines without the shared parenting adjustment. The shared physical custody adjustment is an annual adjustment only and should

not be used when the proportion of overnights exceeds 30% for a shorter period, e.g., a month. For example, child support is not abated during a month-long summer visitation. This adjustment should be applied without regard to legal custody of the child(ren). Legal custody refers to decision-making authority with respect to the child(ren). If the 109 overnights threshold is reached for shared physical custody, this adjustment may be applied even if one parent has sole legal custody.

1. Child support for cases with shared physical custody shall be calculated using Worksheet C. This worksheet should be used only for shared physical custody as defined above.

2. The basic child support obligation shall be multiplied by 1.5 to arrive at a shared custody basic child support obligation. The shared custody basic child support obligation is apportioned to each parent according to his or her income. In turn, a child support obligation is computed for each parent by multiplying that parent's portion of the shared custody child support obligation by the percentage of time the child(ren) spend(s) with that parent. The respective basic child support obligations are then offset, with the parent owing more basic child support paying the difference between the two amounts, subject to the provisions below. The transfer for the basic obligation for the parent owing less basic child support shall be set at zero dollars.

3. If a parent has more than 109 overnights but less than 128 overnights, a graduated support obligation should be determined. The graduated support obligation reflects a transition between the full shared-physical custody obligation and the sole custody obligation, thus requiring the completion of both Worksheet A and Worksheet C. The sole custody amount is calculated from Worksheet A and the full shared-physical custody order is calculated from Worksheet C. The graduated support obligation is determined by subtracting an amount from the Worksheet A obligation. This amount is the difference between the worksheet A and worksheet C values, multiplied by the number of overnights more than 109 divided by the difference between 128 and 110 overnights. If positive, the graduated support obligation would then be treated as the basic child support obligation for that parent. Otherwise, it would be treated as the basic child support obligation for the other parent.

4. Adjustments for each parent's additional direct expenses on the child(ren) are made by adding child(ren)'s share of any reimbursed child health care expenses, work-related child care expenses and any other extraordinary expenses agreed to by the parents or ordered by the tribunal, less any extraordinary credits agreed to by the parent or ordered by the tribunal according to their income share. In turn, each parent's net share of additional direct expenses is determined by subtracting the parent's actual direct expenses on the child(ren)'s share of any unreimbursed child health care expenses, work-related child care expenses and any other extraordinary expenses agreed to by the parents or ordered by the tribunal from their share. The parent with a positive net share of additional direct expenses owes the other parent the amount of his or her net share of additional direct expenses. The parent with the zero or a negative net share of additional expenses owes zero dollars for additional direct expenses.

5. The final amount of the child support order is determined by summing what each parent owes for the basic support obligation and additional direct expenses as defined in subsections (2), (3) and (4) of this section. The respective sums are then offset, with the parent owing more paying the other parent the difference between the two amounts.

B. Split Custody

Split custody refers to custody arrangements where there are two or more children and each parent has physical custody of at least one child. Using these guidelines, the court should determine a theoretical support payment for the child or children in the custody of the other. In split custody arrangements the guidelines arrive at separate computations for the child or children residing with each parent. The obligations are then offset, with the parent owing the larger amount paying the difference to the other parent.

18 FINAL REGULATIONS

114-4740. Periodic Review.

Every three years, if there is an assignment under part A of Title IV of the Social Security Act, or upon the request of either parent where an assignment exists under part D of Title IV of the Social Security Act, the Department of Social Services shall with respect to a support order being enforced under this part, taking into account the best interests of the child involved, review and, if appropriate, adjust the order in accordance with the guidelines if the amount of child support award under the order differs from the amount that would be awarded in accordance with the guidelines. Adjustments to support orders can only be done for those with assignments under part A of Title IV of the Social Security Act or part D of Title IV of the Social Security Act, and must be done pursuant to Article 5 of Chapter 17 of the South Carolina Children's Code.

114-4750. Child Support Guidelines Schedule and Worksheets.

South Carolina Child Support Guidelines Schedule and worksheets are specifically incorporated into these regulations by reference. Copies of the Schedule and worksheets are on file with the Legislative Council and may also be obtained from the State Department of Social Services and local clerks of court offices.

Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 4710-4750.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Services Division to, "serve South Carolina by promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families." The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formula. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina. Further, these regulations have been updated to reflect changes in the cost of living, Tax code, as well as Federal requirements.