**South Carolina General Assembly**

118th Session, 2009-2010

**A37, R92, H3118**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kirsh, J.E. Smith, Funderburk, Weeks and Hutto

Document Path: l:\council\bills\nbd\11011ac09.docx

Companion/Similar bill(s): 434

Introduced in the House on January 13, 2009

Introduced in the Senate on April 30, 2009

Last Amended on April 29, 2009

Passed by the General Assembly on May 19, 2009

Governor's Action: June 2, 2009, Signed

Summary: Guardian ad litem

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2008 House Prefiled

 12/9/2008 House Referred to Committee on **Judiciary**

 1/13/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑54

 1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑55

 2/12/2009 House Member(s) request name added as sponsor: J.E.Smith

 3/31/2009 House Member(s) request name added as sponsor: Funderburk

 4/22/2009 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-22-09.docx)‑6

 4/23/2009 House Member(s) request name added as sponsor: Weeks

 4/28/2009 House Debate adjourned until Wednesday, April 29, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-28-09.docx)‑26

 4/29/2009 House Member(s) request name added as sponsor: Hutto

 4/29/2009 House Amended

 4/29/2009 House Read second time

 4/30/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑13

 4/30/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-30-09.docx)‑13

 4/30/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-30-09.docx)‑13

 5/4/2009 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

 5/13/2009 Senate Committee report: Favorable **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-13-09.docx)‑13

 5/14/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-14-09.docx)‑28

 5/19/2009 Senate Read third time and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-19-09.docx)‑18

 5/27/2009 Ratified R 92

 6/2/2009 Signed By Governor

 6/11/2009 Effective date 06/02/09

 6/12/2009 Act No. 37

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p%3A%5Cpprever%5C2009-10%5C3118_20081209.docx)

[4/22/2009](file:///p%3A%5Cpprever%5C2009-10%5C3118_20090422.docx)

[4/29/2009](file:///p%3A%5Cpprever%5C2009-10%5C3118_20090429.docx)

[5/13/2009](file:///p%3A%5Cpprever%5C2009-10%5C3118_20090513.docx)

(A37, R92, H3118)

**AN ACT TO AMEND SECTION 63‑11‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, OR A COUNTY GUARDIAN AD LITEM PROGRAM, HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE VOLUNTEER GUARDIAN AD LITEM REMOVED AND TO SPECIFY GROUNDS FOR REMOVAL; AND TO AMEND SECTION 63‑11‑550, RELATING TO CONFIDENTIALITY OF REPORTS AND INFORMATION MAINTAINED BY THE GUARDIAN AD LITEM PROGRAM, SO AS TO ALSO PROVIDE THAT REPORTS AND INFORMATION MAINTAINED BY A GUARDIAN AD LITEM IS CONFIDENTIAL.**

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

**Grounds for removal of a volunteer guardian ad litem**

SECTION 1. Section 63‑11‑530(A) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

 “(A)(1) The guardian ad litem is charged in general with the duty of representation of the child’s best interests. After appointment by the family court to a case involving an abused or neglected child, the guardian ad litem shall receive appropriate notice of all court hearings and proceedings regarding the child. The obligation of the guardian ad litem to the court is a continuing one and continues until formally relieved by the court.

 (2) The South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 63‑11‑500, whichever is appropriate, may intervene in an abuse or neglect proceeding in order to petition the court to relieve the volunteer, lay guardian ad litem from appointment for the following reasons:

 (a) incapacity;

 (b) conflict of interest;

 (c) misconduct;

 (d) persistent neglect of duties;

 (e) incompetence; or

 (f) a knowing and wilful violation of program policies and procedures that affect the health, safety, and welfare of the child.

 (3) The court shall determine what is in the best interest of the child when ruling on the petition.”

**Confidentiality of reports and information**

SECTION 2. Section 63‑11‑550(A) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

 “(A) All reports and information collected pursuant to this article maintained by the South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 63‑11‑500(B) or by a guardian ad litem, are confidential except as provided for in Section 63‑7‑1990(C). A person who disseminates or permits the unauthorized dissemination of the information is guilty of contempt of court and, upon conviction, may be fined or imprisoned, or both, pursuant to Section 63‑3‑620.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

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