**South Carolina General Assembly**

118th Session, 2009-2010

**S. 434**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Fair and L. Martin

Document Path: l:\council\bills\nbd\11258ac09.docx

Companion/Similar bill(s): 3118

Introduced in the Senate on February 18, 2009

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

Summary: Guardian ad Litem Program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/18/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-18-09.docx)‑3

2/18/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\02-18-09.docx)‑3

1/20/2010 Senate Referred to Subcommittee: Campbell (ch), Knotts, Campsen, Lourie

**VERSIONS OF THIS BILL**

[2/18/2009](file:///p:\pprever\2009-10\434_20090218.docx)

**A** **BILL**

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 HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE GUARDIAN AD LITEM REMOVED IF THE GUARDIAN AD LITEM IS NOT IN COMPLIANCE WITH STATE LAW OR IS NOT ACTING IN THE BEST INTEREST OF THE CHILD; 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:

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 may intervene in an abuse or neglect proceeding in order to petition the court to relieve a guardian ad litem from appointment when, in the program’s opinion, the guardian ad litem is violating the provisions of this subarticle or is, otherwise, acting contrary to the best interests of the child.”

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.”

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

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