**South Carolina General Assembly**

118th Session, 2009-2010

**A267, R342, S981**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Rose and Knotts

Document Path: l:\council\bills\nbd\11608ac10.docx

Companion/Similar bill(s): 1044, 3165, 3412

Introduced in the Senate on January 12, 2010

Introduced in the House on May 12, 2010

Last Amended on June 3, 2010

Passed by the General Assembly on June 15, 2010

Governor's Action: June 24, 2010, Signed

Summary: Grandparents visitation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2009 Senate Prefiled

 12/9/2009 Senate Referred to Committee on **Judiciary**

 1/12/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-12-10.docx)‑44

 1/12/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-12-10.docx)‑44

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

 2/17/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C02-17-10.docx)‑13

 4/22/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑43

 4/22/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑43

 5/12/2010 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-12-10.docx)‑19

 5/12/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-12-10.docx)‑78

 5/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-12-10.docx)‑78

 5/19/2010 House Recalled from Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-19-10.docx)‑46

 5/25/2010 House Debate adjourned until Wednesday, May 26, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-25-10.docx)‑41

 5/26/2010 House Debate adjourned [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑17

 5/26/2010 House Debate adjourned until Thursday, May 27, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑19

 5/27/2010 House Amended

 5/27/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-27-10.docx)‑35

 5/27/2010 House Roll call Yeas‑96 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-27-10.docx)‑35

 5/27/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-27-10.docx)‑37

 5/28/2010 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-28-10.docx)‑1

 6/3/2010 Senate House amendment amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-03-10.docx)‑55

 6/3/2010 Senate Returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-03-10.docx)‑55

 6/15/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑106

 6/15/2010 House Roll call Yeas‑112 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑106

 6/21/2010 Ratified R 342

 6/24/2010 Signed By Governor

 7/1/2010 Effective date 06/24/10

 7/8/2010 Act No. 267

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p%3A%5Cpprever%5C2009-10%5C981_20091209.docx)

[2/17/2010](file:///p%3A%5Cpprever%5C2009-10%5C981_20100217.docx)

[4/22/2010](file:///p%3A%5Cpprever%5C2009-10%5C981_20100422.docx)

[5/19/2010](file:///p%3A%5Cpprever%5C2009-10%5C981_20100519.docx)

[5/27/2010](file:///p%3A%5Cpprever%5C2009-10%5C981_20100527.docx)

[6/3/2010](file:///p%3A%5Cpprever%5C2009-10%5C981_20100603.docx)

(A267, R342, S981)

**AN ACT TO AMEND SECTION 63‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD’S PARENTS ARE UNREASONABLY DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND HAVE DENIED VISITATION FOR MORE THAN NINETY DAYS, THAT THE GRANDPARENT MAINTAINED A RELATIONSHIP WITH THE CHILD SIMILAR TO A PARENT‑CHILD RELATIONSHIP, THAT AWARDING VISITATION WOULD NOT INTERFERE WITH THE PARENT‑CHILD RELATIONSHIP, AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD’S BEST INTEREST; TO AUTHORIZE THE JUDGE TO AWARD ATTORNEY’S FEES TO THE PREVAILING PARTY; AND TO DEFINE “GRANDPARENT”.**

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

**Grandparent visitation revised**

SECTION 1. Section 63‑3‑530(A)(33) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

 “(33) to order visitation for the grandparent of a minor child where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats, if the court finds that:

 (1) the child’s parents or guardians are unreasonably depriving the grandparent of the opportunity to visit with the child, including denying visitation of the minor child to the grandparent for a period exceeding ninety days; and

 (2) the grandparent maintained a relationship similar to a parent‑child relationship with the minor child; and

 (3) that awarding grandparent visitation would not interfere with the parent‑child relationship; and:

 (a) the court finds by clear and convincing evidence that the child’s parents or guardians are unfit; or

 (b) the court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the parental decision is in the child’s best interest.

 The judge presiding over this matter may award attorney’s fees and costs to the prevailing party.

 For purposes of this item, ‘grandparent’ means the natural or adoptive parent of any parent to a minor child;”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 21st day of June, 2010.

Approved the 24th day of June, 2010.

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