**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5013**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Barfield

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Companion/Similar bill(s): 1147

Introduced in the House on April 1, 2014

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

Summary: Protective proceedings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/1/2014 House Introduced and read first time ([House Journal‑page 11](file:///H:\HJ%20Archive\2014\04-01-14.docx))

4/1/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 11](file:///H:\HJ%20Archive\2014\04-01-14.docx))

**VERSIONS OF THIS BILL**

[4/1/2014](file:///p:\pprever\2013-14\5013_20140401.docx)

**A** **BILL**

TO AMEND SECTION 62-5-401, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROTECTIVE PROCEEDINGS IN RELATION TO THE ESTATE AND AFFAIRS OF CERTAIN PERSONS INCLUDING MINORS, PERSONS WITH MENTAL OR PHYSICAL ILLNESS OR DISABILITY, AND MISSING PERSONS, SO AS TO PROVIDE FOR EXPEDITED HEARINGS IN THE CASE OF MISSING PERSONS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 62‑5‑401 of the 1976 Code, as last amended by Act 244 of 2010, is further amended to read:

“Section 62‑5‑401. (A) After service of the summons and petition and notice of hearing in accordance with the provisions of this part, the court may appoint a conservator or make other protective order for cause as follows:

(1) Appointment of a conservator or other protective order may be made in relation to the estate and affairs of a minor if the court determines that a minor owns money or property that requires management or protection which cannot otherwise be provided, has or may have business affairs which may be jeopardized or prevented by his minority, or that funds are needed for his support and education and that protection is necessary or desirable to obtain or provide funds.

(2) Appointment of a conservator or other protective order may be made in relation to the estate and affairs of a person if the court determines that (i) the person is unable to manage his property and affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance; and (ii) the person has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care, and welfare of the person or those entitled to be supported by him and that protection is necessary or desirable to obtain or provide funds.

(B) Pursuant to the provisions of this section and the provisions of Part 4, Article 5, Chapter 5, in the case of a person’s disappearance, a family member of the missing person may petition the court for appointment of a conservator or other protective order, including a durable power of attorney, and the court shall expedite the hearing on the matter after ninety days has passed from the date a law enforcement agency was first notified of the person’s disappearance.”

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

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