**South Carolina General Assembly**

125th Session, 2023-2024

**S. 143**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Goldfinch, Senn, McLeod, Hutto, Jackson, Devine and Gustafson

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Household Member & Dating Relationship

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 79)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 79)

 2/2/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
 Rice, Senn, Adams

 2/22/2023 Senate Committee report: Favorable **Judiciary** (Senate Journal‑page 9)

 2/27/2023 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=143&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/143_20221130.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/143_20230222.docx)

[02/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/143_20230227.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 22, 2023

S. 143

Introduced by Senators Shealy, Goldfinch, Senn and McLeod

S. Printed 02/22/23--S. [SEC 2/27/2023 1:31 PM]

Read the first time January 10, 2023

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The committee on Senate Judiciary

To who was referred a Bill (S. 143) to amend the South Carolina Code of Laws by amending Section 20-4-20, relating to definitions, so as to define a household member and to define a dating relationship, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill changes the definition for a household member to include persons who are currently or have been in a dating relationship, which expands the classes of persons who may petition for an order of protection. Currently, a person who is, or was, in a dating relationship is not considered a household member for purposes of filing an order or protection in family court in cases of abuse of a household member pursuant to §20-4-40.

This bill also specifies that a parent, guardian, custodian, legal counsel, or other appropriate adult may petition the court for an order of protection on behalf of a household minor. Currently, any household member may petition the court for this order of protection for a minor.

Judicial anticipates this bill will increase caseloads in family and magistrate courts by an unknown amount but believes resultant costs can be managed using existing General Fund resources.

State Revenue

This bill may increase the caseloads in family and magistrate courts. This may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue and Other Funds revenue due to the increase in fines and fees collections in court.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

to amend the South Carolina Code of Laws by amending Section 20-4-20, relating to Definitions, so as to define a household member and to define a dating relationship; and by amending Section 20-4-40, relating to Petition for order of protection, so as to designate people who can apply for an order of protection on behalf of a minor.

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

SECTION 1. Section 20‑4‑20(b) of the S.C. Code is amended to read:

 As used in this chapter:

 (b) “Household member” means:

 (i) a spouse;

 (ii) a former spouse;

 (iii) persons who have a child in common;

 (iv) a male and female who are cohabiting or formerly have cohabited. persons who are cohabiting or formerly have cohabited; or

 (v) persons who are presently in or have formerly been in a dating relationship together.

SECTION 2. Section 20‑4‑20 of the S.C. Code is amended by adding:

 (g)(i) “Dating relationship” means a romantic, courtship, or engagement relationship between two individuals that need not include sexual involvement. In addition to any other factors the court deems relevant, the court may consider the following factors when determining whether a relationship exists or existed:

 (a) the length of the relationship;

 (b) the nature or type of the relationship;

 (c) the frequency of interaction between the two individuals involved in the relationship; and

 (d) the time since termination of the relationship, if applicable.

 (ii) “Dating relationship” does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

SECTION 3. Section 20‑4‑40 of the S.C. Code is amended to read:

 Section 20‑4‑40. (A) There is created an action known as a “Petition for an Order of Protection” in cases of abuse to a household member.

 (aB) A petition for relief under this section may be made by any household members in need of protection or by any household members a parent, guardian, custodian, legal counsel, or other appropriate adult on behalf of minor household members.

 (bC) A petition for relief must allege the existence of abuse to a household member. It must state the specific time, place, details of the abuse, and other facts and circumstances upon which relief is sought and must be verified.

 (cD) The petition must inform the respondent of the right to retain counsel.

 (dE) In a pending action for divorce or separate support and maintenance, the petition for relief shall be brought in the form of a motion for further relief and shall be served on counsel of record, if any. Where no action is pending, the petition shall be filed and served as an independent action. A pending motion or petition for relief shall not be dismissed solely because the underlying action is dismissed.

 (eF) The clerk of court must provide simplified forms which will facilitate the preparation and filing of a petition under this section by any person not represented by counsel, including motions and affidavits to proceed in forma pauperis.

 (fG) The clerk of court may not charge a fee for filing a petition for an order for protection from domestic abuse.

SECTION 4. This act takes effect upon approval by the Governor.

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