**South Carolina General Assembly**

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**S. 143**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Devine

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

Summary: Household Member & Dating Relationship

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/143_20241211.docx)

[12/11/2024-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/143_20241211a.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20‑4‑20, RELATING TO DEFINITIONS PERTAINING TO DOMESTIC ABUSE, SO AS TO INCLUDE PERSONS WHO ARE OR WERE DATING TO THE LIST OF PERSONS DEFINED AS “HOUSEHOLD MEMBER”; AND BY AMENDING SECTION 20‑4‑40, RELATING TO PETITIONS FOR AN ORDER OF PROTECTION, SO AS TO INCLUDE A PARENT, GUARDIAN, LEGAL COUNSEL, OR OTHER APPROPRIATE ADULT AS A PERSON WHO CAN PETITION ON BEHALF OF MINORS IN THE PERSON’S HOUSEHOLD.

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

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

 Section 20‑4‑20. As used in this chapter:

 (a) “Abuse” means:

 (1) physical harm, bodily injury, assault, or the threat of physical harm;

 (2) sexual criminal offenses, as otherwise defined by statute, committed against a family or household member by a family or household member.

 (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.

 (iv) persons who are cohabitating or formerly have cohabitated; or

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

 (c) “Court” means the Family Court.

 (d) “Petitioner” means the person alleging abuse in a petition for an order of protection.

 (e) “Respondent” in a petition for an order of protection means the person alleged to have abused another or a person alleged to have aided and abetted such abuse.

 (f) “Order of protection” means an order of protection issued to protect the petitioner or minor household members from the abuse of another household member where the respondent has received notice of the proceedings and has had an opportunity to be heard.

 (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 2. 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.

 (a)(B) 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.

 (b)(C) 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.

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

 (d)(E) 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.

 (e)(F) 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.

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

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

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