**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3603**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bernstein and Calhoon

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Prefiled in the House on December 12, 2024

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

Summary: Domestic Violence

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/12/2024 House Prefiled

 12/12/2024 House Referred to Committee on **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3603&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3603_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20‑4‑20, RELATING TO DEFINITIONS, SO AS TO CHANGE THE DEFINITION OF “HOUSEHOLD MEMBER” AND TO DEFINE “DATING RELATIONSHIP”; AND BY AMENDING SECTION 20‑4‑40, RELATING TO PETITIONS FOR AN 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:

 (b) “Household member” means:

 (i)(1) a spouse;

 (ii)(2) a former spouse;

 (iii)(3) persons who have a child in common;

 (iv) a male and female who are cohabiting or formerly have cohabited.(4) persons who are cohabiting or formerly have cohabited; or

 (5) 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)(1) “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.

 (2) “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.

 (a)(B) A petition for relief under this section may be made by any household members in need of protection or by any household membersa 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 4. This act takes effect upon approval by the Governor.

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