



South Carolina Bar

Continuing Legal Education Division

2024 SC BAR CONVENTION

Family Law Section

“Family Law: Judicial Considerations”

Friday, January 19

SC Supreme Court Commission on CLE Course No. 240025

SC Bar-CLE publications and oral programs are intended to provide current and accurate information about the subject matter covered and are designed to help attorneys maintain their professional competence. Publications are distributed and oral programs presented with the understanding that the SC Bar-CLE does not render any legal, accounting or other professional service. Attorneys using SC Bar-CLE publications or orally conveyed information in dealing with a specific client's or their own legal matters should also research original sources of authority.

©2024 by the South Carolina Bar-Continuing Legal Education Division. All Rights Reserved

THIS MATERIAL MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE CLE DIVISION OF THE SC BAR.

TAPING, RECORDING, OR PHOTOGRAPHING OF SC BAR-CLE SEMINARS OR OTHER LIVE, BROADCAST, OR PRE-RECORDED PRESENTATIONS IS PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE SC BAR - CLE DIVISION.



South Carolina Bar

Continuing Legal Education Division

2024 SC BAR CONVENTION

Family Law Section

Friday, January 19

**Hollywood Squares Returns: Who Knows the
Law?**

The Honorable C. Vance Stricklin, Jr.
The Honorable Holly H. Wall

No Materials Available



South Carolina Bar

Continuing Legal Education Division

2024 SC BAR CONVENTION

Family Law Section

Friday, January 19

Addressing the Needs of Immigrant Youth in SC
Family Courts: Legal Updates & Best Practices
Regarding Special Immigrant Juvenile Status

Patricia S. Ravenhorst

The Honorable Melissa Buckhannon

The Honorable Michèle Patrão Forsythe

Dennis Gmerek

Khristina Siletskaya

Olivia Jones

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Yarely Elibeth Reyes Corrales, Appellant,

v.

Wilmer Alexis Martinez Aguilera, Respondent.

In the interest of minors under the age of eighteen.

Appellate Case No. 2022-001342

Appeal From Beaufort County
Deborah A. Malphrus, Family Court Judge

Unpublished Opinion No. 2023-UP-292
Submitted July 27, 2023 – Filed August 9, 2023

REMANDED

Khristina A Siletskaya, of Bluffton, for Appellant.

Wilmer Alexis Martinez Aguilera, of Miami, Florida, pro
se.

PER CURIAM: Yarely Elibeth Reyes Corrales (Mother) appeals a family court order finding Wilmer Alexis Martinez Aguilera (Father) abandoned their minor daughters (collectively, Children) and granting her custody. On appeal, Mother argues the family court erred by failing to address her request for additional

findings regarding the possibility of reunification and whether it would be in Children's best interest to be returned to their home country, as is required to allow Children to apply for special immigrant juvenile (SIJ) status.

Initially, we note this issue was not preserved for appellate review. Based on the record before us, it appears Mother never explicitly told the family court—via her pleadings, during the hearing, or by filing a Rule 59(e), SCRCF, motion—*why* she was seeking those additional findings (*i.e.*, for the purpose of establishing SIJ status for Children), and thus, the family court was under the impression this was solely a custody case.¹ Therefore, we hold the issue was not properly preserved for appellate review. *See Herron v. Century BMW*, 395 S.C. 461, 466, 719 S.E.2d 640, 642 (2011) (stating that in order to be preserved, "an issue must be sufficiently clear to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the judge"); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (explaining that generally "[a] party *must* file . . . a [Rule 59(e), SCRCF] motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review."). However, "[t]he duty to protect the rights of minors and incompetents has precedence over procedural rules otherwise limiting the scope of review and matters affecting the rights of minors can be considered by this court *ex mero motu*." *S.C. Dep't of Soc. Servs. v. Roe*, 371 S.C. 450, 463, 639 S.E.2d 165, 172 (Ct. App. 2006). We therefore proceed with a review of the merits despite the lack of preservation. *See id.* ("An exception to the rule that an unpreserved issue will not be considered on appeal exists where the interests of minors or incompetents are involved.").

We hold the family court was required to make the requested SIJ findings, and we remand for further proceedings consistent with this opinion. *See* 8 U.S.C. § 1101(a)(27)(J)(i) (2017) (defining an SIJ as "an immigrant who is present in the United States . . . who has been . . . placed under the custody of . . . an individual . . . appointed by a State or juvenile court located in the United States, and whose reunification with [one] or both of the immigrant's parents is not viable due to

¹ Mother's complaint was entitled, "Complaint for Custody Determination," and it cited only to South Carolina statutes, not the relevant United States Code sections or federal regulations. The body of the complaint did not state Mother intended to pursue SIJ status for Children, and Mother did not inform the family court at the hearing, even when it indicated its reluctance to make findings as to abandonment and the potential for reunification "in a custody case." Further, when the family court altered Mother's proposed order to eliminate the required SIJ findings, Mother failed to file a motion to alter or amend pursuant to Rule 59(e), SCRCF.

abuse, neglect, [or] abandonment"); *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 657 (E.D. Va. 2020) (explaining that SIJ applicants must complete a two-step process before receiving SIJ status, the first step of which is to "apply to a state 'juvenile court' for a predicate order"); 8 C.F.R. § 204.11(c) (2022) (setting forth the findings required to be made in state juvenile court orders in SIJ proceedings); *In re J.J.X.C.*, 734 S.E.2d 120, 124 (Ga. Ct. App. 2012) (remanding for further proceedings because "[a]lthough the court was authorized to conclude that the petitioners failed to present evidence to support the SIJ factors or that their evidence was not credible, the court had a duty to consider the SIJ factors and make findings"). Because it is not possible to ascertain from the family court's order whether the family court simply chose not to address the SIJ findings, determined it was not authorized to make such findings, or refused to make the findings for some other reason, we remand for further proceedings consistent with this opinion.

REMANDED.²

WILLIAMS, C.J., and GEATHERS and VERDIN, JJ., concur.

² We decide this case without oral argument pursuant to Rule 215, SCACR.

ON REHEARING EN BANC

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1330

FELIPE PEREZ PEREZ,

Plaintiff – Appellant,

v.

KENNETH T. CUCCINELLI, Senior Official Performing the Duties of the
Director, United States Citizenship and Immigration Services,

Defendant – Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at
Charlotte. Robert J. Conrad Jr., District Judge. (3:16-cv-00748-RJC-DSC)

Argued: September 19, 2019

Decided: February 10, 2020

Before GREGORY, Chief Judge, and WILKINSON, NIEMEYER, MOTZ, KING, AGEE,
KEENAN, WYNN, DIAZ, FLOYD, THACKER, HARRIS, RICHARDSON,
QUATTLEBAUM, and RUSHING, Circuit Judges.

Reversed and remanded by published opinion. Judge King wrote the majority opinion, in
which Chief Judge Gregory and Judges Motz, Keenan, Wynn, Diaz, Floyd, Thacker, and
Harris joined. Judge Quattlebaum wrote a dissenting opinion, in which Judges Wilkinson,
Niemeyer, Agee, Richardson, and Rushing joined.

ARGUED: Bradley Bruce Baniias, BARNWELL WHALEY PATTERSON & HELMS,
LLC, Charleston, South Carolina, for Appellant. Scott Grant Stewart, UNITED STATES

DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee. **ON BRIEF:** Joseph H. Hunt, Assistant Attorney General, Chad A. Readler, Acting Assistant Attorney General, William C. Peachey, Director, Brian Ward, Senior Litigation Counsel, Sheetul S. Wall, District Court Section, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

KING, Circuit Judge:

In late 2013, at the age of sixteen, plaintiff Felipe Perez Perez fled his home country of Guatemala. Upon his arrival in the United States in early 2014, Felipe was apprehended by U.S. Customs and Border Protection and eventually released to his older brother, Mateo Perez Perez, who resided in North Carolina. In January 2015, Mateo sought legal custody of Felipe in a North Carolina court, alleging that Felipe had been abused, neglected, and abandoned by their biological parents. It was not until June 2015 that the court acted on Mateo's custody petition. At that point, the court conducted an *ex parte* hearing, granted Mateo emergency temporary custody of Felipe, and scheduled a hearing to consider permanent custody. Shortly thereafter, Felipe turned eighteen (North Carolina's age of majority), and the court thus cancelled the second hearing and never entered a permanent custody order.

In July 2015, Felipe applied for special immigrant juvenile ("SIJ") status with U.S. Citizenship and Immigration Services ("USCIS," or the "Agency"). SIJ status is a classification under the Immigration and Nationality Act (the "INA") that permits an immigrant to pursue lawful permanent residence and, potentially, United States citizenship. As codified at 8 U.S.C. § 1101(a)(27)(J) (the "SIJ provision"), the INA specifies that an immigrant may qualify for SIJ status if, inter alia, "a juvenile court located in the United States" has "placed [him] under the custody of" "an individual" and "reunification with 1 or both of [his] parents is not viable." *See* 8 U.S.C. § 1101(a)(27)(J)(i). Notwithstanding the absence of any express permanency requirement in the SIJ provision, USCIS has interpreted clause (i) to require a permanent custody order. On that basis, the Agency

denied Felipe’s SIJ application in September 2015 and dismissed his administrative appeal of that denial in May 2016.

Felipe sought judicial review of the Agency’s rejection of his SIJ application, initiating these proceedings in October 2016 in the Western District of North Carolina against the Director of USCIS.¹ In March 2018, the federal district court denied Felipe’s motion to set aside the Agency’s final action and granted the summary judgment motion of USCIS. Felipe then timely noted this appeal from the judgment of the district court. Unlike that court, we conclude that the Agency’s interpretation of the SIJ provision — that clause (i) requires a permanent custody order — is entitled to no deference, defies the plain statutory language, and impermissibly intrudes into issues of state domestic relations law. Consequently, we reverse the judgment and remand with instructions to grant Felipe’s motion to set aside the Agency’s final action denying him SIJ status.

I.

Pursuant to the SIJ provision of the INA, an SIJ is “an immigrant who is present in the United States”:

- (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

¹ Felipe sued the Director of USCIS in his official capacity. Rather than naming the Director, we refer herein to the defendant as “USCIS,” or the “Agency.”

- (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
- (iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status[.]

See 8 U.S.C. § 1101(a)(27)(J). These proceedings focus on what clause (i) means in defining an SIJ as an immigrant “whom [a juvenile court located in the United States] has . . . placed under the custody of[] . . . an individual . . . and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.” *See id.* § 1101(a)(27)(J)(i). As USCIS has interpreted it, clause (i) requires a finding of the permanent non-viability of an SIJ applicant's reunification with one or both parents and, hence, a permanent custody order.

II.

A.

On January 20, 2015, Mateo Perez Perez filed a verified complaint in the District Court of Mecklenburg County, North Carolina, seeking both temporary and permanent custody of his brother Felipe Perez Perez on the ground that Felipe had been abused, neglected, and abandoned by their biological parents. *See* N.C. Gen. Stat. § 7A-244 (specifying that state district courts possess jurisdiction over child-custody proceedings). In his complaint, Mateo also requested that the state court make findings necessary to Felipe's application for SIJ status. *See* 8 C.F.R. § 204.11(d)(2) (requiring SIJ applicant to

submit juvenile court order containing such findings). Within the ensuing five months, the court having not acted upon the complaint, Mateo filed a motion for emergency temporary custody of Felipe.

By its Order Granting Ex Parte Temporary Custody of June 29, 2015, the state court awarded custody of Felipe to Mateo pursuant to section 50A-204 of the General Statutes of North Carolina. *See Perez v. Perez*, No. 15-CVD-1127 (N.C. Dist. Ct. June 29, 2015) (the “Custody Order”); *see also* N.C. Gen. Stat. § 50A-204(a) (conferring “temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child . . . is subjected to or threatened with mistreatment or abuse”). In so doing, the court outlined findings of fact and conclusions of law supporting the custody award. *See* Custody Order 1-3.

As reflected in the state court’s findings of fact, Felipe was born on July 6, 1997, to Guatemalan parents. *See* Custody Order 1. The court further determined that, between 2005 and 2013 — from age eight to sixteen — Felipe was “abandoned, neglected, and abused” by his biological parents, who failed “to provide safety, shelter, and food for him.” *Id.* at 2. More specifically, the court found the following:

Upon information from the minor child, Felipe was told that school was not an option as it would not feed him, and he was therefore not allowed to go to school. He did not learn Spanish. Instead he learned a language spoken in the mountains known as “Chu.” Since Felipe’s parents did not work, all of the minor children were obligated to work. His younger sisters worked selling food and at the age of 8, Felipe began to work at his father’s terrain in the mountains doing all types of field work. Despite the weather conditions in the mountains, Felipe would get sick at times since he only had one change of clothes, which he had to wash by hand. The clothes were not adequate for cold or wet weather. Felipe was obligated to walk to and from work which was about 1 hour away. He worked from 5am-6pm, 6 days a

week, with only half a day off on Sundays and was allowed only 1 meal a day. After Felipe's younger sister brought Felipe his daily meal, Felipe would walk his sibling back to her work and return to his. He was constantly punished for not finishing his work . . . on time. Drunk or sober, his father was vulgar and verbally abusive by telling Felipe that he was worthless. He pulled on Felipe's ears[] and hair and also beat him with cables. The young child could not fight back, in fear of worsening the situation. The father hit [Felipe] with a belt over his face and left him a scar. The abuse occurred about 2-3 times a week. The mother never did anything to stop the abuse from occurring. When the family held parties, the adults would drink heavily so Felipe would spend the night at his uncle's house to prevent any more beatings.

Id. According to the court, the abandonment, abuse, and neglect by his parents “forced [Felipe] to migrate to the United States to seek refuge with [his older brother Mateo],” in whose care Felipe “has been safe,” “attend[ing] school,” and “learning English.” *Id.* By contrast, “[i]f forced to return to Guatemala, [Felipe] would be completely on his own and without the proper family support system.” *Id.*

Among its corresponding conclusions of law, the state court ruled that “[a]n emergency situation exists that affects the welfare of [Felipe]” and that “it is in the best interest of [Felipe] that his care, custody, and control be awarded to [Mateo].” *See* Custody Order 3. Relevant to the requirements set forth in clauses (i) and (ii) of the SIJ provision, the court specified that “it is [in Felipe's] best interest for temporary and permanent custody to be awarded to [Mateo]”; that “[r]eunification with the biological parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law”; and that “it is not in [Felipe's] best interest to return to Guatemala.” *Id.*

The Custody Order announced that a hearing regarding permanent custody would be held on July 22, 2015, and directed that notice be provided to Felipe's biological parents,

as required by North Carolina law prior to the termination of parental rights. *See* N.C. Gen. Stat. § 7B-1101. But on July 6, 2015, Felipe turned eighteen, which divested the state court of jurisdiction over his custody case. *See id.* § 50A-102(2) (defining a “child,” for purposes of child-custody determinations, as “an individual who has not attained 18 years of age”). As a result, the July 22, 2015 hearing was cancelled.

B.

In the meantime, on or shortly before his eighteenth birthday, Felipe applied for SIJ status. *See* 8 C.F.R. § 204.11(c)(1) (specifying that SIJ applicant must be “under twenty-one years of age”). Felipe’s application attached the Custody Order to satisfy the requirements of clauses (i) and (ii) of the SIJ provision. Pertinent to clause (i), Felipe submitted the Custody Order as proof that “a juvenile court located in the United States” has “placed [him] under the custody of” “an individual [Mateo]” and that “reunification with 1 or both of [his] parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.” *See* 8 U.S.C. § 1101(a)(27)(J)(i).

On July 31, 2015, USCIS issued Felipe a Notice of Intent to Deny his SIJ application (the “USCIS Notice”). Therein, the Agency identified various deficiencies it linked to clauses (i), (ii), and (iii), and it accorded Felipe thirty-three days to submit rebuttal evidence. With respect to clause (i), the USCIS Notice deemed the Custody Order defective because it “is expressly temporary in nature and does not make a finding that reunification with one or both parents is permanently not viable.” *See* USCIS Notice 2. The Agency failed to identify any authority in support of its view that clause (i) requires a finding of the permanent non-viability of reunification and a permanent custody order.

C.

After receiving the USCIS Notice, Felipe and Mateo returned to the North Carolina district court and obtained an Order for Judgment Nunc Pro Tunc of August 28, 2015. *See Perez v. Perez*, No. 15-CVD-1127 (N.C. Dist. Ct. Aug. 28, 2015) (the “Nunc Pro Tunc Order”). The Nunc Pro Tunc Order explained that, “[b]ecause [Felipe] turned 18 years old . . . after the signing of the [Custody] Order, [that] Order granting temporary custody to [Mateo] was as permanent as possible under North Carolina Law.” *Id.* at 1. Felipe submitted the Nunc Pro Tunc Order to USCIS as rebuttal evidence.

Nevertheless, by its Decision of September 23, 2015 (the “USCIS Decision”), USCIS denied Felipe’s SIJ application. Although the USCIS Decision included some discussion of clauses (ii) and (iii), the Agency premised the denial on clause (i) alone. Like the USCIS Notice, the USCIS Decision interpreted clause (i) — without citation to any authority — as requiring a finding of the permanent non-viability of an SIJ applicant’s reunification with one or both of his parents and a permanent custody order. In that regard, the USCIS Decision echoed the USCIS Notice by deeming the Custody Order defective because it “is expressly temporary in nature and does not make a finding that reunification with one or both parents is permanently not viable.” *See* USCIS Decision 2. Then, the USCIS Decision declared the Nunc Pro Tunc Order unhelpful to Felipe, reasoning that it “does not overcome the fact that the [Custody Order] is expressly temporary in nature and therefore does not make the finding that reunification with one or both parents is permanently not viable.” *Id.* at 3. Finally, in stating its conclusion, the USCIS Decision reiterated that Felipe is not eligible for SIJ status because the Custody Order “is expressly

temporary in nature and does not make a finding that reunification with one or both parents is permanently not viable.” *Id.*

Felipe thereafter sought a de novo review of the USCIS Decision by the Agency’s Administrative Appeals Office (the “AAO”). By its Decision of May 9, 2016 (the “AAO Decision”), the AAO upheld the denial of Felipe’s SIJ application and dismissed his appeal. The AAO Decision characterized the USCIS Decision as resting on the conclusion, connected to clause (i), that Felipe “was not eligible for SIJ classification because the [Custody Order] was temporary and, therefore, did not make a permanent finding of non-viability-of-reunification with one or both of [Felipe’s] parents.” *See* AAO Decision 1. The AAO Decision endorsed that conclusion, subscribing to the view that clause (i) requires a finding of the permanent non-viability of reunification and, hence, a permanent custody order. As before, the Agency cited no authority to support its interpretation of clause (i), and it made clear that the fundamental defect in the Custody Order is simply that the order is not a permanent one. *See id.* at 3 (explaining that the Custody Order “was not a qualifying juvenile court order under [clause (i)] at the time it was issued because there was no finality to the proceedings”); *id.* at 4 (elaborating that the Nunc Pro Tunc Order, which deemed the temporary Custody Order “as permanent as possible,” is insufficient to “cure [the Custody Order’s] lack of qualification [under clause (i)]”).²

² Although the AAO Decision principally faulted the Custody Order for not being a permanent order, the AAO Decision also suggested that the Custody Order did not constitute a “custody determination” under North Carolina law. Specifically, the AAO Decision observed that the North Carolina district court “invoked its emergency jurisdiction under [section 50A-204 of the General Statutes of North Carolina]” and that (Continued)

D.

On October 28, 2016, Felipe initiated these proceedings against USCIS in the Western District of North Carolina. Felipe's Complaint seeks a court order setting aside the Agency's denial of his SIJ application and declaring unlawful the Agency's interpretation of clause (i) of the SIJ provision as requiring a permanent custody order. The Complaint includes claims under the Administrative Procedure Act (the "APA") and the Full Faith and Credit Clause of the Constitution. On April 4, 2017, Felipe filed his motion to set aside the Agency's final action, and on May 5, 2017, USCIS filed its motion for summary judgment.

By its Order of March 7, 2018, the federal district court resolved to award judgment to USCIS. *See Perez v. Rodriguez*, No. 3:16-cv-00748 (W.D.N.C. Mar. 7, 2018), ECF No. 21 (the "District Court Order"). In assessing Felipe's APA claim, the court accorded deference to the Agency's interpretation of clause (i) and characterized it as "well supported." *Id.* at 8-9. As the court put it, clause (i) "requires a proper final declaration

the Custody Order is thus a "temporary protective order[] only." *See* AAO Decision 3 (quoting *In re Brode*, 566 S.E.2d 858, 860 (N.C. Ct. App. 2002) (recognizing that, "[w]hen a court invokes emergency jurisdiction, any orders entered shall be temporary protective orders only")). The AAO Decision then asserted that "the underlying deficiency of the [Custody Order] is that [it] was obtained through a proceeding that allows a juvenile court to take temporary jurisdiction over a child when necessary in an emergency to protect the child and defers custody determinations to a subsequent hearing." *Id.* Additionally, the AAO Decision indicated that the Custody Order merely allowed Mateo to act *in loco parentis* pending future custody proceedings and was thereby insufficient to satisfy clause (i). *See id.* at 3-4 (citing 8 U.S.C. § 1232(d)(5) for the proposition "that an individual appointed by a juvenile court located in the United States, acting in *loco parentis*, shall not be considered a legal guardian for purposes of [the SIJ provision]").

from a state juvenile court” and disallows “temporary orders established through emergency *ex parte* hearings.” *Id.* Additionally, the court rejected Felipe’s alternative theory of his APA claim — that, accepting the Agency’s interpretation of clause (i), the Agency yet acted arbitrarily and capriciously by failing to deem the Custody Order permanent. *Id.* at 9-10. The court also rejected Felipe’s separate claim under the Full Faith and Credit Clause. *Id.* at 10-11. Accordingly, the court denied Felipe’s motion to set aside the Agency’s final action, granted USCIS’s summary judgment motion, and directed that this case be closed. *Id.* at 12. The judgment was entered that same day. *See Perez v. Rodriguez*, No. 3:16-cv-00748 (W.D.N.C. Mar. 7, 2018), ECF No. 22.

Argument in this appeal was initially heard by a three-judge panel that affirmed the district court’s judgment by a split decision. *See Perez v. Cissna*, 914 F.3d 846 (4th Cir. 2019). Felipe sought rehearing en banc, however, and a majority of this Court’s judges in active service voted to grant Felipe’s petition. The panel’s decision was thereby vacated, and our en banc Court now reviews anew the judgment of the district court. *See* 4th Cir. R. 35(c).

III.

Our focus is on Felipe Perez Perez’s APA claim — particularly his challenge to USCIS’s dispositive interpretation of clause (i) of the SIJ provision as requiring a permanent custody order. We review the district court’s resolution of the APA claim *de novo*. *See Defs. of Wildlife v. N.C. Dep’t of Transp.*, 762 F.3d 374, 393 (4th Cir. 2014). Relevant here, the APA authorizes a court to set aside an agency action if it is “arbitrary,

capricious, an abuse of discretion, or otherwise not in accordance with law.” *See* 5 U.S.C. § 706(2)(A). Because USCIS denied Felipe’s SIJ application on the basis of the Agency’s interpretation of clause (i), we must decide whether that interpretation is “not in accordance with law,” bearing in mind that it is our duty under the APA to “decide all relevant questions of law” and to “interpret constitutional and statutory provisions.” *See id.* § 706.

As part of our inquiry, however, we must consider whether USCIS’s clause (i) interpretation merits any deference. *See Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 109-10 (2015). Needless to say, if statutory language is clear and unambiguous, an agency’s interpretation thereof is not entitled to deference. *See Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 842-43 (1984) (“If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.”). But “if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency’s answer is based on a permissible construction of the statute.” *Id.* at 843.

As explained below, we are satisfied that USCIS’s interpretation of clause (i) is not entitled to deference and is not in accordance with law. In our analysis, we first address how the Agency’s interpretation defies the plain statutory language. Next, we highlight ways in which USCIS has impermissibly intruded into issues of state domestic relations law. And finally, we explain why the Agency’s interpretation would not be eligible for deference even if the statutory language were ambiguous. In the end, we reverse the district court’s judgment and remand with instructions to grant Felipe’s motion to set aside the Agency’s final action. *See SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943) (explaining that,

“if the action [under review] is based upon a determination of law as to which the reviewing authority of the courts [comes] into play, an order may not stand if the agency has misconceived the law”); *see also PPG Indus., Inc. v. United States*, 52 F.3d 363, 365 (D.C. Cir. 1995) (“[W]hen a court reviewing agency action determines that an agency made an error of law, the court’s inquiry is at an end: the case must be remanded to the agency for further action consistent with the corrected legal standards.”).³

A.

The precise question before us is whether USCIS correctly concluded that Congress intended to impose a requirement for a permanent custody order when it defined an SIJ as an immigrant “whom [a juvenile court located in the United States] has . . . placed under the custody of[] . . . an individual . . . and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.” *See* 8 U.S.C. § 1101(a)(27)(J)(i). That is, we evaluate the Agency’s view that clause (i) of the SIJ provision requires a finding of the permanent non-viability of the applicant’s reunification with one or both of his parents and, hence, a permanent custody order.

³ According to Felipe, USCIS’s improper interpretation of the SIJ provision — the misreading of clause (i) to require a permanent custody order — constitutes an “ultra vires” agency action. Felipe’s phraseology is appropriate. As the Supreme Court has explained and we have reiterated, “because the power of administrative agencies (unlike courts) is prescribed entirely by statute, *any* ‘improper[]’ agency action is ‘ultra vires.’” *See United States v. Cortez*, 930 F.3d 350, 357 (4th Cir. 2019) (alteration in original) (quoting *City of Arlington v. FCC*, 569 U.S. 290, 297 (2013)).

Utilizing ordinary rules of statutory construction, we conclude that the language of clause (i) is clear and unambiguous that neither a finding of the permanent non-viability of reunification nor a permanent custody order is required. Thus, we accord USCIS’s contrary interpretation no deference and recognize that, by defying the plain statutory language, that interpretation is not in accordance with law. *See Prudencio v. Holder*, 669 F.3d 472, 480 (4th Cir. 2012) (“If, using traditional tools of statutory construction, we determine that Congress manifested an intention on the precise question [at issue], such intention must be given effect and the analysis concludes.” (citing *Chevron*, 467 U.S. at 842-43 & n.9)).

1.

With respect to the finding of non-viability of reunification required by the SIJ provision’s clause (i), we apply the “fundamental canon of statutory construction . . . that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.” *See United States v. Mills*, 850 F.3d 693, 697 (4th Cir. 2017) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)). Clause (i) simply requires a finding that “reunification with 1 or both of the [SIJ applicant’s] parents *is* not viable.” *See* 8 U.S.C. § 1101(a)(27)(J)(i) (emphasis added). That clearly and unambiguously means reunification must be presently non-viable. Reunification need not be permanently, or everlastingly, or forever, non-viable. Nothing about clause (i)’s language, the context in which it is used, or the broader context of the SIJ provision as a whole suggests that “is” somehow equates with “will always be.” *See Hately v. Watts*, 917 F.3d 770, 784 (4th Cir. 2019) (“To determine a statute’s plain meaning, we not only look to the language itself, but also the specific context in which the language is used, and the broader context of the

statute as a whole. If the plain language is unambiguous, we need look no further.” (internal quotation marks omitted)).

Our confidence that Congress did not intend for clause (i) to demand a finding of the permanent non-viability of reunification is bolstered by the fact that, if Congress had intended such a requirement, it easily could have said so. Indeed, the very paragraph of the INA containing the SIJ provision explicitly states a permanency requirement in another context. *See* 8 U.S.C. § 1101(a)(27)(H) (providing that immigrant seeking special status based on medical expertise must have been “permanently licensed to practice”). The omission of “permanent” or a like term from the SIJ provision in these circumstances is highly illuminating of congressional intent. *See United States v. Serafini*, 826 F.3d 146, 149 (4th Cir. 2016) (explaining that “[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion” (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983))). Plainly, Congress did not intend to include a requirement in clause (i) for a finding of the permanent non-viability of reunification.

2.

By concluding that clause (i) of the SIJ provision does not require a finding of the permanent non-viability of an SIJ applicant’s reunification with one or both of his parents, we reject the foundation of USCIS’s theory that only a permanent custody order will satisfy clause (i). Nevertheless, we also consider whether clause (i) otherwise requires a permanent custody order. That inquiry entails ascertaining the meaning of the clause (i)

phrase “placed under the custody of,” and particularly the term “custody” — an inquiry in which we are guided by our decision in *Ojo v. Lynch*, 813 F.3d 533 (4th Cir. 2016).

In *Ojo*, we reviewed an interpretation by the Board of Immigration Appeals of the term “adopted” found in another INA provision. *See* 813 F.3d at 539-41 (determining what it means to be “adopted while under the age of sixteen years,” as required by 8 U.S.C. § 1101(b)(1)(E)(i)). We began by examining the plain language of the INA provision and, thus, the way “adopted,” or the related term “adoption,” is commonly defined and understood. *Id.* at 539. We recognized that “adoption” is defined as “the creation by judicial order of a parent-child relationship between two parties” and that “it is well understood that, in the United States, our various state courts exercise full authority over the judicial act of adoption.” *Id.* (alteration and internal quotation marks omitted). Furthermore, “we discern[ed] no indication from the text of [the INA provision] — or from any other aspect of the statutory scheme created in the INA — that Congress intended to alter or displace the plain meaning of ‘adopted.’” *Id.* at 539-40. On that basis, we concluded that “‘adopted’ . . . carries with it the understanding that adoption proceedings in this country are conducted by various state courts pursuant to state law” and that “a child is ‘adopted’ for purposes of [the INA provision] on the date that a state court rules the adoption effective.” *Id.* at 540.

The *Ojo* decision proceeded to explain that our interpretation was confirmed by viewing the INA provision “in the broader context within which Congress legislates.” *See* 813 F.3d at 540. As we outlined, “[a]lthough the Constitution commits to the federal legislature the power ‘[t]o establish an uniform Rule of Naturalization,’ it has long been a

hallmark of our federalism principles that full authority over domestic-relations matters resides not in the national government, but in the several States.” *Id.* (quoting Const. art. I, § 8, cl. 4). “The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States.” *Id.* (quoting *Ex parte Burrus*, 136 U.S. 586, 593-94 (1890)). “To that end, ‘the Federal Government, through our history, has deferred to state-law policy decisions with respect to domestic relations.’” *Id.* (quoting *United States v. Windsor*, 570 U.S. 744, 767 (2013)). And “the courts expect a ‘clear indication’ of congressional intent when an ‘administrative interpretation alters the federal-state framework by permitting federal encroachment upon a traditional state power.’” *Id.* (quoting *Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Eng’rs*, 531 U.S. 159, 172-73 (2001)). Viewing *Ojo*’s INA provision in that context, we were convinced that by choosing the simple “adopted” phrase — and by giving no indication that it “intended a modified definition of the term ‘adopted’ for purposes of federal immigration law” — Congress meant for “the effective date of the adoption” to be controlled by “the relevant state court instruments.” *Id.* at 540-41.

Adhering to the *Ojo* approach here, we are satisfied that the term “custody,” as used in the SIJ provision’s clause (i), retains its ordinary meaning. Therefore, “custody” refers to the “care, control, and maintenance of a child awarded by a court to a responsible adult.” *See Custody, Black’s Law Dictionary* (10th ed. 2014). It “involves legal custody (decision-making authority) and physical custody (caregiving authority), and an award of custody [usually] grants both rights.” *Id.* The accepted definition of “custody” contains no temporal requirements, so that custody may be granted for a period of days, months, or

years, on a temporary or permanent basis. Moreover, custody determinations are traditionally rendered by state courts applying state law. *See Thompson v. Thompson*, 484 U.S. 174, 186 (1988) (observing that custody orders involve “traditional state-law questions that [federal courts] have little expertise to resolve”). There is no indication anywhere in the INA, including the SIJ provision and clause (i) itself, that Congress intended to displace the common understanding of the term “custody.” As that term is commonly understood, custody may be granted by a temporary or permanent order, according to the law of the pertinent State. Consequently, clause (i) clearly and unambiguously does not require a permanent custody order.⁴

B.

We underscore that, in defying the plain language of the SIJ provision, USCIS’s interpretation of clause (i) impermissibly intrudes into issues of state domestic relations law. Most prominently, the Agency’s interpretation demands rulings — namely, a permanent custody order and a finding of the permanent non-viability of an SIJ applicant’s reunification with one or both of his parents — that state juvenile courts may be unwilling

⁴ Albeit not in the INA, Congress itself has defined a “custody determination” as a court order “providing for the custody of a child,” including “permanent and temporary orders.” *See* 28 U.S.C. § 1738A (requiring each State to respect the child-custody determinations of other States). Interpreting that statute in its *Thompson* decision, the Supreme Court ruled that § 1738A does not create a federal cause of action due to, *inter alia*, the primacy of state law in child-custody determinations. *See* 484 U.S. at 186-87. Section 1738A and the *Thompson* decision interpreting it together emphasize the lack of temporal requirements attached to the common understanding of the term “custody,” as well as the continued deference owed by federal courts to state law and state courts in custody matters.

or unable to render. Even where such a court sees no prospect that an immigrant juvenile and his parents will ever reunite, the court may be reluctant to foreclose reunification or, in any event, may not be authorized by law to enter a permanent custody order or find that reunification is permanently non-viable. But under USCIS's clause (i) interpretation, a state juvenile court may have to choose between, on the one hand, exercising its full discretion and authority in child-custody matters and, on the other hand, unduly disqualifying an immigrant juvenile from SIJ status.

Of particular relevance here, North Carolina's Uniform Child-Custody Jurisdiction and Enforcement Act expressly includes permanent and temporary orders in its definition of a "child-custody determination." *See* N.C. Gen. Stat. § 50A-102(3) (defining a "child-custody determination" as a court order "providing for the legal custody, physical custody, or visitation with respect to a child," which may be "a permanent, temporary, initial, [or] modification order"). And in North Carolina, both permanent and temporary custody orders remain subject to modifications found to be "in the best interests of the child." *See Woodring v. Woodring*, 745 S.E.2d 13, 17-18 (N.C. Ct. App. 2013) (explaining that a permanent custody order "may not be modified unless the trial court [also] finds there has been a substantial change in circumstances affecting the welfare of the child," whereas a temporary custody order can be modified anytime "the modification is in the best interests of the child").

As such, it does not appear that a North Carolina court could ever make a proper finding of the permanent non-viability of reunification between an immigrant juvenile and his parents, even in a permanent custody order. It certainly is not the place of USCIS to

intrude into issues of North Carolina law and tell the court that it must find the permanent non-viability of reunification and issue a permanent custody order, lest it render the immigrant juvenile ineligible for SIJ status.⁵

C.

Finally, we emphasize that — even if the pertinent statutory language were ambiguous — USCIS’s interpretation of clause (i) of the SIJ provision would not be eligible for deference. *Cf. Romero v. Barr*, 937 F.3d 282, 295 (4th Cir. 2019) (explaining that, “even if we were to assume that the regulations [at issue] were ambiguous, . . . the Attorney General’s reading of the regulations does not warrant deference”).

1.

Pursuant to the Supreme Court’s decision in *Chevron*, a federal court may defer to an agency’s “reasonable interpretation” of an ambiguous statutory provision. *See* 467 U.S. at 844. It is only appropriate for a court to confer the considerable deference available under the *Chevron* doctrine, however, if the agency possesses congressionally delegated

⁵ To the extent that the AAO Decision concluded the Custody Order granting emergency temporary custody of Felipe to his brother Mateo Perez Perez did not constitute a “custody determination” at all, *see supra* note 2, the Agency wholly misperceived North Carolina law. The pertinent North Carolina jurisdictional provision explicitly conferred on the District Court of Mecklenburg County the power to award temporary custody. *See* N.C. Gen. Stat. § 50A-204 (contemplating that “a child-custody determination [will be] made under this section” that may “become[] a final determination”). As the *In re Brode* decision of the Court of Appeals of North Carolina reflects, an order issued under section 50A-204 is a “temporary protective order[] only,” but it is a temporary custody order. *See* 566 S.E.2d 858, 860 (N.C. Ct. App. 2002). Thus, USCIS was wrong to suggest that the Custody Order did not grant Mateo custody of Felipe or that Mateo was merely appointed to act *in loco parentis*. Simply put, there is nothing in North Carolina law to even suggest that an award of emergency temporary custody does not, in fact, confer custody.

authority “to make rules carrying the force of law” and if “the agency interpretation claiming deference was promulgated in the exercise of that authority.” *See United States v. Mead Corp.*, 533 U.S. 218, 226-27 (2001). Such congressionally delegated authority is typified by the agency’s power to engage in notice-and-comment rulemaking or formal adjudications. *See id.* at 230 & n.12 (listing decisions involving rulemaking and adjudications that qualified for *Chevron* deference).

Significantly, USCIS did not arrive at its understanding of clause (i) of the SIJ provision through either notice-and-comment rule-making, a formal adjudication, or some other means evincing an application of congressionally delegated authority to make rules carrying the force of law. The Agency merely pronounced its clause (i) interpretation in the USCIS Decision and AAO Decision denying Felipe’s SIJ application (together, the “Agency Decisions”). It is thus clear that USCIS’s clause (i) interpretation would not qualify for the significant deference offered under the *Chevron* doctrine. *See Mead*, 533 U.S. at 226-27.⁶

⁶ The district court ruled that USCIS’s interpretation of clause (i) is entitled to *Chevron* deference, as well as deference under *Auer v. Robbins*, 519 U.S. 452 (1997). *See* District Court Order 8-9. As the Supreme Court recently emphasized, however, *Auer* deference applies solely to an agency’s interpretation of its own ambiguous regulation and, even then, only in narrow circumstances. *See Kisor v. Wilkie*, 139 S. Ct. 2400, 2414 (2019). *Auer* deference cannot apply here because the Agency Decisions did not invoke any regulation — or any authority whatsoever — in pronouncing that clause (i) requires a permanent custody order.

Absent eligibility for *Chevron* deference, agency interpretations are only “given a level of respect commensurate with their persuasiveness.” *See Ramirez v. Sessions*, 887 F.3d 693, 701 (4th Cir. 2018). Under the doctrine announced by the Supreme Court in *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), an agency’s “specialized experience” may justify granting its statutory interpretation a degree of deference “proportional to its ‘power to persuade.’” *See Mead*, 533 U.S. at 234-35 (quoting *Skidmore*, 323 U.S. at 139-40). In applying *Skidmore* deference, “courts have looked to the degree of the agency’s care, its consistency, formality, and relative expertness, and to the persuasiveness of the agency’s position.” *Id.* at 228 (footnotes omitted).

The markers of persuasiveness established by *Skidmore* and its progeny simply do not urge any deference to USCIS’s interpretation of clause (i). Nothing about the Agency Decisions indicates that USCIS arrived at its clause (i) interpretation by way of a careful analysis or a reliance on expertise. The Agency Decisions neither explained USCIS’s reasoning nor identified any supporting authority, including any consistent ruling from the Agency.

Furthermore, the narrow and restrictive interpretation of clause (i) in the Agency Decisions is generally incongruous with Congress’s efforts to expand eligibility for SIJ status and increase protections for vulnerable immigrant children. As first enacted in 1990, the SIJ provision limited eligibility for SIJ status to children who have “been declared dependent on a juvenile court located in the United States” and have “been deemed eligible by that court for long-term foster care.” *See Immigration Act of 1990*, Pub. L. No. 101-

649, § 153, 104 Stat. 4978, 5005-06 (1990). The subsequent amendments to the SIJ provision have included revisions made by way of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (the “2008 TVPRA”). *See* Pub. L. No. 110-457, 122 Stat. 5044 (2008). Those revisions were included in a section of the 2008 TVPRA aimed at enhancing efforts to combat the trafficking of children, particularly unaccompanied immigrant minors. *See id.* § 235, 122 Stat. at 5074-82. A subsection titled “Permanent Protection for Certain At-Risk Children” substantively amended the SIJ provision into essentially its present form. *Id.* § 235(d)(1), 122 Stat. at 5079-80.

Pertinent here, in clause (i) of the SIJ provision, the 2008 TVPRA expanded eligibility for SIJ status to include children who had been placed by a court under the custody of an individual. It also eliminated the requirement that an SIJ applicant be deemed eligible for long-term foster care and instead more generously conditioned eligibility on the non-viability of the applicant’s reunification with one or both parents. USCIS has sought to frustrate the 2008 TVPRA’s aim of qualifying more immigrant children for SIJ status, however, by pronouncing in the Agency Decisions that an SIJ applicant placed under the custody of an individual must present a permanent custody order and a finding of the permanent non-viability of reunification.⁷

⁷ Notably, the regulations implementing the SIJ provision have not been updated to reflect the significant changes wrought by the 2008 TVPRA, although USCIS proposed new rules in 2011. *See* Special Immigrant Juvenile Petitions, 76 Fed. Reg. 54,978 (proposed Sept. 6, 2011) (to be codified at 8 C.F.R. pts. 204, 205, 245). The proposed rules in no way articulated a requirement for a permanent custody order. Rather, the proposed rules simply required a custody order “in effect at the time of filing [the SIJ application] and continu[ing] through the time of adjudication, unless the age of the [applicant] prevents (Continued)

* * *

In sum, the clause (i) interpretation in the Agency Decisions would not be entitled to *Chevron* deference, having not been derived through notice-and-comment rulemaking, a formal adjudication, or some other means evincing the exercise of congressionally delegated authority to make rules carrying the force of law. Nor would that interpretation merit *Skidmore* deference, in that the Agency has not demonstrated the carefulness, expertise, or consistency that would imbue its interpretation with the power to persuade. And in any event, the Agency Decisions' clause (i) interpretation defies the plain statutory language, impermissibly intrudes into issues of state domestic relations law, and therefore is not in accordance with law.

IV.

Although several of our good colleagues join in a dissenting opinion today, they do not defend USCIS's interpretation of clause (i) of the SIJ provision as requiring a permanent custody order. Instead, the dissent denies the reality that the Agency rejected Felipe Perez Perez's SIJ application on the bare premise that he was obliged, but failed, to present a permanent custody order and a corresponding finding of the permanent non-viability of reunification with one or both of his parents. Strikingly, even the portions of the Agency Decisions quoted in the dissent make clear that USCIS imposed a categorical

such continuation.” *Id.* at 54,979. The proposed rules also stated — with no reference to permanent non-viability — that the applicant must be “the subject of a . . . court determination that reunification with one or both parents is not viable.” *Id.*

requirement for a permanent custody order. *See, e.g., post 37* (acknowledging that the Agency pronounced the Custody Order deficient because it “is expressly temporary in nature and therefore does not make the finding that reunification with one or both parents is permanently not viable” (quoting USCIS Decision 3)). Yet the dissent insists that the Agency conducted an individualized assessment of Felipe’s SIJ application.

As the dissent has reshaped them, the Agency Decisions deemed Felipe’s Custody Order insufficient under clause (i) not simply because it is temporary, but specifically because it was awarded in emergency *ex parte* proceedings. Of course, the Agency Decisions did not state such a rationale or otherwise articulate that a temporary custody order could ever be sufficient. So, the dissent is left to rely on inferences it draws from the Agency Decisions “read in their totality” that those Decisions turned on the fact that the Custody Order resulted from an *ex parte* hearing. *See post 40*. The dissent also treats as significant USCIS’s feeble assertion, when prodded at oral argument before our en banc Court, that it is possible some other temporary custody order may somehow and someday satisfy clause (i). At bottom, the dissent rests on a house of cards and reviews not what the Agency Decisions actually said, but what our dissenting colleagues suggest those Decisions could have and should have said.

Concomitantly, the dissent rewrites our majority opinion in order to criticize it — in quite dramatic terms — as an assault on both the authority of USCIS and the rights of foreign parents. According to the dissent, we require USCIS to “bury its head in the sand” and “ignore [a custody] order’s terms and the circumstances under which it was obtained” whenever the “order contain[s] certain magic words.” *See post 31* (footnote omitted). The

dissent further proclaims that we “sanction” Felipe’s use of “courts in the United States to terminate the custodial rights of his parents living in another country with a motion they did not even know about.” *See id.* at 32-33 (asserting that “[i]f another country did this to American parents, there would be universal and justifiable outrage”).

Contrary to the dissent, our opinion narrowly and straightforwardly rejects USCIS’s interpretation of clause (i) as requiring a permanent custody order, and we thus remand for further consideration of Felipe’s SIJ application. We do not identify any “magic words” that guarantee SIJ status, and we do not command that such status be awarded to Felipe or anyone else. Moreover, we do not — and cannot — endorse the termination of Felipe’s parents’ parental rights in *ex parte* proceedings for the simple reason that those rights were not in fact terminated by the temporary Custody Order issued by the North Carolina district court. As such, the dissent’s criticisms rest on versions of our opinion and of the facts that the dissent creates from whole cloth. Apparently, our dissenting colleagues need to be reminded of the words of Founding Father John Adams during his successful defense of British soldiers charged in the Boston Massacre: “Facts are stubborn things . . . and whatever may be our wishes, our inclinations, or the dictums of our passions, they cannot alter the state of facts and evidence.” *See* David McCullough, *John Adams* 52 (Simon & Schuster 2001).

Perhaps the most egregious aspect of the dissent is that it accuses us of “plac[ing] this Court’s stamp of approval on a brazen scheme to game our federal immigration system.” *See post* 32. That is, despite the lack of any determination from the North Carolina district court or even from USCIS that Felipe has acted dishonestly or corruptly,

the dissent boldly declares that Felipe engaged in an “obvious manipulation of the state juvenile court to circumvent federal immigration laws.” *See id.* The dissent specifically finds that Felipe “used, at best, dubious claims of an emergency to obtain an *ex parte* order at a time close enough to his eighteenth birthday that the order would never receive a proper review.” *See id.* And, as if it demonstrates bad intent, the dissent points to the request in Mateo Perez Perez’s complaint for custody of his brother Felipe “that the North Carolina court make the precise findings that would permit [Felipe] to apply for SIJ status and then apply for a permanent visa to remain in the United States.” *See id.* at 34 (commenting that the “benefits [of obtaining SIJ status] were far from lost on [Felipe]”).

The dissent’s endeavor to demonize Felipe is wholly inappropriate, unfair, and dispiriting. First of all, the principle “that appellate courts do not make factual findings” is an “axiomatic” one. *See Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 419 (4th Cir. 2010) (citing *Columbus-Am. Discovery Grp. v. Atl. Mut. Ins. Co.*, 56 F.3d 556, 575-76 (4th Cir. 1995) (“It is a basic tenet of our legal system that, although appellate courts often review facts found by a judge or jury . . . , they do not make such findings in the first instance.”)). The dissent’s fact finding is particularly objectionable here because it tramples upon the exclusive authority of the North Carolina district court to adjudicate Felipe’s custody. *See Adoptive Couple v. Baby Girl*, 570 U.S. 637, 656 (2013) (Thomas, J., concurring) (emphasizing that “domestic relations is an area that has long been regarded as a virtually exclusive province of the States” (internal quotation marks omitted)); *cf. Ojo v. Lynch*, 813 F.3d 533, 539 (4th Cir. 2016) (explaining that “it is well understood that, in

the United States, our various state courts exercise full authority over the judicial act of adoption”).

Furthermore, the dissent’s theory that Felipe acted dishonestly and corruptly is in no way compelled by the record. Indeed, many of the adverse inferences that the dissent draws against Felipe are patently unreasonable. For example, without acknowledging that Mateo filed his complaint for custody of Felipe nearly six months before Felipe turned eighteen, the dissent finds that Felipe plotted to obtain an unreviewable emergency custody order from the North Carolina district court within days of his eighteenth birthday. And although Felipe was required by federal regulation to submit to USCIS a state juvenile court order containing findings necessary to his SIJ application, *see* 8 C.F.R. § 204.11(d)(2), the dissent negatively cites the request for those findings made in Mateo’s complaint for custody of Felipe. The dissent even maligns Felipe for appreciating the benefits of SIJ status, as if a mere desire to live in the United States is evidence of immigration fraud.

There is no justification for the dissent’s dismal portrait of Felipe. The North Carolina district court certainly did not indicate that it thought itself manipulated in the custody proceedings, and USCIS did not attribute its rejection of Felipe’s SIJ application to any chicanery. Rather, the state court gave every indication it believed that Felipe was the victim of abuse, neglect, and abandonment by his biological parents in Guatemala and that placing him in the custody of Mateo was in Felipe’s best interests. Thereafter, USCIS denied Felipe SIJ status solely because he lacked the type of custody order — a permanent one — that the Agency has interpreted clause (i) of the SIJ provision to require. All we

say today is that, because USCIS's clause (i) interpretation is not in accordance with law, the Agency must take another look at Felipe's SIJ application.⁸

V.

Pursuant to the foregoing, we reverse the judgment of the district court and remand with instructions to grant Felipe Perez Perez's motion to set aside the Agency's final action. The court may conduct such other and further proceedings as are appropriate.

REVERSED AND REMANDED

⁸ In these circumstances, unlike the dissent, we do not reach and assess the alternative theory of Felipe's APA claim or his claim under the Full Faith and Credit Clause.

QUATTLEBAUM, Circuit Judge, with whom Judges WILKINSON, NIEMEYER, AGEE, RICHARDSON, and RUSHING join, dissenting:

This should be a simple case. In accordance with 8 U.S.C. § 1101 (a)(27)(J) of the Immigration and Nationality Act (the “INA”), and its accompanying regulations, the United States Citizenship and Immigration Services (the “Agency”) is required to review applications for special immigrant juvenile (“SIJ”) status to ensure compliance with the statutory requirements. Here, the Agency did just that. It made a narrow decision, based on the record, that the *ex parte*, emergency order granting temporary custody of Felipe Perez Perez to his brother for a mere three weeks until a custody hearing with notice and due process could be held failed to satisfy the INA’s requirements. In so doing, it carried out the duties expressly conferred on it by statute and explained its reasoning. As a result, we should apply the appropriate deferential standard of review which would require that the Agency’s decision be affirmed.

But we, in adopting Perez’s arguments, have cast aside the applicable standard of review under the Administrative Procedure Act (“APA”) and substituted our judgment for that of the Agency. Under our reasoning, if a SIJ petitioner presents the Agency with an order containing certain magic words, it must—like the proverbial ostrich—bury its head in the sand¹ and ignore the order’s terms and the circumstances under which it was

¹ This myth about ostriches, long since debunked, appears to have originated from *The Natural History*, written by Pliny the Elder in 77 A.D. In that work, Pliny wrote: “for although the rest of their body is so large, [ostriches] imagine, when they have thrust their head and neck into a bush, that the whole of their body is concealed.” Pliny the Elder, *THE NATURAL HISTORY OF PLINY* 479 (John Bostock and H.T. Riley, trans.) (1855).

obtained. Importantly, in reversing the Agency’s decision, we severely restrict the Agency in carrying out one of the duties Congress expressly conferred to it under the SIJ provisions of the INA—reviewing predicate state court orders of SIJ petitioners. And while our decision fortunately leaves intact the INA’s provision requiring the Agency’s consent to a SIJ petition (under which petitions with problems like those identified here can be properly rejected), we unnecessarily limit the Agency from doing one of the jobs Congress asked it to do.

Our justification for this deviation from our standard of review is a false premise—that the Agency imposed a blanket requirement that SIJ predicate custody orders must be permanent. However, try as one might, one will not be able to find any such sweeping requirement in either the Agency’s decision or that of the Administrative Appeals Office (“AAO”). In fact, a review of those decisions reveals that the temporary nature of the state court order was just one of several factors upon which the Agency relied in concluding that the order did not satisfy the SIJ requirements under the INA. And without Perez’s false premise, his argument should fail.

What’s more, our decision places this Court’s stamp of approval on a brazen scheme to game our federal immigration system. As explained below, Perez used, at best, dubious claims of an emergency to obtain an *ex parte* order at a time close enough to his eighteenth birthday that the order would never receive a proper review. This obvious manipulation of the state juvenile court to circumvent federal immigration laws should be condemned. Instead, we reward it in a way that will regrettably encourage others to do the same.

Making matters worse, this scheme not only manipulates the immigration laws passed by Congress, but it also has real victims—Perez’s parents. Perez used courts in the United States to terminate the custodial rights of his parents living in another country with a motion they did not even know about. If another country did this to American parents, there would be universal and justifiable outrage. Yet today, we sanction just such a scenario.

For these reasons, I dissent.

I.

Perez was born in Guatemala on July 6, 1997. He left his home in 2013. In January 2014, at the age of sixteen, he entered the United States illegally. The border authorities apprehended Perez and, in February 2014, transferred him to live with his brother in North Carolina pending his removal hearing.

In January 2015, about a year later, his brother filed a complaint in North Carolina state court seeking temporary and permanent custody over Perez and the termination of Perez’s parents’ custodial rights. In June 2015, just before Perez turned eighteen, his brother filed an *ex parte* motion seeking an order for temporary emergency custody asserting Perez faced actual abuse and neglect. In an affidavit filed with this motion, Perez or his brother (the record does not tell us) swore the emergency Perez faced was abuse and neglect by his parents. Significantly, however, at the time the motion was filed, Perez had been in the custody of his brother in the United States, approximately 2,700 miles away from his Guatemalan parents, for over a year and a half.

On June 29, 2015, based on the affidavit asserting an emergency, the North Carolina state court granted Perez's brother emergency temporary custody over Perez. The state court's findings were based solely on the *ex parte* affidavit without any opportunity for Perez's parents to respond. The order stated its terms would only remain in effect until July 22, 2015, just three weeks away. The court scheduled a custody hearing for that date to "determine custody of the minor child." J.A. 130. The order also required Perez's parents to be notified of the July 22 hearing.

As far as we know, neither Perez nor his brother provided such notice. And the July 22, 2015 hearing, which was scheduled to actually determine custody of the minor child, never happened. On July 6, 2015, just one week after the *ex parte* emergency order, Perez turned eighteen. Reaching the age of majority deprived the North Carolina juvenile court of jurisdiction over Perez. On the very day he turned eighteen, Perez took the emergency order, which he obtained without ever notifying his parents, to the Agency and petitioned for SIJ status.

The benefits of obtaining SIJ status can be substantial. For Perez, SIJ status makes him eligible for lawful permanent status, waiving potentially disqualifying facts such as his unlawful entry. In the initial complaint for child custody, in fact, Perez's brother made the specific request that the North Carolina court make the precise findings that would permit Perez to apply for SIJ status and then apply for a permanent visa to remain in the United States. These benefits were far from lost on Perez.

But before a petitioner like Perez can obtain SIJ status, he must submit a petition that is approved by the Agency for compliance with the SIJ requirements. The requirements

are found in the statutory definition of a SIJ. Under 8 U.S.C. § 1101 (a)(27)(J) of the INA, an SIJ is “an immigrant who is present in the United States”:

- (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
- (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and
- (iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status[.]²

8 U.S.C. § 1101(a)(27)(J).

The SIJ definition can be broken down into two components. First, a petitioner must submit a predicate order that satisfies subsections (i) and (ii). The Agency is charged with reviewing the petition and the order for statutory compliance. Second, under subsection (iii), the Agency must consent to the petition. In exercising its statutory consent function, the Agency must review the juvenile court order and conclude that the request for SIJ classification is bona fide, which means the juvenile court order was actually sought to

² Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457, 122 Stat. 5044 (2008) which made significant amendments to the SIJ statute. Congress appropriately named the Act in honor of William Wilberforce, an influential English politician and social reformer. Although his story is unknown to far too many in the United States, Wilberforce’s positive contributions are hard to overstate. Wilberforce’s most well-known contribution was leading the effort to end slavery in England. Notable American figures like Abraham Lincoln and Frederick Douglass referred to Wilberforce as the pioneer of the abolitionist movement.

obtain relief from abuse, neglect, abandonment or a similar state law basis, rather than solely or primarily to obtain an immigration benefit. *See Reyes v. Cissna*, 737 F. App'x 140, 146 (4th Cir. 2018). Critically, both components are required.

In response to Perez's petition for SIJ status, on or around July 31, 2015, the Agency issued its Notice of Intent to Deny. It pointed out that the Agency must consent to the petition and noted concerns about the *ex parte*, emergency order. It explained:

The Order Granting Ex Parte Temporary Custody is expressly temporary in nature and does not make a finding that reunification with one or both parents is permanently not viable. The order submitted specifically states that the terms of the order remain in effect until the next court date of July 22, 2015. The petitioner did not submit any subsequent court orders or any other evidence of additional custody determinations made by the juvenile court as evidence that the order is a permanent finding. Additionally, the court order does not make specific factual findings to support the statement that it is not in the best interest of the petitioner to be returned to Guatemala.

J.A. 85.

Attempting to salvage his petition, Perez returned to the North Carolina state court seeking another *ex parte* order. On August 28, 2015, the North Carolina juvenile court issued a second *ex parte* order, this time for judgment *nunc pro tunc*. That order found: (1) an action for *ex parte* temporary emergency child custody was instituted by Perez's brother; (2) an order granting *ex parte* temporary emergency child custody was granted on June 29, 2015; and (3) "[b]ecause the child turned 18 years old four days after the signing of the Order, the Order granting temporary custody to Plaintiff was as permanent as possible under North Carolina Law." J.A. 88. Perez supplemented his SIJ petition with this *nunc pro tunc* order.

On September 23, 2015, the Agency denied Perez’s petition for SIJ status. The Agency repeated the concerns set forth in its Notice of Intent to Deny, but also explained the *nunc pro tunc* order “does not overcome the fact that the custody order submitted is expressly temporary in nature and therefore does not make the finding that reunification with one or both parents is permanently not viable.” J.A. 27. It also held that “[t]he record is not sufficient to support USCIS’s consent to SIJ status.” J.A. 27.

After Perez appealed, the AAO reviewed the Agency’s decision de novo and dismissed the appeal. In its decision, the AAO noted that the Act requires the Agency’s consent. It then evaluated the orders submitted by Perez in the context of North Carolina appellate decisions on *ex parte*, emergency orders. Based on those decisions, it held “the *nunc pro tunc* order does not cure the underlying deficiency of the *ex parte* emergency order, which is that the *ex parte* emergency order was obtained through a proceeding that allows a juvenile court to take temporary jurisdiction over a child when necessary in an emergency to protect the child and defers custody determinations to a subsequent hearing.” J.A. 22. It explained “[o]nly in the hearing scheduled for July 22, 2015, could the juvenile court have determined the viability of the Petitioner’s reunification with one or both parents and the resulting custody issues.” J.A. 22. Last, the AAO concluded, “[t]he Petitioner is ineligible for SIJ classification because the *ex parte* emergency order was not a qualifying juvenile court dependency order pursuant to section 101(a)(27)(J)(i) of the Act when it was issued and the *nunc pro tunc* order does not cure that lack of qualification.” J.A. 23.

Perez later filed a complaint in the Western District of North Carolina against the Director of the Agency, seeking declaratory relief and review of the AAO's decision under the APA. Perez moved to set aside final agency action claiming the Agency and the AAO imposed an *ultra vires* requirement that the predicate custody order required by the SIJ application process be permanent. Alternatively, Perez argued the Agency and AAO acted arbitrarily or capriciously in differentiating between temporary emergency custody orders and permanent custody orders. The Agency moved for judgment on the record affirming the denial of the SIJ application.

The district court rejected Perez's claims. In concluding that the *ex parte*, emergency custody order did not satisfy the SIJ statute, the district court found that the Agency and AAO did not act arbitrarily and capriciously. Instead, the district court held they simply gave the *ex parte*, emergency order the same effect it would have been given in North Carolina. The district court thus denied Perez's motion to set aside final agency action and granted the Agency's motion for judgment on the record.

II.

Perez's initial argument before this Court rises and falls on single faulty premise. He mistakenly contends the Agency imposed a requirement that a custody order be permanent. He then argues that such a requirement is *ultra vires* and unlawful. His second argument is related to the first. For basically the same reasons, Perez also argues that the Agency's decision that the *ex parte*, emergency order did not comply with the SIJ statute

was arbitrary and capricious. Both mischaracterize the decisions of the Agency and the AAO and are at odds with our required standard of review.

A.

Although this should be a straightforward case about a federal administrative agency performing its statutory duties, Perez incorrectly claims the Agency imposed an *ultra vires* “permanency” requirement on custody orders submitted with SIJ petitions. He argues that neither the text, structure nor history of the SIJ statute requires a qualifying custody order to be permanent. Perez argues the INA does not include temporal language pertaining to the required order, and claims the Agency, in requiring an order to be permanent, has gone beyond its delegated authority.

But we must keep in mind that the Court’s review under the *ultra vires* standard is “necessarily narrow.” *Ancient Coin Collectors Guild v. U.S. Customs & Border Prot.*, 698 F.3d 171, 179 (4th Cir. 2012). This Court should not “dictate how government goes about its business. . . .” *Id.* Instead, this Court’s role is only to determine whether an agency “has acted within the bounds of its authority or overstepped them.” *Id.* (internal citations and quotation marks omitted). Government action is *ultra vires* if an agency or other government entity “is not doing the business which the sovereign has empowered [it] to do or [it] is doing it in a way which the sovereign has forbidden.” *Larson v. Domestic &*

Foreign Commerce Corp., 337 U.S. 682, 689 (1949). We have no such conduct by the Agency here.

First, the foundation of Perez’s argument—that the Agency and the AAO imposed a permanency requirement for predicate custody orders—is simply unfounded. Nowhere in either decision is there a categorical permanency requirement. Admittedly, the Agency and AAO refer to the temporal aspects of the order. But that is simply part of the record related to this order that required the Agency’s analysis. Importantly, both decisions focus more on the terms of the order that reflect its *ex parte* and emergency nature than whether it was permanent or temporary. For example, the Agency’s decision points out that the order was only to remain in effect for three weeks and made insufficient factual findings to support the conclusion that it was not in Perez’s best interests to return to Guatemala. The analysis portion of the AAO’s decision does not even use the word permanent except to reference the *nunc pro tunc* order and Perez’s assertions on his brief. Instead, the AAO decision focuses on the fact that the order was obtained *ex parte*, that it merely maintained the status quo due to the alleged emergency, that it deferred custody determinations until the July 22, 2015 hearing and that only at that July hearing could the state court make custody determinations.

Thus, when read in their totality, the decisions of the Agency and the AAO do not, as Perez insists, impose a sweeping permanency requirement binding across the board. Instead, they merely reviewed Perez’s particular order and found that it did not meet the statutory SIJ requirements. In fact, as the Agency acknowledged at oral argument, it is possible an order that by its terms is temporary, but was issued after notice to all parties

and a hearing where all parties had the right to present their positions, would qualify under the SIJ statute. Certainly nothing in the decisions of the Agency nor the AAO would preclude such a result.

Second, determining whether an order meets the federal statutory requirements does not exceed or conflict with the Agency's authority. To the contrary, such a determination is exactly what the Agency has been tasked to do. Perez contends the INA's silence as to whether an order like the one he submitted qualifies under the SIJ statute somehow means the Agency cannot conclude that his order fails to satisfy the SIJ requirements. But administrative agencies must discharge their legislatively delegated duties, and we routinely defer to them in that work. Our holding puts a straitjacket on the Agency—and other agencies if we apply this same approach consistently—in reviewing state court orders submitted with SIJ petitions under 8 U.S.C. § 1101(a)(27)(J)(i).

Indeed, the Agency was required to analyze whether the order complied with the SIJ requirements by the INA and the accompanying regulations. Under § 1101(a)(27)(J)(iii), the Agency must consent to the petition. Clearly, in order to determine whether a petition meets the SIJ statutory requirements, the Agency has the ability to conduct a meaningful review of any custody orders submitted with the petition. Moreover, 8 U.S.C. § 1103(a)(3) empowers the Secretary of Homeland Security to “issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter.” 8 U.S.C. § 1103(a)(3). In response, the Agency promulgated 8 C.F.R. § 204.11, establishing the procedures for submission of SIJ applications and the Agency's review of those applications. Under the INA and regulations,

the Agency did not act in an *ultra vires* manner in reviewing and ultimately denying Perez's application. It simply carried out its required role of determining whether Perez's application for federal SIJ status should be granted.

On this issue, I find the Fifth Circuit's decision in *Budhathoki v. Nielsen*, 898 F.3d 504 (5th Cir. 2018) to be persuasive. In a similar appeal challenging the Agency's denial of an application for SIJ status, the Fifth Circuit noted that the question was "whether the right kind of court issued the right kind of order." *Id.* at 509. Although a state court makes the initial determinations about state law issues, the Agency considers whether those orders match the requirements for SIJ status consistent with federal requirements. *Id.* "This sort of agency obligation to review state court orders for their sufficiency is certainly the approach of the regulations identifying the documents that must be submitted in support of SIJ status. . . ." *Id.* at 511. As described above, that is precisely what the Agency did here. Adopting Perez's position places us, in my view improperly, in conflict with the only circuit that has addressed the power of the Agency to evaluate state court domestic relations orders for compliance with the SIJ statute and in the unenviable position of being the only circuit to so narrowly limit the Agency's power.

Perez's *ultra vires* argument is based on a false premise and is misguided. We should reject it because it would unnecessarily restrict the Agency from doing one of the very jobs Congress, in the INA, empowered it to do.

B.

Perez's alternative argument is related to his first. He contends that if the Agency's determination that the *ex parte*, emergency order failed to satisfy the requirements of the

SIJ statute was not *ultra vires*, it was arbitrary and capricious. To support his argument, Perez points out the *ex parte*, emergency order found that “(1) it has jurisdiction over Felipe Perez Perez and that he is dependent on this Court; (2) Reunification with the biological parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law; (3) it is not in Felipe Perez Perez’s best interest to return to Guatemala; and (4) it is Felipe Perez Perez’s best interest for temporary and permanent custody to be awarded to the Plaintiff.” J.A. 129. Perez argues that language satisfies the SIJ statute, establishes that his order was “permanent enough,” and demonstrates that the Agency’s decision to the contrary constitutes arbitrary and capricious second guessing of the state court by the Agency.

As an initial matter, as with the *ultra vires* issue, we must employ a deferential standard of review here. The Supreme Court has indicated that the “scope of review under the ‘arbitrary and capricious’ standard is narrow and a court is not to substitute its judgment for that of the agency. . . .” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 30 (1983) (internal citation omitted). Following the Supreme Court, we have held that if the agency has followed proper procedures and has presented a rational basis for its decision, we will not disturb the agency’s judgment. *Webster v. U.S. Dep’t of Agric.*, 685 F.3d 411, 422 (4th Cir. 2012). As long as the Agency “provide[s] an explanation of its decision that includes a rational connection between the facts found and the choice made,” its decision should be sustained. *Ohio Valley Env’tl. Coal. v. Aracoma Coal Co.*, 556 F.3d 177, 192 (4th Cir. 2009) (internal citations and quotation marks

omitted). As described below, the Agency's decision shows the clear, rational path for its decision.

First, Perez's suggestion that the Agency's decision second guesses the North Carolina state court finds no support—not even a little—in the record. Neither the Agency nor the AAO criticized the state court. They did not state or imply that the order was wrong. They did not come to any conclusions that contradict the state court. The issue for the Agency and the AAO was not whether the North Carolina court properly applied state law. The only issue was whether the order satisfied the SIJ statute, a matter of federal law. The Agency had the power, and indeed the responsibility, to make that determination.

Next, in making its determination, the Agency appropriately explained its rationale. Its decision, and the AAO's, when read in their entirety, explain that the Agency's determination was based on the emergency, *ex parte* characteristics of the state court order. The state court order plainly indicates it was to maintain the status quo based on the alleged emergency. The order was only to last from June 29, 2015, until July 22, 2015, a mere three weeks. The order was issued without notice to Perez's parents and based on information provided only by Perez's brother without an opportunity for those allegations to be challenged, contested or opposed by Perez's parents before an outcome that altered their parental rights.

Moreover, the Agency's determination that the order did not qualify as a SIJ predicate order because of those emergency, *ex parte* characteristics was consistent with applicable North Carolina law. The North Carolina legislature provides the statutory basis for temporary emergency jurisdiction. "A court of this State has temporary emergency

jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.” N.C. Gen. Stat. § 50A-204(a). Likewise, North Carolina case law affirms the limited reach of the temporary emergency jurisdiction. “When a court invokes emergency jurisdiction, any orders entered shall be temporary protective orders only.” *In re Brode*, 566 S.E.2d 858, 860 (N.C. Ct. App. 2002). “[W]hen a trial court invokes emergency jurisdiction under the [Uniform Child Custody Jurisdiction and Enforcement Act], such jurisdiction is only temporary in nature and does not empower the trial court to enter a permanent custody order.” *Id.* at 861.

Further, although a North Carolina court has jurisdiction to terminate the parental right of any parent irrespective of the state of residence of the parent, before exercising jurisdiction over the parental rights of a nonresident parent, “the court shall find that it has jurisdiction to make a child-custody determination under the provisions of G.S. 50A-201 or G.S. 50A-203, without regard to G.S. 50A-204 and that process was served on the nonresident parent pursuant to G.S. 7B-1106.” N.C. Gen. Stat. § 7B-1101. This statutory provision is particularly relevant here as Perez’s parents were nonresidents.

The import of these provisions and the North Carolina case law is clear. An order issued pursuant to the North Carolina court’s temporary emergency jurisdiction is issued to address the alleged emergency until a hearing with notice to all parties can be held. But “[b]efore a child-custody determination is made under this Article, notice and opportunity to be heard. . . must be given to all persons entitled to notice under the law of this State as in child-custody proceedings between residents of this State, any parent whose parental

rights have not been previously terminated, and any person having physical custody of the child.” N.C. Gen. Stat. § 50A-205. Plainly, no such notice nor hearing occurred here.

Yet Perez ignores these failings and, unfortunately, we do the same. According to our decision today, because the *ex parte*, emergency court order contained certain magic words found in the SIJ statute, the Agency’s hands, in considering subsection (i) of 8 U.S.C. § 1101(a)(27)(J), were tied. This argument cannot be squared with the statutory and regulatory requirements that the Agency review the petition and the order submitted for compliance with federal law.

And our decision in *Ojo v. Lynch*, 813 F.3d 533 (4th Cir. 2016) does not justify this departure from the deferential standard of review. That case involved an across-the-board administrative interpretation of the effective date of an adoption and the Board of Immigration Appeals’s associated policy of summarily disregarding *nunc pro tunc* orders relating to adoptions issued by various state courts. *Ojo*, 813 F.3d at 538. The applicable federal regulations in *Ojo* provided that adoptions that became effective after a child turned sixteen were ineffective for federal immigration purposes. In the face of that limitation, the state domestic court specifically held that the effective date of the adoption at issue occurred before the child turned sixteen. *Id.* at 536. In response, the federal agency contradicted the state court by determining the effective date of the adoption was the date the order was entered, which was after the child turned sixteen. It did so based upon a widespread BIA “rule” and interpretation of 8 U.S.C. § 1101(b)(1)(E)(i) as it related to the effective date of an adoption and the statutory phrase “adopted while under the age of sixteen years.” *Id.* at 537-538. Here, as described in detail above, the Agency made no

decision that contradicted the North Carolina state court. And it certainly did not announce any policy, practice or categorical rule of law such as the legal definition of when an adoption is effective. Thus, *Ojo* is of no help to Perez.

Last, in reviewing the Agency's decision, it is critical to remember that our question is not whether we would have made the same decision as the Agency if we were sitting in its shoes. The question is whether the Agency's decision was arbitrary or capricious. Far from that, the Agency's decision was reasonable. It was based on the terms of the order and consistent with North Carolina appellate decisions on the legal effect of such orders. Further, both the Agency and the AAO explained their reasoning in the decisions. Under these circumstances, based on the applicable standard of review, we should affirm. In my view, our contrary conclusion fails to apply the appropriate standard of review and substitutes our judgment for that of the Agency.

III.

Finally, in addition to suffering from the legal deficiencies described above, I fear our decision will have serious and far reaching ramifications. First, in adopting Perez's arguments, we sanction a scheme to game United States immigration laws. As noted above, Perez's brother alleged to a court of law and either Perez or his brother swore in an affidavit that temporary emergency custody of Perez was needed to protect Perez from imminent, serious physical harm from Perez's parents. But at the time the motion containing this allegation and the supporting affidavit were filed, his parents were still in Guatemala. In other words, Perez had been in the United States, over 2,700 miles from his parents, for

over a year. When asked by the panel at oral argument the basis of the purported emergency, counsel for Perez was unable to provide any explanation. He likewise provided none before the entire court sitting en banc. No one, at any time, has articulated any sort of emergency.³

If there was an actual emergency, one would expect Perez's brother to have filed the motion for an emergency order at the time the complaint was filed, or even sooner. But he did not do so. Instead, he waited until June 2015, just weeks before Perez turned eighteen, to file the motion.⁴ By doing so, Perez was able to obtain the *ex parte*, emergency order without any meaningful examination of the allegations since the parents had no way to know the motion was even filed. And since Perez was about to turn eighteen on July 6, Perez and his brother knew the July 22, 2015 hearing the state court ordered would never happen. Perez's scheme makes a mockery of the immigration laws passed by Congress. What's more, by sanctioning this scheme, we are sending the clear message: Gaming the federal laws is fine with us. Keep doing it.

In insisting the record does not support my characterization of Perez's conduct, the majority invokes John Adams' famous reminder that "facts are stubborn things." Indeed

³ The language cited by the majority at pages 6-7 of its opinion refer to circumstances that allegedly existed when Perez lived in Guatemala. Even if true, they offer no basis for an emergency, *ex parte* order hearing a year and a half after Perez left Guatemala and came to the United States.

⁴ Perez flip-flopped on this issue at the *en banc* oral argument. He first suggested that he promptly filed the motion and the delay was due to the slow pace of the North Carolina court. When pressed, however, he conceded that he had not filed the motion until six months later, in June.

they are. The fact here is that the purported emergency on which Perez's motion was based involves events that occurred years ago and thousands of miles away. J.A. 116-117. The fact here is that Perez's brother waited until just before Perez turned eighteen to seek emergency relief. J.A. 88, 127. The fact here is that Perez's brother sought emergency custody of Perez without providing any notice to their parents in Guatemala. J.A. 88-89, 129-130. The fact here is that the order on which Perez's SIJ petition was based only preserved the status quo until a hearing with due process rights could be held. J.A. 130. All these facts are plainly in the record, and my good colleagues in the majority do not suggest otherwise. They simply come to a different, and in my view implausible, conclusion about them.⁵

⁵ In considering whether Perez's conduct is part of a scheme to game our immigration laws, I note the remarkable similarities between the facts here and those of *Reyes v. Cissna*, 737 F. App'x 140 (4th Cir. 2018). There, Reyes lived with her grandparents from the time she was eleven until she was sixteen. *Id.* at 142. At age sixteen, she entered the United States unlawfully, was apprehended and, pending a removal hearing, was moved to North Carolina where her father lived. *Id.* Almost two years later, and four days before Reyes' eighteenth birthday, Reyes' father, represented by the same lawyers as Perez, filed an action in North Carolina state court to terminate the parental rights of Reyes' mother. *Id.* Reyes' father also filed a motion seeking emergency custody of Reyes because Reyes had been abandoned by her mother. Reyes' father claimed he should be awarded custody of Reyes on an emergency basis even though the alleged abandonment took place seven years earlier when Reyes was eleven and even though Reyes lived with her grandparents from that time until she came to the United States illegally. The North Carolina state court granted the emergency relief and set a hearing just five days later to determine custody. *Id.* at 143. Like our case, however, Reyes turned eighteen just before the hearing, depriving the North Carolina state court of jurisdiction to make a custody determination. Despite that, Reyes used the emergency order, obtained without any due process provided to her mother, to petition for federal SIJ benefits. *Id.* at 143. Sound familiar?

Second, our decision effectively transfers much of the responsibility of determining eligibility for SIJ benefits from the Agency—which is where Congress placed it—to state juvenile courts. In doing this, we pave the way for immigrants to seek orders from state juvenile courts in order to gain an immigration advantage. I agree that, as a general rule, neither federal agencies nor federal courts should wade into the waters of state domestic relations law. But the Agency did not make any state domestic relations law determinations. And giving appropriate respect to state courts in the area of domestic relations does not mean that the Agency must abdicate its role, rubber stamp a barebones set of “findings” or ignore the circumstances of an SIJ submission. Certainly nothing in the INA suggests that result.

Third, beyond the damage to our immigration laws, this scheme and our approval of it marginalizes the importance of parents having custody over their children. Our decision approves a scheme that terminated the custodial rights of Perez’s parents without a scintilla of due process. Here, although North Carolina law requires notice and a hearing for a custody determination, Perez made an end run around that requirement with his dubious claim of emergency. And although an emergency order normally only holds the status quo in place until a hearing of which all parties receive notice and are given an opportunity to be heard, Perez’s strategic timing of the emergency motion in relation to his eighteenth birthday assured that hearing would not take place. Then, the INA and its accompanying regulations, which assume that the state court order would have been carried out with due process protections, do not require the parents to be notified of the SIJ petition.

Perez's scheme, like a thief in the night, terminates his parents' custodial rights without the parents even knowing.

Last, these results would be bad enough if they affected American citizens. But here, courts in the United States are being used to eviscerate the rights of citizens of Guatemala whose parental rights should be governed by the laws of that country. Imagine the outrage we would rightly feel if another country's courts terminated the custodial rights of American citizen parents over an American child. International comity means nothing if schemes like this are endorsed.

For these reasons, I dissent.⁶

⁶ If there is a silver lining in the results of this appeal, it is that our reversal and remand of the case does not prohibit the Agency from considering Perez's application in light of the requirements of subsection (iii) of 8 U.S.C. § 1101(a)(27)(J). In particular, the requirement that the Agency consent to the SIJ petition in subsection (iii) seems to allow the Agency, if it so chooses, to withhold consent on the grounds that Perez's application is not designed as a remedy for actual abuse, neglect or other mistreatment, but to improperly gain an immigration advantage.

444 F.Supp.3d 678

Berta Lidia ARREAGA-VELASQUEZ,
Plaintiff,

v.

**Kenneth T. CUCCINELLI II, Acting
Director, U.S. Citizenship and
Immigration Services and Kevin
McAleenan, Acting Secretary, U.S.
Department of Homeland Security,**
Defendants.

No. 2:18-cv-03463-DCN

**United States District Court, D. South
Carolina, Charleston Division.**

Signed March 12, 2020

[444 F.Supp.3d 681]

Bradley Bruce Baniyas, Barnwell Whaley Patterson and Helms LLC, Charleston, SC, Dana S. Fields, Dana Fields LLC, North Charleston, SC, for Plaintiff.

Beth Drake, Matthew J. Modica, US Attorneys Office, Charleston, SC, for Defendants.

ORDER

DAVID C. NORTON, UNITED STATES DISTRICT JUDGE

The following matter is before the court on plaintiff Berta Lidia Arreaga-Velasquez's ("plaintiff") motion for summary judgment, ECF No. 18, and defendants Kenneth T. Cuccinelli II, Acting Director, U.S. Citizenship and Immigration Services and Kevin McAleenan, Acting Secretary, U.S. Department of Homeland Security (collectively, the "government") cross-motion for summary judgment, ECF No. 21¹. For the reasons set forth below, the court grants in part and denies in part plaintiff's motion for summary judgment and grants in part and denies in part the government's cross-motion for summary judgment.

I. BACKGROUND

Plaintiff was born in Guatemala on July 28, 1996. ECF No. 16-5 at 10. In December 2013, plaintiff entered the United States without inspection, admission, or parole. U.S. Border Patrol agents apprehended plaintiff shortly after her entry near Eagle Pass, Texas. *Id.* Plaintiff was issued a Form I-862, Notice to Appear, then was taken into the custody of the Office of Refugee Resettlement, and subsequently released to the custody of her mother. *Id.* On July 22, 2014, the Family Court of the Fourteenth Judicial Circuit in Beaufort County, South Carolina ("Family Court") issued an amended temporary order declaring plaintiff a dependent on the Family Court and under the jurisdiction of the Family Court until a final order was entered. ECF No. 16-3 at 30–31 ("Temporary Order"). The Temporary Order granted plaintiff's mother custody of plaintiff and made specific fact findings for the purpose of establishing plaintiff's eligibility

[444 F.Supp.3d 682]

for special immigrant juvenile ("SIJ") status under 8 U.S.C. § 1101(a)(27)(J). *Id.* SIJ status is a classification under the Immigration and Nationality Act (the "INA") that permits an immigrant to pursue lawful permanent residence and, potentially, United States citizenship. As codified at 8 U.S.C. § 1101(a)(27)(J) (the "SIJ provision"), the INA specifies that an immigrant may qualify for SIJ status if, inter alia, "a juvenile court located in the United States" has "placed [her] under the custody of" "an individual" and "reunification with 1 or both of [her] parents is not viable." *See* 8 U.S.C. § 1101(a)(27)(J)(i).

On October 6, 2014, plaintiff filed Form I-360 to the U.S. Citizenship and Immigration Services ("USCIS") field office in Charleston, South Carolina to seek classification as a SIJ. ECF No. 16-3 at 15–26. The USCIS Charleston Field Office Director denied the plaintiff's petition. ECF No. 16-5 at 9. Plaintiff appealed the USCIS Charleston Field Office Director's decision, and on April 28, 2016, the USCIS Administrative Appeals Office ("AAO") issued a non-precedent decision dismissing plaintiff's appeal ("2016 AAO Decision"). *Id.* at 9–14. The 2016 AAO Decision

stated that the Temporary Order was deficient "as it is temporary in nature and does not contain the requisite determination regarding the non-viability of parental reunification due to abuse, neglect, or abandonment. Consequently, the [plaintiff] does not meet the requirements ... and is ineligible for SIJ classification." *Id.* at 14.

On December 7, 2016, plaintiff's mother filed a complaint seeking continuing custody, maintenance, and support obligations of plaintiff ("Permanent custody action"). ECF No. 16-6 at 36. On December 28, 2016, the Family Court acknowledged that that temporary custody was granted to plaintiff's mother and that the Permanent custody action arose from the jurisdiction asserted in the Temporary Order and was necessary because plaintiff had turned 18 but was still not married, self-supporting, or graduated from high school. *Id.* After declaring continued jurisdiction over plaintiff even though she was over the age of 18, the Family Court awarded sole physical and legal custody to plaintiff's mother until plaintiff "is married or becomes self-supporting, not to exceed high school graduation, whichever is later." ECF 16-6 at 36–39 ("Final Order"). The Final Order also made specific fact findings for the purpose of establishing plaintiff's eligibility for SIJ status under 8 U.S.C. § 1101(a)(27)(J). *Id.* Based on the Final Order, plaintiff again filed a Form I-360 and submitted it to the USCIS seeking a classification as a SIJ. ECF No. 16-7 at 22–27 ("2018 USCIS Decision"). On March 13, 2018, the USCIS denied plaintiff's application for classification as a SIJ stating:

USCIS does not question the court's jurisdiction over you as a person over the age of 18 for the purposes of child support within the court order. However, the court order does not establish the court exercised jurisdiction over you as a child under South Carolina law for the purposes of court-ordered juvenile dependency or custody, as required [for SIJ classification].

2018 USCIS Decision at 3.

On December 16, 2018 plaintiff filed this complaint asking the court for relief under the Administrative Procedure Act ("APA"). ECF No. 1. On October 30, 2019, plaintiff filed this motion to for summary judgment. ECF No. 14. On December 12, 2019, the government filed a response to plaintiff's motion and filed a cross-motion for summary judgment. ECF Nos. 20–21. On January 1, 2020, plaintiff filed her response to the government's cross-motion and reply to government's response, ECF No. 23, to which the government replied on January 31, 2020, ECF No. 26. These

[444 F.Supp.3d 683]

motions have been fully briefed and are now ripe for the court's review.

II. STANDARD

Summary judgment shall be granted "if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). "By its very terms, this standard provides that the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–48, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986). "Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." *Id.* at 248, 106 S.Ct. 2505. "[S]ummary judgment will not lie if the dispute about a material fact is 'genuine,' that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.* "[A]t the summary judgment stage the judge's function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." *Id.* at 249, 106 S.Ct. 2505. The court should

view the evidence in the light most favorable to the non-moving party and draw all inferences in its favor. *Id.* at 255, 106 S.Ct. 2505. When cross motions for summary judgment are filed, the court "must review each motion separately on its own merits to determine whether either of the parties deserves judgment as a matter of law." *Rossignol v. Voorhaar*, 316 F.3d 516, 523 (4th Cir. 2003) (internal quotation marks omitted).

However, the APA subjects final agency action to judicial review to determine whether it is both supported by the administrative record and consistent with the APA. 5 U.S.C. § 704. A reviewing court must "decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action." *Id.* at § 706. The court shall "hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," *id.* § 706(2)(A); "contrary to constitutional right, power, privilege, or immunity," *id.* § 706(2)(B); "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," *id.* § 706(2)(C); "without observance of procedure required by law," *id.* § 706(2)(D); or "unsupported by substantial evidence," *id.* § 706(2)(E).

"Regardless of how serious the problem an administrative agency seeks to address, ... it may not exercise its authority 'in a manner that is inconsistent with the administrative structure that Congress enacted into law.'" *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 125, 120 S.Ct. 1291, 146 L.Ed.2d 121 (2000) (quoting *ETSI Pipeline Project v. Missouri*, 484 U.S. 495, 517, 108 S.Ct. 805, 98 L.Ed.2d 898 (1988)). Agency action "is always subject to check by the terms of the legislation that authorized it; and if that authority is exceeded it is open to judicial review as well as the power of Congress to modify or revoke the authority entirely." *INS v. Chadha*, 462 U.S. 919, 953 n. 16, 103 S.Ct. 2764, 77 L.Ed.2d 317 (1983). At times, "more intense scrutiny" of agency action is appropriate, such as where "the agency interprets its own authority," due to "the

unspoken premise that government agencies have a tendency to swell, not shrink, and are likely to have an expansive view of their mission." *Chamber of Commerce of U.S. v. N.L.R.B.*, 856 F. Supp. 2d 778, 786 (D.S.C. 2012), *aff'd*,

[444 F.Supp.3d 684]

721 F.3d 152 (4th Cir. 2013) (quoting *Hi-Craft Clothing Co. v. NLRB*, 660 F.2d 910, 916 (3d Cir. 1981)).

Reviewing courts are not obliged to stand aside and rubberstamp their affirmance of administrative decisions that they deem inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute. Such review is always properly within the judicial province, and courts would abdicate their responsibility if they did not fully review such administrative decisions.

NLRB v. Brown, 380 U.S. 278, 291, 85 S.Ct. 980, 13 L.Ed.2d 839 (1965).

III. DISCUSSION

A. 2018 USCIS Decision

Plaintiff contends that the USCIS exceeded its authority and erred in its statutory interpretation of 8 U.S.C. § 1101(a)(27)(J)(i) ("clause (i) of the SIJ provision") in the 2018 USCIS Decision. ECF No. ECF 18-1 at 7. By finding that the Family Court was not exercising its jurisdiction as a juvenile court for the purposes of court-ordered juvenile dependency or custody because plaintiff was over the age of 18, plaintiff argues the 2018 USCIS Decision misinterprets South Carolina law, implements regulations that do not reflect congressional intent, and defies the plain language of the SIJ provision. ECF 23 at 7–10. The government argues because the Final Order referenced a different section of the South Carolina Code than the Temporary Order, the

Family Court did not have the necessary jurisdiction to meet the requirements for a SIJ classification because plaintiff was no longer a child under South Carolina law and the court did not exercise its jurisdiction as a juvenile court as defined by the INA. ECF No. 21 at 9. Therefore, the government argues that USCIS's interpretation of clause (i) of the SIJ provision in the 2018 USCIS Decision was appropriate. *Id.* The government relies upon the USCIS's interpretation of 8 C.F.R. § 204.11(a) to support the proposition that the Family Court must have jurisdiction as a juvenile court for the purposes of court-ordered juvenile dependency or custody over an immigrant under the age of 18 in order to meet the obligations of clause (i) of the SIJ provision. *Id.* In short, plaintiff argues that an immigrant may be over the age of 18 and remain eligible for SIJ status, and the government contends that an immigrant must be under the age of 18 to be eligible for SIJ status.

1. Standard for Deference

As a threshold matter, the court must examine the standard of review for making its determination of whether the USCIS erred in its statutory interpretation of clause (i) of the SIJ provision. The government argues that the court must review the 2018 USCIS Decision in a manner that is "highly deferential" to the USCIS's finding. ECF No. 21 at 12–13. Plaintiff contends that the 2018 USCIS Decision is entitled no deference. ECF No. 18-1 at 7. In Kentuckians for Commonwealth Inc. v. Rivenburgh, the Fourth Circuit explained the proper procedure for the court when performing a deference analysis of an agency acting pursuant to a regulation and a statute:

[W]hen an agency acts pursuant to a regulation, a reviewing court must, if there is any dispute about the meaning of the regulation, interpret the meaning of the regulation to determine whether the agency's action is consistent with the regulation. The reviewing court does not have much leeway in undertaking this interpretation,

however, because the agency is entitled to interpret its own regulation and the agency's interpretation is "controlling unless plainly erroneous or inconsistent with the regulation."

[444 F.Supp.3d 685]

Auer v. Robbins, 519 U.S. 452, 461, 117 S.Ct. 905, 137 L.Ed.2d 79 (1997) (internal quotation marks and citation omitted). This requirement of binding deference to agency interpretations of their own regulations, unless "plainly erroneous or inconsistent with the regulation," is known as Seminole Rock deference, having first been articulated in Bowles v. Seminole Rock & Sand Co., 325 U.S. 410, 414, 65 S.Ct. 1215, 89 L.Ed. 1700, (1945).

Finally, if there is any question whether an agency action taken pursuant to a regulation exceeds the agency's statutory authority, the statutory inquiry under Chevron step one (whether the intent of Congress is clear) must take place prior to interpreting the agency's own regulation. This ordering is a function of the Chevron test itself: If Congress has spoken clearly to the issue, then the regulation is inapplicable. See Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73, 79–84, 122 S.Ct. 2045, 153 L.Ed.2d 82 (2002) (applying an analytical approach by which the validity of an action taken in reliance of a regulation depends, in the first instance, on whether the regulation itself exceeds the issuing agency's statutory authority); see also John F. Manning, Constitutional Structure and Judicial Deference to Agency Interpretations of Agency Rules, 96 Colum. L.Rev. 612, 627 n.

78 (1996) ("It is important to note that because a regulation must be consistent with the statute it implements, any interpretation of a regulation naturally must accord with the statute as well.... [T]o get to Seminole Rock deference, a court must first address the straightforward Chevron question whether an agency regulation, as interpreted, violates the statute. Seminole Rock addresses the further question whether the agency's interpretation is consistent with the regulation").

Kentuckians for Commonwealth Inc. v. Rivenburgh, 317 F.3d 425, 439–40 (4th Cir. 2003). Here, plaintiff argues the USCIS exceeded its statutory authority in the 2018 USCIS Decision by relying upon 8 C.F.R. § 204.11(a) to support the proposition that the Family Court must be exercising its jurisdiction over an immigrant under the age of 18 for the purposes of juvenile custody in order to meet the obligations of clause (i) of the SIJ provision. ECF No 18-1 at 7. Therefore, the court will begin its analysis by determining if the intent of Congress is clear as to whether such a requirement exists. See Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc., 467 U.S. 837, 842–43, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984) ("First, always, is the question whether Congress has directly spoken to the precise question at issue. If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.").

Since originally passed by Congress in 1990, the criterion for SIJ eligibility has evolved over time to ensure that the statute reflects current congressional intent. When first passed in 1990, the INA conferred SIJ status to juveniles who had been "declared dependent on a juvenile court," and "deemed eligible by that court for long-term foster care," in cases where the juvenile court also determined "that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or

country of last habitual residence." Immigration Act of 1990, Pub. L. No. 101-649 § 153, 104 Stat. 1978, 5005-06 (1990) (amending 8 U.S.C. § 1101). In 1993, the Immigration and Naturalization Service ("INS") implemented regulations that defined the statutory term "juvenile court" as a "court located in the United States having jurisdiction under state law to make judicial determinations about the custody and

[444 F.Supp.3d 686]

care of juveniles." 8 C.F.R. § 101.6(a) (1993). This regulation was adopted when SIJ status was still limited only to juveniles who were deemed eligible by a juvenile court for long-term foster care. Id. Under the 1993 regulations, determination of whether an immigrant was considered a juvenile depended upon "the law of the state in which the juvenile court upon which the alien has been declared dependent is located[.]" Id. § 101.6(c)(1).

Congress amended the SIJ provision in 1997 to allow juvenile immigrants to be eligible for SIJ status if such an individual had been "legally committed to, or placed under the custody of, an agency or department of a State and who ha[d] been deemed eligible by that [juvenile] court for long-term foster care due to abuse, neglect, or abandonment." Pub. L. No. 105-119 § 113, 111 Stat. 2440, 2460 (1997) (amending 8 U.S.C. § 1101). INS regulations defining "juvenile court" remained primarily intact but added that eligible juveniles were aliens "under twenty-one years of age." 8 C.F.R. §§ 204.11(a), (c)(1) (1999). Federal law continued to defer to state courts applying state law for "declarations of dependency." 8 C.F.R. § 204.11(c)(3) (1999). In 2008, Congress again clarified its intent of who may be eligible for SIJ status when it again amended the SIJ provision by passing the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA"). The requirement that the juvenile must be eligible for long-term foster care was removed under the TVPRA, and the SIJ provision now applied to juveniles for whom "reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a

similar basis found under State law." Pub. L. 110-457 § 235(d)(1)(B), 122 Stat. 5044 (2008) (amending 8 U.S.C. § 1101(a)(27)(J)). In contrast to the 1997 amendments, the TVPRA expanded who may be eligible for SIJ status by giving eligibility to juveniles who have been "declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court...." 8 U.S.C. § 1101(a)(27)(J)(i) (emphasis added).

Even though Congress eliminated the foster care requirement by passing the TVPRA, the regulations have continued to rely on foster care determinations and requirements for eligibility such as "the alien ... [h]as been deemed eligible by the juvenile court for long-term foster care ... [and] [c]ontinues to be dependent upon the juvenile court and eligible for long-term foster care" and continuing to define a "juvenile court" as "having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." See 8 C.F.R. § 204.11(a), (c)(4)–(5). In 2015, the Citizen and Immigration Services Ombudsman ("CISOMB") found that the USCIS was "relying ... on language that had disappeared from the statute" to make its determination of SIJ eligibility, and that USCIS needed to amend 8 C.F.R. § 204.11 because, "[t]he SIJ regulations, which have not been updated since 1993, no longer comport with statutory language." Department of Homeland Security, Ensuring Process Efficiency and Legal Sufficiency in Special Immigrant Juvenile Adjudications, Citizenship and Immigration Services Ombudsman report at 11 (December 11, 2015). In response to the 2015 CISOMB report, the USCIS acknowledged that the SIJ regulations no longer reflected the SIJ provision, and declared, "USCIS is ... in the process of amending its regulations governing the SIJ classification and related applications for adjustment of status. The final rule will implement updates to eligibility requirements and other changes made by the [TVPRA]."

[444 F.Supp.3d 687]

U.S. Citizenship and Immigration Services, USCIS Response to the Citizenship and Immigration Services Ombudsman's 2015 Annual Report to Congress at 23 (June 30, 2016). Despite USCIS's declaration that an amendment to the regulation was in process in 2016, there still have not been any changes made to 8 C.F.R. § 204.11 that reflect the current language of the SIJ provision. In short, while Congress's evolving intent for who may qualify for SIJ status was reflected in amendments to the SIJ provision, this intention was not reflected in corresponding amendments to the regulations.

Congress has spoken directly to the issue of whether a state court must be exercising its jurisdiction over an immigrant who is under the age of 18 for the purpose of establishing the immigrant's eligibility for SIJ status. Congressional intent clearly allows for individuals over the age 18 to be eligible for SIJ status. Therefore, the USCIS's reliance on 8 C.F.R. § 204.11 to support the opposite proposition, which the 2018 USCIS Decision does, is erroneous. Because 8 C.F.R. § 204.11(a) does not reflect congressional intent and the 2018 USCIS Decision relied upon its interpretation that 8 C.F.R. § 204.11(a) requires that the Family Court must be exercising its jurisdiction over an immigrant under the age of 18 in order to meet the obligations of clause (i) of the SIJ provision, the court finds that the 2018 USCIS Decision is not entitled to Chevron deference.

Absent eligibility for Chevron deference, agency interpretations are only "given a level of respect commensurate with their persuasiveness." Perez v. Cuccinelli, 949 F.3d 865, 877 (4th Cir. 2020) (citing Ramirez v. Sessions, 887 F.3d 693, 701 (4th Cir. 2018)). Under the Skidmore doctrine, an agency's " 'specialized experience' may justify granting its statutory interpretation a degree of deference 'proportional to its power to persuade.' " United States v. Mead Corp., 533 U.S. 218, 234-35, 121 S.Ct. 2164, 150 L.Ed.2d 292 (2001) (quoting Skidmore v. Swift & Co. 323 U.S. 134, 139-40, 65 S.Ct. 161, 89 L.Ed. 124 (1944)). In applying Skidmore deference, "courts have looked to the degree of the agency's care, its consistency,

formality, and relative expertness, and to the persuasiveness of the agency's position." Id. at 228, 121 S.Ct. 2164 (footnotes omitted). Not one indicia of persuasiveness recognized by Skidmore is exhibited in the 2018 USCIS Decision. Nothing about the 2018 USCIS Decision indicates that the USCIS's interpretation of clause (i) of the SIJ provision was reached through careful analysis or a reliance on its expertise nor did the 2018 USCIS Decision explain its reasoning or identify any supporting authority, including any consistent ruling from the USCIS. Therefore, the court finds that the 2018 USCIS Decision is not entitled to Skidmore deference.

In short, the court finds that the USCIS's interpretation of clause (i) of the SIJ provision and 8 C.F.R. § 204.11(a) in the 2018 USCIS Decision is not entitled to Chevron deference, because it does not reflect current congressional intent. See Morton v. Ruiz, 415 U.S. 199, 237, 94 S.Ct. 1055, 39 L.Ed.2d 270 (1974) ("In order for an agency interpretation to be granted deference, it must be consistent with the congressional purpose."). The court also finds that the USCIS's statutory interpretation in the 2018 USCIS Decision's not entitled to Skidmore deference because the USCIS "has not demonstrated the carefulness, expertise, or consistency that would imbue its interpretation with the power to persuade." Perez, 949 F.3d at 879.

2. Statutory Interpretation

Having found that the 2018 USCIS is not entitled to any deference, the court now turns its attention to the statutory

[444 F.Supp.3d 688]

interpretation of clause (i) of the SIJ provision. The SIJ provision is as follows:

an immigrant who is present in the
United States —

(i) who has been declared
dependent on a juvenile court
located in the United States or

whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with [one] or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.

8 U.S.C. § 1101(a)(27)(J). The Fourth Circuit decision in Perez v. Cuccinelli, prescribes how a court should proceed in reviewing the USCIS's statutory interpretation under the APA. 949 F.3d 865. Like the issue before this court, in Perez the Fourth Circuit also examined the USCIS's interpretation of clause (i) of the SIJ provision. Id. at 872. The Perez court stated that "the APA permits the court to set aside an agency action if the action is 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.'" Id. at 872 (citing 5 U.S.C. § 706(2)(A)). The Perez court held that if a plaintiff's application for a SIJ classification is denied on the basis of the USCIS's statutory interpretation, the court must "decide whether that interpretation is 'not in accordance with law,' bearing in mind that it is our duty under the APA to 'decide all relevant questions of law' and to 'interpret constitutional and statutory provisions.'" Id. "If statutory language is clear and unambiguous, an agency's interpretation thereof is not entitled to deference." Id.; See Chevron 467 U.S. at 842-43, 104 S.Ct. 2778 ("If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress."). But "if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute." Id. (internal citation omitted).

The court finds that USCIS's interpretation of clause (i) of the SIJ provision is not in accordance with law, using the holding in Perez as a framework for making such a determination. See

id. The precise question before the court is whether USCIS correctly concluded that Congress intended to impose a requirement that the juvenile court must be exercising its jurisdiction by making a determination about the custody of the immigrant "who is a child under state law and under the age of 18" when it defined an SIJ as an immigrant "who has been declared dependent on a juvenile court located in the United States ... or placed under the custody of ... an individual or entity appointed by a State or juvenile court, and whose reunification with [one] or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law." See 8 U.S.C. § 1101(a)(27)(J)(i). In other words, the court assesses the USCIS's view that clause (i) of the SIJ provision requires that the juvenile court have jurisdiction over an immigrant who is a child under state law and under the age of 18.

With respect to the 2018 USCIS Decision finding that a juvenile court must have jurisdiction over an individual as a child under state law who is under the age of 18 is a requirement of clause (i) of the SIJ provision, the court applies the "fundamental canon of statutory construction ... that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning." *Perez*, 949 F.3d at 873 (quoting

[444 F.Supp.3d 689]

United States v. Mills, 850 F.3d 693, 697 (4th Cir. 2017)). Clause (i) of the SIJ provision simply requires a finding that the immigrant be, "declared dependent on a juvenile court ... or placed under the custody of ... an individual or entity appointed by a State or juvenile court...." See 8 U.S.C. § 1101(a)(27)(J)(i) (emphasis added). In *Perez*, the Fourth Circuit found that clause (i) of the SIJ provision did not have a permanent non-viability of reunification requirement because "nothing about clause (i) [of the SIJ provision]'s language, the context in which it is used, or the broader context of the SIJ provision as a whole suggests that 'is' somehow equates with 'will always be.' " *Perez*, 949 F.3d at 874

(citing *Hately v. Watts*, 917 F.3d 770, 784 (4th Cir. 2019) ("To determine a statute's plain meaning, we not only look to the language itself, but also the specific context in which the language is used, and the broader context of the statute as a whole. If the plain language is unambiguous, we need look no further.") (internal quotation marks omitted)). Here, the USCIS conflates "dependent" with "child under the age of 18." "Dependent" means "someone who relies on another for support; one not able to exist or sustain oneself without the power or aid of someone else." Black's Law Dictionary (11th ed. 2019). Nothing in the definition of "dependent" refers to the age of that person nor that the person must be deemed a child by state law.

The Fourth Circuit announced their "confidence ... is bolstered" in their finding "that Congress did not intend for clause (i) [of the SIJ provision] to demand a finding of the permanent non-viability of reunification" because "if Congress had intended such a requirement, it easily could have said so. Indeed, the very paragraph of the INA containing the SIJ provision explicitly states a permanency requirement in another context." *Perez*, 949 F.3d at 874. In this instance, the very paragraph of the INA containing the SIJ provision explicitly states that an individual be a child in order to receive special immigrant status in multiple other contexts. See 8 U.S.C. § 1101(a)(27)(C), (E)–(I)(i), (H), (K). The Fourth Circuit in *Perez* found that the "omission of 'permanent' or a like term from the SIJ provision in these circumstances is highly illuminating of congressional intent." *Perez*, 949 F.3d at 874 (citing *United States v. Serafini*, 826 F.3d 146, 149 (4th Cir. 2016) (explaining that "[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.")).

The *Perez* court held that the presence of the word "permanent" in one other context within 8 U.S.C. § 1101(a)(27) made the absence of that word in 8 U.S.C. § 1101(a)(27)(J), "[p]lainly [clear] Congress did not intend to include a

requirement in clause (i) [of the SIJ provision] for a finding of the permanent non-viability of reunification." *Id.* Here, the word "child" or a like term appears seven times within 8 U.S.C. § 1101(a)(27), but not in 8 U.S.C. § 1101(a)(27)(J). Therefore, the court finds that if Congress wanted to restrict SIJ status only to immigrants under the age of 18, Congress would have included the word "child" or a like term in the SIJ provision. Because Congress did not include the word "child" or a like term, the court finds that the omission of the word "child" in clause (i) of the SIJ provision makes it plainly clear that Congress did not intend to include a requirement in the SIJ provision for a finding that the immigrant must be a child under state law or under the age of 18.

Based on the findings in *Perez*, the court holds that Congress did not intend to include a requirement in clause (i) of the SIJ provision for a finding that a juvenile

[444 F.Supp.3d 690]

court must have jurisdiction over an immigrant who is a child under state law and under the age of 18. Therefore, applying ordinary rules of statutory construction and based on *Perez*, the court finds that the language of clause (i) of the SIJ provision is clear and unambiguous and that a finding by the juvenile court having jurisdiction over a child under state law and who is under the age of 18 is not required. Thus, the court accords USCIS's contrary interpretation no deference and recognizes that, by defying the plain statutory language, that interpretation is not in accordance with law. *Perez*, 949 F.3d at 873 (citing *Prudencio v. Holder*, 669 F.3d 472, 480 (4th Cir. 2012)) ("If, using traditional tools of statutory construction, we determine that Congress manifested an intention on the precise question [at issue], such intention must be given effect and the analysis concludes." (internal citation omitted)).²

By finding that the plain language of clause (i) of the SIJ provision does not require a finding by the juvenile court that it has jurisdiction over an individual as a child under state law and who is under the age of 18, the court "need look no

further" and could end its analysis. *Hately*, 917 F.3d at 784. Nevertheless, the court will examine whether the USCIS had the authority to determine the Family Court was not exercising its jurisdiction as a "juvenile court" as defined in clause (i) of the SIJ provision. The government contends that the Family Court was not exercising its jurisdiction as a "juvenile court" because S.C. Code Ann. § 63-1-40(1) defines a "child" as "a person under the age of eighteen", and because S.C. Code Ann. § 63-3-530(A)(17) only confers jurisdiction to the Family Court for child support and not for custody. ECF No. 21 at 21. Plaintiff argues that USCIS's reliance on 8 C.F.R. § 204.11(a) to limit the definition of "juvenile courts" to immigrants who are children under state law violates the SIJ provision and that the USCIS misapplied South Carolina state law in determining what age is still considered a "child" and at what age can a court may maintain jurisdiction to order custody of an individual. ECF No. 18-1 at 10–12.

The court has found that congressional intent of the SIJ provision is to allow immigrants to remain eligible up to age 21. To the extent that the 2018 USCIS relied on 8 C.F.R. § 204.11(a) to interpret the SIJ provision as limiting the eligibility of immigrants to those age 18 and under, the court finds that such an interpretation is contrary to law. The 2018 USCIS Decision also relied on S.C. Code Ann. § 63-1-40(1) to find that under South Carolina law a child is "a person under the age of eighteen" and because plaintiff was "20 years old at the time the court entered its order[, plaintiff] w[as] not a juvenile under South Carolina law at the time the order was entered." 2018 USCIS Decision at 2.

S.C. Code Ann. § 63-1-40(1) states, "[w]hen used in this title and unless otherwise defined or the specific context indicates otherwise: "[c]hild" means a person under the age of eighteen." (Emphasis added). The USCIS failed to consider S.C. Code Ann. § 63-1-40(1) in its entirety by failing to acknowledge that there are situations

[444 F.Supp.3d 691]

when an individual can be over 18 and still be a "child" under South Carolina law. S.C. Code Ann. § 63-3-530(A)(17) states that the family court has the exclusive jurisdiction for an individual "past the age of eighteen years if the child is enrolled and still attending high school, not to exceed high school graduation or the end of the school year after the child reaches nineteen years of age, whichever is later." This part of S.C. Code Ann. § 63-3-530(A)(17) gives the specific context when an individual may be over the age of 18 and still be considered a child under South Carolina. The Final Order states that the plaintiff is "not married, is not self-supporting, and has not graduated from high school." ECF No. 16-6 at 36. Clearly, plaintiff met the criteria for the specific context required for an individual to be over the age of 18 and considered a child under South Carolina law.

The government points to the Fifth Circuit's decision in Budhathoki v. Nielsen, 898 F.3d 504 (5th Cir. 2018), to support the 2018 USCIS Decision finding that plaintiff was not a child under South Carolina law. In Budhathoki, the Fifth Circuit did not examine whether the plaintiffs were children under Texas law and relied instead on the fact that the state court order contained "no declaration of dependency" to affirm the district court's ruling that USCIS did not exceed its authority in denying the SIJ applications. 898 F.3d at 516. However, the district court directly ruled on what would have been necessary in the Texas state court order to find that the plaintiffs were children:

The Court agrees — the SAPCR orders do not contain a reasonable basis for the findings that the Texas courts were "juvenile court[s]" and Plaintiffs were dependent on those courts. While Plaintiffs provide a plausible construction of Texas law supporting the Texas court's jurisdiction and Plaintiffs' dependency, none of their arguments are found within the Texas courts' SAPCR orders, which is what USCIS reviewed in making

its decisions. For instance, the SAPCR orders do not assert jurisdiction over Plaintiffs as "child[ren]" defined by Section 101.003(b) of the Texas Family Code.

Budhathoki v. Dep't of Homeland Sec., 220 F. Supp. 3d 778, 787 (W.D. Tex. 2016), aff'd sub nom. Budhathoki v. Nielsen, 898 F.3d 504 (5th Cir. 2018). Like S.C. Code Ann. § 63-3-530(A)(17), Section 101.003(b) of the Texas Family Code states the circumstances when an individual can be considered a child over the age of 18 under Texas state law. Here, the Final Order contained exactly what the Texas state court order did not — assertion of jurisdiction over plaintiff by the state law which allows for an individual to be considered a child over the age of 18. ECF No. 16-6 at 36. Because the USCIS failed to consider the language allowing a person to be considered a child under South Carolina law above the age of 18, plaintiff met the specific context required for such consideration, and the Final Order asserted jurisdiction over plaintiff under the state law that allows for a "child" to be over the age of 18, the court finds the USCIS did not properly interpret South Carolina law and that plaintiff was a "child" under South Carolina law at the time of the Final Order.

Additionally, the government argues that S.C. Code Ann. § 63-3-510 allows the Family Court jurisdiction over custody decisions only for children under 18 and that S.C. Code Ann. § 63-3-530(A)(17) does not grant the Family Court jurisdiction to make custody decisions. ECF 21 at 20–22. Therefore, the government contends that the 2018 USCIS Decision was correct in finding that the Final Order was not making a determination about the custody and care of a child and did not exercise its jurisdiction as a juvenile court. Id. Plaintiff again argues that USCIS exceeded its

[444 F.Supp.3d 692]

statutory authority and misinterpreted South Carolina law. ECF 18-1 at 11–12; ECF No. 23 at 9–10.

S.C. Code Ann. § 63-3-510(B) states:

Whenever the court has acquired the jurisdiction of any child under eighteen years of age, jurisdiction continues so long as, in the judgment of the court, it may be necessary to retain jurisdiction for the correction or education of the child, but jurisdiction shall terminate when the child attains the age of twenty-two years.

Again, the USCIS failed to consider S.C. Code Ann. § 63-3-510 in its entirety by failing to acknowledge that there are situations when the state court can make a determination about the custody and care of an individual who is over the age of 18, and that individual is still a "child" under South Carolina law. In the Temporary Order, the Family Court established its jurisdiction over plaintiff under S.C. Code Ann. § 63-3-510 and stated that plaintiff "remained under this Court's jurisdiction ... until a final order is entered." ECF No. 16-3 at 30. At the time of the Temporary Order, plaintiff was under the age of 18. *Id.* In the Final Order, the Family Court clearly established that "the present action was filed for continued custody, support, and maintenance" from the Temporary Order. ECF No. 16-6 at 36. The Final Order grants plaintiff's mother "sole physical and legal custody" and states that plaintiff's mother "is obligated to support and maintain [plaintiff] until she is married or becomes self-supporting, not to exceed high school graduation" and "is authorized to continue to be the sole signatory for [plaintiff]'s educational and medical purposes." *Id.* at 39. The Final Order stated that the Family Court was "exercising jurisdiction over [plaintiff] as a juvenile by the power vested in the Court through Chapter 3 of the South Carolina's Children's Code, and specifically Section 63-3-530(A)(17)." *Id.* The government argues that the Final Order stated its jurisdiction was vested "specifically Section 63-3-

530(A)(17)," which necessarily meant the Family Court was no longer also exercising its jurisdiction under S.C. Code Ann. § 63-3-510(B). ECF No. 21 at 20.

The court finds that there is nothing in the Final Order that would indicate to the USCIS that the Family Court did not exercise jurisdiction under both S.C. Code Ann. § 63-3-510 and S.C. Code Ann. § 63-3-530(A)(17). Because the Family Court first exercised jurisdiction over plaintiff under in S.C. Code Ann. § 63-3-510 while plaintiff was under the age of 18 and the Final Order made holdings that were necessary for the education of the child, plaintiff specifically meets the criteria established in S.C. Code Ann. § 63-3-510(B) for when a court may maintain jurisdiction of a "child" over the age of 18 for purposes of custody determinations. Additionally, although the Final Order does specifically reference S.C. Code Ann. § 63-3-530(A)(17), it also states it is exercising jurisdiction "by the power vested in the Court through Chapter 3 of the South Carolina's Children's Code." ECF No. 16-6 at 36. These powers include S.C. Code Ann. § 63-3-510. For the USCIS's interpretation to be correct, the word "specifically" would necessarily mean "exclusively", and it does not. The court finds that a proper interpretation of South Carolina law and the Family Court's exercise of jurisdiction is that the Family Court references S.C. Code Ann. § 63-3-530(A)(17) to supplement, not supplant, its jurisdictional authority and allow the Family Court to issue rulings on both custody and support. Because S.C. Code Ann. § 63-3-510(B) does not allow for the Family Court to issue orders related to support for individuals over the age of 18, the Family Court appropriately supplemented its jurisdiction by referencing S.C. Code Ann. § 63-3-530(A)(17). The court finds

[444 F.Supp.3d 693]

USCIS's interpretation to the contrary is not in accordance with South Carolina law.

The government again relies on Budhathoki to support the USCIS's interpretation. This reliance is again misplaced. In Budhathoki, the Fifth

Circuit "ma[d]e no holding as to jurisdiction," but did "conclude, then, that before a state court ruling constitutes a dependency order, it must in some way address custody or at least supervision ... [and] demands that a state court do more than impose a financial obligation on parents." 898 F.3d at 513. As the Fifth Circuit in Budhathoki "demands", the Final Order imposes more than a financial obligation on parents, and expressly addresses both custody and supervision. ECF No. 16-6 at 36, 39. Because the USCIS failed to consider the language allowing a person to be considered a child under South Carolina law above the age of 18 for the purposes of custody determinations and plaintiff met the specific context required for such consideration, the Final Order asserted jurisdiction over plaintiff under the state law that allows for a "child" to be over the age of 18 for the purposes of custody determinations, and the Final Order specifically addressed the issue of custody, the court finds the USCIS did not properly interpret South Carolina law because in the Final Order, the Family Court properly exercised its jurisdiction as a juvenile court for the purpose of a custody determination as required by the SIJ provision.

In sum, the court finds that the USCIS's interpretation of clause (i) of the SIJ provision and 8 C.F.R. § 204.11(a) in the 2018 USCIS Decision is not entitled to Chevron nor Skidmore deference and the USCIS's interpretation of clause (i) of the SIJ provision and 8 C.F.R. § 204.11(a) in the 2018 USCIS Decision defies the plain statutory language by finding that the SIJ provision required a finding of the Family Court exercising jurisdiction over an immigrant who is a child under state law and is under the age of 18, and therefore is not in accordance with law. Furthermore, even if the SIJ provision did require that an immigrant be a child under state law, the court finds that the Final Order properly exercised its jurisdiction over plaintiff as a child for the purposes of custody under South Carolina law. Therefore, the court grants plaintiff's motion for summary judgment and denies the government's cross-motion for summary judgment as it relates to the 2018 USCIS Decision.³ The court remands this case back to the

USCIS and instructs the USCIS to re-examine plaintiff's application for SIJ status based on the court's finding that the Final Order established that the Family Court was a juvenile court and that it properly exercised its jurisdiction over plaintiff as a "child" under South Carolina law, for the purposes of court-ordered juvenile dependency or custody.

B. 2016 AAO Decision

In the 2016 AAO Decision, the AAO denied plaintiff's application for SIJ status for two reasons. ECF No. 16-5 at 9–14. The 2016 AAO Decision found that the Temporary Order was deficient because it did not find the permanent non-viability of plaintiff's reunification with one or both of her parents and because it did not state with sufficient specificity that reunification was not viable due to abuse, neglect, or abandonment. Id. at 13. The court will first examine whether the Temporary Order was required to have a finding of the permanent non-viability of plaintiff's reunification with one or both of her parents. Then

[444 F.Supp.3d 694]

the court will turn its attention to whether the Temporary Order was sufficiently specific in finding that plaintiff's inability to reunify with her father was due to abuse, neglect, abandonment, or a similar basis found under South Carolina state law.

1. Permanent Order Requirement

The government argues that in the 2016 AAO Decision, the AAO correctly found that the Temporary Order was insufficient to grant plaintiff with SIJ status because, "[i]t would be inconsistent with the statutory text of § 1101(a)(27)(J) to f[i]nd SIJ status on a reunification finding that the state court intended as only preliminary or temporary." ECF No. 21 at 18. The Fourth Circuit in Perez has explicitly rejected that argument:

Utilizing ordinary rules of statutory construction, we conclude that the language of clause (i) is clear and unambiguous that neither a finding of the permanent non-viability of reunification nor a permanent custody order is required. Thus, we accord USCIS's contrary interpretation no deference and recognize that, by defying the plain statutory language, that interpretation is not in accordance with law.... Plainly, Congress did not intend to include a requirement in clause (i) for a finding of the permanent non-viability of reunification. By concluding that clause (i) of the SIJ provision does not require a finding of the permanent non-viability of an SIJ applicant's reunification with one or both of his parents, we reject the foundation of USCIS's theory that only a permanent custody order will satisfy clause (i) There is no indication anywhere in the INA, including the SIJ provision and clause (i) itself, that Congress intended to displace the common understanding of the term "custody." As that term is commonly understood, custody may be granted by a temporary or permanent order, according to the law of the pertinent State. Consequently, clause (i) clearly and unambiguously does not require a permanent custody order.

Perez, 949 F.3d at 873-75. Therefore, the court finds that the 2016 AAO Decision's interpretation of clause (i) of the SIJ provision as requiring a finding of the permanent non-viability of reunification or a permanent custody order is not in accordance with law.

2. Specificity of Grounds for Non-Viability of Reunification

The government argues that in the 2016 AAO Decision, the AAO correctly found that the Temporary Order was insufficient to grant plaintiff SIJ status because the Temporary Order's finding that reunification with plaintiff's biological father was impossible "because" of death, and that plaintiff "has never been in the care of or been supported by the uncle who is listed as the father on her birth certificate" does not amount to a legal conclusion that parental death constitutes abuse, neglect, abandonment, or a similar basis under South Carolina state law. ECF No. 21 at 14–15. Plaintiff contends that the 2016 AAO decision was arbitrary and capricious because the AAO misinterpreted South Carolina law on neglect and abandonment. ECF No. 18-1 at 19. Arbitrary and capricious agency action can occur where the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). "[S]o long as a reasonable mind could find adequate support for the decision, it must stand." Reyes v. McCament, 2017 WL 3634068, at *5 (W.D.N.C. Aug. 23, 2017),

[444 F.Supp.3d 695]

aff'd sub nom. Reyes v. Cissna, 737 F. App'x 140 (4th Cir. 2018) (quoting Ogbolumani v. Napolitano, 557 F.3d 729, 733 (7th Cir. 2009)).

The Fourth Circuit has explained, "[t]his involves a searching and careful, but ultimately narrow and highly deferential, inquiry. In the end, if the agency has followed the proper procedures, and if there is a rational basis for its decision, we will not disturb its judgment." Webster v. U.S. Dep't of Agric., 685 F.3d 411, 422 (4th Cir. 2012) (internal citations omitted). "Review under this standard is highly deferential, with a presumption in favor of finding the agency action valid." Ohio Valley Envtl. Coal. v. Aracoma Coal Co., 556 F.3d 177, 192 (4th Cir. 2009) (citing Natural Res. Def.

Council, Inc. v. EPA, 16 F.3d 1395, 1400 (4th Cir. 1993)). "Deference is due where the agency has examined the relevant data and provided an explanation of its decision that includes a rational connection between the facts found and the choice made." Ohio Valley Env'tl. Coal., 556 F.3d at 192 (quotations and citations omitted).

However, the Fourth Circuit has explained what the court must do in order to give an agency action such deference:

While the standard of review is narrow, the court must nonetheless engage in a searching and careful inquiry of the record ... to educate the court so that it can understand enough about the problem confronting the agency to comprehend the meaning of the evidence relied upon and the evidence discarded; the questions addressed by the agency and those bypassed; the choices open to the agency and those made.

Id. at 192-93 (quotation and citations omitted).

Under South Carolina law, "abandonment of a child" means "a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child." S.C. Code Ann. § 63-7-20. South Carolina law defines "child abuse or neglect" as occurring when:

(a) the parent, guardian, or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but

excluding corporal punishment or physical discipline which:

(A) is administered by a parent or person in loco parentis;

(B) is perpetrated for the sole purpose of restraining or correcting the child;

(C) is reasonable in manner and moderate in degree;

(D) has not brought about permanent or lasting damage to the child; and

(E) is not reckless or grossly negligent behavior by the parents;

(ii) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

(iii) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has

[444 F.Supp.3d 696]

caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts

were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law;

(iv) abandons the child;

(v) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval;

(vi) commits or allows to be committed against the child female genital mutilation as defined in Section 16-3-2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

(vii) has committed abuse or neglect as described in subsubitems (i) through (vi) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect; or

(b) a child is a victim of trafficking in persons as defined in Section 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

S.C. Code Ann. § 63-7-20. The USCIS Policy Manual instructs that:

USCIS relies on the expertise of the juvenile court in making child welfare decisions and does not reweigh the evidence to determine if the child was subjected to abuse, neglect, abandonment, or a similar basis under state law. In order to exercise the statutorily mandated DHS consent function, USCIS requires that the juvenile court order or other supporting evidence contain or provide a reasonable factual basis for each of the determinations necessary for SIJ classification.

USCIS Policy Manual, 6 USCIS-PM J.2, Chapter 2 - Eligibility Requirements, 2017 WL 443003.

The Temporary Order does find that it is not in the best interest of plaintiff "to be returned to her country due to the neglect of her caregiver there." ECF No. 16-3 at 31. However, it is clear from the record that the caregiver that neglected plaintiff in Guatemala the Family Court is referring to in the Temporary Order is plaintiff's aunt, not her legal or biological father. *Id.* at 32, 103 S.Ct. 2856. While the court is sympathetic to the fact that plaintiff's biological father's death would preclude reunification, there is nothing in South Carolina law that says an unintentional death is necessarily equivalent to abandonment, neglect, or abuse. There is nothing in the record that suggests that plaintiff's biological father's death was intentional. ECF No. 16-3 at 32. Without a specific finding that plaintiff's biological father's death was abandonment, as the Family Court stated in the Final Order, the court finds that the AAO was within its discretion to find that plaintiff's biological father's death was not equivalent to abandonment, neglect, or abuse.

Additionally, while plaintiff's uncle submitted an affidavit for the Final Order

[444 F.Supp.3d 697]

stating he was not plaintiff's father, despite being listed as such on her birth certificate, that evidence was not in the record at the time the AAO reviewed the Temporary Order. ECF 16-4 at 5–6. There was no evidence submitted by plaintiff at the time of the 2016 AAO Decision that would show plaintiff's uncle was not her biological father, as the Family Court stated in the Final Order, nor that his lack of care for plaintiff equated to abandonment, neglect, or abuse. Therefore, the court finds that AAO was within its discretion to find that plaintiff's uncle was her legal father and that his lack of care was not equivalent to abandonment, neglect, or abuse.

Because the AAO acted within its discretion in the 2016 AAO Decision, the court finds that the AAO did not act in a manner that was arbitrary or capricious. Therefore, the court denies plaintiff's motion for summary judgment and grants the government's cross-motion for summary judgment as it relates to the 2016 AAO Decision.

IV. CONCLUSION

For the foregoing reasons, the court grants plaintiff's motion for summary judgment and denies the government's cross-motion for summary judgment as it relates to the 2018 USCIS Decision, and the court denies plaintiff's motion for summary judgment and grants the government's cross-motion for summary judgment as it relates to the 2016 AAO Decision.

AND IT IS SO ORDERED.

Notes:

¹ ECF Nos. 20 and 21 are the same document.

² To the extent that the government argues that the use of the word "juvenile" in the definition of "juvenile court" in 8 C.F.R. § 204.11(a) requires that the immigrant must be a child under state law and under the age of 18, the court rejects that interpretation because that regulation exceeds USCIS's statutory authority under the SIJ provisions, as stated in more detail above. See

Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73, 79–84, 122 S.Ct. 2045, 153 L.Ed.2d 82 (2002) (applying an analytical approach by which the validity of an action taken in reliance of a regulation depends, in the first instance, on whether the regulation itself exceeds the issuing agency's statutory authority).

³ The plaintiff informs the court that analysis on the 2016 AAO Decision is not needed if the court sets aside the 2018 USCIS Decision. ECF No. 18-1 at 7. For the sake of thoroughness, the court will continue with analysis of the 2016 AAO Decision.

COUNTY OF GREENVILLE

IN THE FAMILY COURT
13th JUDICIAL CIRCUIT

[Redacted]

FILED CLERK OF COURT

Plaintiff

[Redacted]

vs.

2016 DEC - 8 A 9 2

Defendant.

JUDGMENT IN A
FAMILY COURT CASE

Docket No. 2016-DR-23-3550

Submitted by: Antonina Grek	FAMILY COURT	Attorney for <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant <input type="checkbox"/> GAL
--------------------------------	--------------	--

DECISION BY COURT (check all that apply)

- This action came to trial, hearing or was resolved by consent and an order was rendered.
- This action has been dismissed pursuant to
 - Rule 12(b), SCRPC Rule 41(a), SCRPC
 - Rule 43(k), SCRPC Family Court Benchmark
 - Other: _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Additional information for Clerk: _____

ORDER INFORMATION

- This is a Temporary Final order. If Final, does this order end the case? Yes No
- Support is not ordered is ordered, and it is to be paid through the court, directly to the CP.
- Case number under which support is paid if different from this one: _____
- This order involves the immediate issuance dismissal of a bench warrant, or does not apply.
- The following motions are ended by this order (include motion filing date): _____
- This order adds or dismisses the following parties to this case:
 - dismiss add: _____
 - dismiss add: _____

INFORMATION FOR THE JUDGMENT INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information to enroll, indicate "N/A" in one of the boxes below.		
Judgment In Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount to be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the South Carolina Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: title abstractors and researchers should refer to the official court order for judgment details.

[s] Timothy H. Pogue
Family Court Judge

4197
Judge Code

9/30/16
Date

FOR CLERK OF COURT OFFICE USE ONLY

This judgment was entered on the 12-8-16 and a copy mailed first class or placed in the appropriate attorney's box on 12-8-16 to attorneys of record or to parties (when appearing pro se) as follows:

Antonina Grek
8811 Warren H. Abernathy Hwy, Ste. B
Spartanburg, SC 29301

ATTORNEY(S) FOR THE PLAINTIFF(S)

Court Reporter: _____

Custodial Parent (if applicable): _____

Pro Se

ATTORNEYS FOR THE DEFENDANT(S)

Paul B. Wickman
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE FAMILY COURT
13th JUDICIAL CIRCUIT

FILED CLERK OF COURT
OF GREENVILLE, S.C.

2016 DEC - 8) A 9
Plaintiff,)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

FAMILY COURT)

Defendant.)

Docket No. 2016-DR-23-3550

Plaintiff's Attorney:
Antonina Grek, Bar No. 101531
Address:
8811 Warren H. Abernathy Hwy, Ste. B
Spartanburg, SC 29301
Phone: 864 595 6000 Fax 864 595 6056
E-mail: agrek@greklawgroup.com

Defendant's Attorney:
_____, Bar No. _____
Address:

Phone: _____ Fax _____
E-mail: _____ Other: _____

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

Nature of Motion: _____
Estimated Time Needed: _____

SECTION I: Hearing Information

Court Reporter Needed: YES / NO

- Written motion attached
- Form Motion/Order

SECTION II: Motion/Order Type

I hereby move for relief or action by the court as set forth in the attached proposed order.

Shrek
Signature of Attorney for Plaintiff / Defendant

9/22/16
Date submitted

PAID - AMOUNT: \$ _____
 EXEMPT:

SECTION III: Motion Fee

(check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRPC)
- Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: Judge's Order

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other:

JUDGE CODE _____ Date: _____

Judge Signature: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

Custodial Parent (if applicable): _____

STATE OF SOUTH CAROLINA

FILED CLERK OF COURT
GREENVILLE, S.C.

IN THE FAMILY COURT
13th JUDICIAL CIRCUIT

COUNTY OF GREENVILLE

2016 DEC -8 A 9 28

[Redacted]

FAMILY COURT

Plaintiff,

FINAL
CUSTODY ORDER

vs.

[Redacted]

Defendant.

Docket No.: 2016-DR-23-3550

HEARING JUDGE: The Honorable Judge Timothy H. Pogue
PLAINTIFF'S ATTORNEY: Antonina Grek, Esq.
DEFENDANT'S ATTORNEY:
COURT REPORTER:
DATE OF HEARING: September 20, 2016 at 3:30 pm

THIS MATTER came before the Court on Plaintiff's Complaint for child custody and related relief.

The record reflects that Plaintiff filed Complaint for Child Custody on August 16, 2016. Defendant was properly served with Complaint and Summons via Personal Service as evidenced by Acceptance of Service. The Defendant filed an answer on August 23, 2016. The record further reflects that the Plaintiff filed for Final Hearing on August 24, 2016. The Defendant was served with the Notice of Final Hearing on August 25, 2016 via U.S. Postal Service, Certified Mail, Restricted Delivery, Return Receipt Requested, as evidenced by Certificate of Service filed with this Court on September 9, 2016.

This matter came before the Judge for a Final Hearing on September 20, 2016. Appearing in court that day was the Plaintiff, Antonio Sales, and the attorney, Joseph Baldwin, appearing on behalf of attorney Antonina Grek, who had a schedule conflict on that day. The Defendant was not present.

THP
#1

Based upon the verified Complaint, affidavits, exhibits and testimonies, the Court makes the following FINDINGS OF FACT:

1. The Plaintiff is a resident of Greenville County, South Carolina and has been residing in Greenville County more than one year; therefore, the jurisdiction and venue are proper.
2. The Plaintiff is the natural father of the minor child.
3. The Defendant is a foreign national of Honduras. Upon information and belief, the Defendant currently resides in [REDACTED]. The Defendant is the minor child's natural mother.
4. There are no existing child custody orders concerning this minor child.
5. The Plaintiff is fit to have care, custody, and control of the minor child, in that the Plaintiff is willing to provide for the best interest of the minor child.
6. The minor child is a citizen of Honduras, is presently sixteen years old, and is unmarried.
7. In June 2014, he entered the United States to look for and stay with his father. The minor child is a candidate for a Special Juvenile Immigrant Status pursuant to 8 U.S.C. § 1101(a)(27)(J).
8. The minor child lives in Greenville County, South Carolina, residing with his biological father who takes care of him. It is not in the minor child's best interest to return to his country of origin, Honduras, due to his age, lack of support from his mother, social and economic factors, including abandonment by his mother.
9. His mother neglected him by failing to provide adequate care, support, and education; therefore, reunification with his natural mother is not in the minor child's best interest.
10. The minor child is dependent upon this court for determination of his guardianship, care and control, based upon the acts and omissions of his natural mother.
11. The Plaintiff, as the minor child's biological father, is fit and proper to have care, custody, and control over the minor child. The Plaintiff is willing to provide for the best interests of the minor child.

THP
#2

WHEREFORE, based upon the foregoing Findings of Fact, the Court makes the following **CONCLUSIONS OF LAW**:

1. This Court has jurisdiction over the parties and the subject matter of this action, and this matter is properly before this Court.
2. It is in the best interest of the minor child for the Court to assume child custody jurisdiction, and this Court is entitled to make such a decision pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).
3. The Plaintiff is a fit and proper person to have the care, custody, and control of the minor child, and it is in the best interest of the minor child that his care, custody, and control be awarded to the Plaintiff.
4. The Plaintiff is the biological father of the minor, and this Court shall award guardianship to the Plaintiff, as the mother cannot or will not provide adequate care, custody, or support for him, and the mother abandoned the child.
5. Reunification with the Defendant is not viable due to abuse, neglect, abandonment, failure to support, or other sufficient reasons under South Carolina law. It would not be in the best interest of the minor child to return to the country of his origin, Honduras. The minor child is eligible for Special Juvenile Immigrant Status pursuant to 8 U.S.C. § 1101(a)(27)(J).
6. The minor child is dependent upon this Court, and this Court makes an award of custody to the Plaintiff.

THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED, JUDGED, AND DECREED** as follows:

- A. The care, custody, and control of [REDACTED] the minor child in this case, is awarded solely to the Plaintiff.
- B. It is in the best interest of the minor child to stay with Plaintiff in the United States and not to go back to Honduras.
- C. Reunification with the Defendants is not viable due to abuse, neglect, abandonment, failure to support, and other sufficient reasons under South Carolina law.

THP
#3

- D. The minor child is eligible for, and his guardian shall file a petition on his behalf for, Special Juvenile Immigrant Status pursuant to 8 U.S.C. § 1101(a)(27)(J).
- E. The terms of this order shall remain in effect until the expiration of this Court's jurisdiction.

AND IT IS SO ORDERED!

|s/ Timothy H. Pogue

The Honorable Timothy H. Pogue
Presiding Family Court Judge
Thirteenth Judicial Circuit

Sept
~~October~~ 30, 2016

Marion, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

FILED CLERK OF COURT
GREENVILLE, S.C.

2016 DEC -8 A) 9 26

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

CONFIDENTIAL
REFERENCE LIST OF
REDACTED IDENTIFIERS

[REDACTED]

[REDACTED]

vs.

Plaintiff
FAMILY COURT

Defendant.

Case No. : 2016-DR-23-3550

THE INFORMATION ON THIS FORM IS CONFIDENTIAL AND MUST NOT BE
PLACED IN A PUBLICLY ACCESSIBLE PORTION OF A FILE OR CASE
MANAGEMENT SYSTEM.

PLEADING OR DOCUMENT	UNREDACTED IDENTIFIER	SUBSTITUTED IDENTIFIER
Final Custody Order	[REDACTED]	[REDACTED]

CONFIDENTIAL

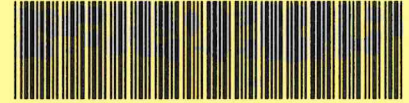
December 13, 2017

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Benefits Center
P.O. Box 648004
Lee's Summit, MO 64002

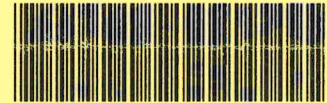


U.S. Citizenship
and Immigration
Services

[REDACTED]
c/o JESSICA LYNN WALLACE
IBRAHIM & RAO GREENVILLE
114 WHITSEET ST
GREENVILLE, SC 29601



MSC1790582082



RE: [REDACTED]
I-360, Petition for Amerasian, Widow(er), or Special Immigrant

REQUEST FOR EVIDENCE (FORM I-360)

Dear [REDACTED]

Why We Are Writing You

On January 9, 2017, you submitted your I-360. We are writing to inform you that we need more information from you to make a decision on your case. Please read this letter carefully and follow all of the instructions below.

What You Need To Do

You must provide the following information in order for us to make a final decision on your case:

Please include a copy of ALL pages of this letter with your response.

- You have provided USCIS with a copy of the Final Custody Order, dated September 30, 2016, from the State of South Carolina. This document is insufficient because the court order does not specifically indicate the specific ground(s) that apply and cite or reference any state law(s) under which the required findings for dependency or custody, non-viability of parental reunification and best interest findings were made. The Order only cites to provisions of Title 8 of the United States Code (U.S.C.).

Per 6 USCIS Policy Manual:

Dependency or custody, non-viability of parental reunification and best interest determinations must be made under state child welfare laws and the juvenile court order itself should establish that the finding was made under state law. Id. J.2(D)(4), J.3(A)(2).

Please provide a copy of a juvenile court order that specifically indicates the specific grounds that apply and cites or references state child welfare law(s) under which the dependency or custody, non-viability of parental reunifications and best interest determination findings were made.

- You have provided USCIS with a copy of the Final Custody Order from the State of South Carolina. A review of this court order and the documentation provided finds that there is insufficient evidence to show the factual basis of the court order regarding the non-viability of parental reunification and best interest determinations, detailing that it would not be in the child's best interest to be returned to the child's or their parent's country of nationality or last habitual residence.

Per the USCIS Policy Manual:

If a petitioner does not submit a court order that includes facts that establish a factual basis for all of the required findings, USCIS may request evidence of the factual basis for the court's findings. USCIS does not require specific documents to establish the factual basis or the entire record considered by the court. However, the burden is on the petitioner to provide the factual basis for the court's findings.

Please provide USCIS with documentation to establish a reasonable factual basis for the court's findings regarding the non-viability of parental reunification and best interest determinations. Examples of acceptable documentation include, but are not limited to:

- Any supporting documents submitted to the juvenile court, if available;
- The petition for dependency or complaint for custody or other documents which initiated the juvenile court proceedings.

When You Need To Do It

You must send the requested information by mail to the address shown below by March 10, 2018.

You must submit all of the requested evidence at one time. If you submit only part of the evidence, we will make a decision based on the evidence that you submit. We will not consider any evidence that is submitted after the due date. If you do not respond to this request by the date shown above, we will deny your case.

If you submit a document in any language other than English, you must provide: (1) a copy of the original document in its foreign language; and (2) a full English translation of the document. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English.

We strongly recommend you keep a copy of all documents that you submit to USCIS in response to this request.

Please include a copy of ALL pages of this letter with your response.

Submit your response with requested document(s), information, etc. to this address:

Regular Mail

Express Mail or Courier Deliveries

U.S. Department of Homeland Security	USCIS, Attention: Adjustment of Status
PO Box 648004	850 NW Chipman Rd
Lee's Summit, MO 64002	Lee's Summit, MO 64063

Please do not forget to include a copy of ALL pages of this letter with your response.

Sincerely,



Robert M. Cowan
Director
Officer: LA-1737



The Plaintiff testified at the hearing and stated that the minor was placed with the Defendant who was his natural mother by immigration authorities. Within two days the mother ordered him out of the house as she considered him to be capable of taking care of himself. The minor child had nowhere to go and contacted the Plaintiff who undertook the care of his son. His son was put on the street by his mother who make no alternative arrangements for his care. The Plaintiff testified that the mother of his son effectively abandoned him and he had no viable option to go back to his country of origin, because there is nobody to care for him there.

Based upon the verified Complaint, affidavits, exhibits and testimonies, the Court makes the following FINDINGS OF FACT:

1. The Plaintiff is a resident of Greenville County, South Carolina and has been residing in Greenville County more than one year; therefore, the jurisdiction and venue are proper.
2. The Plaintiff is the natural father of the minor child, [REDACTED] ("Child").
3. The Defendant is a foreign national of Honduras. Upon information and belief, the Defendant currently resides in [REDACTED]. The Defendant is the minor child's natural mother.
4. There are no existing child custody orders concerning this minor child.
5. This Court finds that it has jurisdiction to hear a matter of custody under the South Carolina Code, Section 63-3-530 (20). This Court has also has jurisdiction to make judicial determinations under state law about the custody and care of juveniles within the meaning of § 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(i), and 8 C.F.R. § 204.11(a),(c);
6. I find that this Court has jurisdiction over this matter which concerns the minor child, to determine the issues of Abandonment, Abuse, or Neglect within the meaning of South Carolina Code sections 63-7-10 et seq. I find exceptional circumstances exist to extend

the Court's jurisdiction for the minor child's on-going custody and support needs, South Carolina Code § 63-3-530 (17) .

7. I find that the child is 15 years of age. The child is not married and therefore is child under the meaning of the meaning of the South Carolina Code section 63-1-40 (1);
8. I find that the Plaintiff father is hereby granted sole custody of the minor child. Since the child has resided with the Plaintiff, he has been able to provide for all of his needs. The child has adequate housing, clothing, and food, and attend school on a regular basis. The Plaintiff father has been able to provide for the child's physical and emotional needs. The Defendant mother is not capable of providing for the child, she has failed to support the child, and abandoned him when he moved to the United States. In making this decision, this Court has considered all pertinent sections of the custody guidelines contained in South Carolina Code section 63-15-240.
9. Abandonment of a child under the South Carolina Code section 63-7-20 (1) is defined to mean "a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child." Section 63-7-20 (4) defines "'child abuse or neglect' [as occurring where] a parent, guardian or other person responsible for the child's welfare (a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment...." (c) fails to supply the child with adequate, food clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59 or (d) abandons the child;

10. In the above styled case Plaintiff testified. This Court finds that Plaintiff father provided credible, consistent testimony. Plaintiff father put facts into evidence pertinent to the abuse, abandonment, or neglect.
11. The Court finds clearly that the Defendant mother abandoned and neglected the child as defined by the South Carolina Code cited above.
12. This Court finds that reunification with the child's mother is not viable due to abandonment and neglect of child by the mother within the meaning of South Carolina law cited above and within the meaning of Section 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(i).
13. This Court finds that it is not in the best interest of child to be returned to Honduras, his country of last habitual residence within the meaning of Section 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(ii). This court makes the finding based on the fact that Plaintiff put pertinent facts into evidence: *there is no other family in Honduras to care for the child*. The facts of this case indicate that if the child were returned to Honduras, he would be destitute as no one is available to protect him or to provide for his needs and the child would be subject to the violence of gangs.

WHEREFORE, based upon the foregoing Findings of Fact, the Court makes the following CONCLUSIONS OF LAW:

1. This Court has jurisdiction over the parties and the subject matter of this action, and this matter is properly before this Court.
2. It is in the best interest of the minor child for the Court to assume child custody jurisdiction, and this Court is entitled to make such a decision pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

3. The Plaintiff is a fit and proper person to have the care, custody, and control of the minor child, and it is in the best interest of the minor child that his care, custody, and control be awarded to the Plaintiff.
4. The Plaintiff is the biological father of the minor, and this Court shall award guardianship to the Plaintiff, as the mother cannot or will not provide adequate care, custody, or support for him, and the mother abandoned and neglected the child.
5. Reunification with the Defendant is not viable due to abuse, neglect, abandonment, failure to support, or other sufficient reasons under South Carolina law. It would not be in the best interest of the minor child to return to the country of his origin, Honduras. The minor child is eligible for Special Juvenile Immigrant Status pursuant to 8 U.S.C. § 1101(a)(27)(J).
6. The minor child is dependent upon this Court, and this Court makes an award of custody to the Plaintiff.

THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, JUDGED, AND DECREED as follows:

- A. The care, custody, and control of [REDACTED] the minor child in this case, is awarded solely to the Plaintiff.
- B. It is in the best interest of the minor child to stay with Plaintiff in the United States and not to go back to Honduras.
- C. Reunification with the Defendants is not viable due to abuse, neglect, abandonment, failure to support, and other sufficient reasons under South Carolina law.
- D. The minor child is eligible for, and his guardian shall file a petition on his behalf for, Special Juvenile Immigrant Status pursuant to 8 U.S.C. § 1101(a)(27)(J).
- E. The terms of this order shall remain in effect until the expiration of this Court's jurisdiction.

AND IT IS SO ORDERED!

151 Timothy H. Pogue

The Honorable Timothy H. Pogue
Presiding Family Court Judge
Thirteenth Judicial Circuit

217418

October 15, 2016

Murphy, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FILED CLERK OF COURT
GREENVILLE, S.C.

IN THE FAMILY COURT
13TH JUDICIAL CIRCUIT

2023 JUN 23 A 11:00

FAMILY COURT

[REDACTED]

Plaintiff,

vs.

[REDACTED]

Defendant.

IN RE: [REDACTED] and [REDACTED]
(children under the age of eighteen),

FINAL CUSTODY ORDER

Case No.: 2023-DR-23-1027

HEARING DATE	:	June 6 th , 2023, at 2:00 p.m.
JUDGE	:	Rochelle Y. Conits
PLAINTIFF'S ATTORNEY	:	Joseph R. Baldwin
DEFENDANT'S ATTORNEY	:	(deceased)
GAURDIAN AD LITEM	:	Debra Walsh Rutledge
COURT REPORTER	:	Tracy McBride

This matter came to be heard for a final hearing upon request for relief pursuant to the *South Carolina Rules of Court*. The record in this action reflects that this action was commenced by the filing of a Summons and Complaint in the office of the Clerk of Court for Greenville County on March 17th, 3023. The Plaintiff seeks the following relief: full final custody, and a finding that the court make a determination pursuant to the provisions in the United States Code for Special Immigrant Juvenile Visas for the subject child.

The Defendant passed away on May 21st, 2013, as evidenced by the Death Certificate filed with this court on March 22nd, 2023.

The Plaintiff is the mother of the minor children, [REDACTED] and [REDACTED]. The Defendant is the natural father of the minor children. The Court finds that the Plaintiff and the minor children are Guatemalan.

The Plaintiff was present at the final hearing and was represented by Joseph R. Baldwin of the South Carolina Bar. The Defendant was not present at the hearing, he is deceased. Debra Walsh Rutledge, the appointed Guardian *ad Litem* for the minor children, was present at the final hearing. The Plaintiff submitted a financial declaration.

JURISDICTION, RESIDENCY, AND VENUE

I find that the Plaintiff and minor children are residents of the County of Greenville, State of South Carolina and have resided here for more than three (3) months prior to the initiation of this action. Therefore, jurisdiction and venue are correct in the County of Greenville, State of South Carolina. The Defendant, [REDACTED] is deceased.

I find that the Plaintiff has voluntarily submitted herself and the subject matter of this action to this Court for final determination. I further find and conclude that this Court has *in personam* jurisdiction over the Parties and has jurisdiction over the subject matter of this action.

This Court finds that it has jurisdiction to hear a matter of custody under the South Carolina Code § 63-3-530 (20). This Court also has jurisdiction to make judicial determinations under state law about the custody and care of juveniles within the meaning of § 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(i), and 8 C.F.R. § 204.11(a),(c);

This Court further finds that the children have been in South Carolina for more than six months prior to the commencement of this action, and South Carolina is therefore the "home state" of the children pursuant to South Carolina Code § 63-15-330 (a) (1). The children are under the jurisdiction of this Court and have been placed in the legal custody of Plaintiff by this Court within the meaning of § 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(i), and 8 C.F.R. § 204.11(a)(c);

This Court also finds that venue is proper within this Judicial Circuit and in Greenville County, South Carolina. South Carolina Code § 63-7-1620 and 63-3-560.

I find that this Court has jurisdiction over this matter which concerns the minor children to determine the issues of Abandonment, Abuse, or Neglect within the meaning of South Carolina Code § 63-7-10 et seq. I find exceptional circumstances exist to extend the Court's jurisdiction for the minor children's on-going custody and support needs, South Carolina Code § 63-3-530 (17).

Plaintiff was sworn and testified the following:

1. The minor children have been in the care and custody of the Plaintiff/mother their entire lives.
2. Plaintiff has lived in Greenville County for more than a year. Additionally, the minor children are attending school and are well taken care of.
3. Plaintiff and Defendant were separated prior to his death because of domestic violence.
4. Defendant was murdered because of his involvement in gang activity.
5. Plaintiff and the minor children left their home for fear of retribution by the same people that killed the Defendant.
6. The two minor children have no home to return to if they were forced to return to their home country, making their return impractical.

The Guardian ad Litem submitted into evidence a report. Additionally, she was sworn and testified that the minor children's best interest would be served by granting the relief being sought by Plaintiff.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In addition to the testimony of the Plaintiff and the Guardian ad Litem, this Court has carefully reviewed and considered the pleadings, the financial declaration, the Report of the Guardian *ad Litem*, and the entire record in this matter. Based thereon, I make the following findings of fact and conclusions of law:

1. I find that the children, [REDACTED] and [REDACTED] were born in [REDACTED]. The children are not married and therefore are a "child" under the meaning of the South Carolina Code § 63-1-40 (1);
2. I find that the Plaintiff is hereby granted final sole full custody of the minor children. Since the children have resided with the Plaintiff, she has been able to provide for all of their physical and emotional needs. The children have adequate housing, clothing, and food, and attend school on a regular basis.
3. Abandonment of a child under the South Carolina Code § 63-7-20 (1) is defined to mean "a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child." South Carolina Code § 63-7-20 (4) defines "'child abuse or neglect' [as occurring where] a parent, guardian or other person responsible for the child's welfare ... (c) fails to supply the child with adequate, food clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59 or (d) abandons the child. Based on South Carolina Code, this Court concludes that the Defendant had willfully abandoned the minor children that are subject of this action.

Furthermore, the Defendant physically abused the Plaintiff, which caused her to leave for her own and the children's protection; consequently, the Defendant abandoned the two (2) minor children.

4. In the above styled case both the Plaintiff and the Guardian *ad Litem* testified. This Court finds that Plaintiff and the Guardian *ad Litem* provided credible, consistent testimony. Plaintiff put facts into evidence supporting this order.
5. The testimony revealed that the natural father displayed abusive and violent conduct towards Plaintiff and the minor children. He was also involved in criminal activity. Furthermore, Defendant abandoned his family prior to his death. Defendant was not involved in the life of the minor children and failed to provide any type of support for the children. He provided no support, no shelter, no educational expenses, and he did not visit the children. The father failed to maintain any relationship with the minor children.
6. The Guardian *ad Litem* further testified that returning the minor children to [REDACTED] is not a viable option. Further testimony reveals that returning to [REDACTED] is not in the best interest of the minor children because there are no relatives or other persons that are physically capable of caring for the minor children.
7. The Court finds clearly that the father abandoned the children as defined by the South Carolina Code cited above.
8. This Court finds that reunification with the children's father is not viable due to his death and abandonment of the children by the father within the meaning of South

Carolina law cited above and within the meaning of § 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(i).

9. This Court finds that it is not in the best interest of the minor children, [REDACTED] and [REDACTED], to be returned to Guatemala, their country of last habitual residence within the meaning of § 101(a)(27)(J) of the INA, 8 U.S.C. § 1101(a)(27)(J)(ii). This Court makes the finding based on the fact that Plaintiff put pertinent facts into evidence: the father is not a viable option for custody.

10. It is apparent to the court that they would be destitute if they were returned to Guatemala. This Court further finds that the minor children, [REDACTED] and [REDACTED], shall be eligible to apply for Special Immigrant Juvenile Status.

11. The Court finds that Debra Walsh Rutledge is the appointed Guardian *ad Litem* for the minor children. This Court acknowledges thorough and excellent service in this case.

WHEREFORE, in consideration of the findings herein above set forth:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff will have sole custody of the minor children, [REDACTED] and [REDACTED]

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the minor children, [REDACTED] and [REDACTED] are eligible to apply for a Special Immigrant Juvenile Status designation.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the children were abandoned by the father pursuant to the code sections cited above and that reunification with the father is not a viable option;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that returning the minor children to [REDACTED] is not in their best interest;

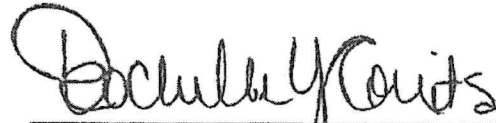
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the terms and conditions of the order, which are more fully set forth above, are hereby approved by this Court. The order shall govern all rights and obligations of the Parties.

(Signature Page to Follow)

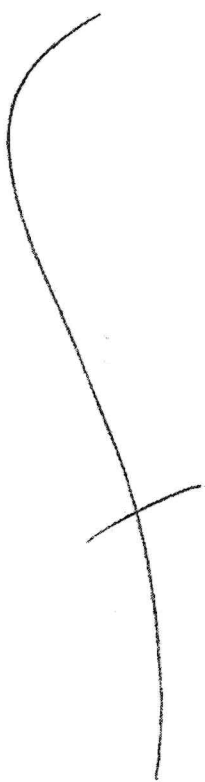
AND IT IS SO ORDERED!

DONE THIS THE 19 DAY OF June, 2023.

Greenville, SC



The Honorable Rochelle Y. Conits
Presiding Family Court Judge
Thirteenth Judicial Circuit



UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number MSC1790582082		Case Type I360 - PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
Received Date 01/09/2017	Priority Date 01/09/2017	Petitioner [REDACTED]
Notice Date 07/31/2018	Page 1 of 1	Beneficiary [REDACTED]
[REDACTED]		Notice Type: Approval Notice Class: SL6 Section: Special Immigrant-Juvenile

The above petition has been approved.

The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. The information submitted with the petition shows that the person for whom you are petitioning is not eligible to file an adjustment of status application at this time.

Additional information about eligibility for adjustment of status may be obtained from the local USCIS office serving the area where the person for whom you are petitioning lives.

Until the person for whom you are petitioning files an adjustment application, or applies for an immigrant visa, this approved petition will be stored in this office. If the person for whom you are petitioning becomes eligible to adjust status based on this petition, he or she should submit a copy of this notice with Form I-485, Application for Permanent Resident to the local office.

If the person for whom you are petitioning decides to apply for an immigrant visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

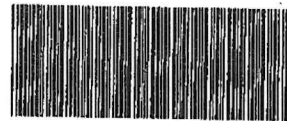
Please read the back of this form carefully for more information.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

National Benefits Center
U. S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648004
Lee's Summit MO 64064
USCIS Contact Center: 1-800-375-5283





Receipt Number MSC2390689622		Case Type I360 - PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
Received Date 07/24/2023	Priority Date 07/24/2023	Petitioner [REDACTED]
Notice Date 10/20/2023	Page 1 of 1	Beneficiary [REDACTED]
WALLACE IMMIGRATION LAW LLC c/o JESSICA LYNN WALLACE 114 WHITSETT STREET GREENVILLE SC 29601		Notice Type: Approval Notice Class: SL6 Section: Special Immigrant-Juvenile

I-797 Approval Notice for Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant with Deferred Action.

USCIS has approved the above petition.

Grant of Deferred Action:

Your **Form I-360** petition has been approved, but you do not yet have a visa available to file an application for adjustment of status. USCIS has determined that you warrant a favorable exercise of discretion to receive deferred action. As a result, you have been placed in deferred action and you may be issued an employment authorization document. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal from the United States for a specified period of time.

Your grant of deferred action will remain in effect for a period of four years from the date of this notice unless terminated earlier by USCIS.

Pursuant to 8 CFR Sec. 274a.12(c)(14), a noncitizen with approved deferred action is eligible to apply for employment authorization with the appropriate fee. If you would like to apply for employment authorization, you must properly file Form I-765, Application for Employment Authorization, and enter eligibility category (c)(14). You will receive separate correspondence regarding the adjudication of your Form I-765 once it is filed.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

USCIS will notify you separately about any other cases you have filed.

This form is not a visa, nor may you use it in place of a visa.

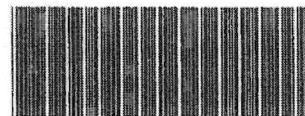
This form does not constitute employment authorization, nor may you use it in place of an Employment Authorization Document.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

National Benefits Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office
5900 Capital Gateway Drive, Mail Stop 2090
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
GREENVILLE SC 29617

DATE: OCT. 18, 2021

FILE #: A[REDACTED]
I-290B RECEIPT #: MSC [REDACTED]

IN RE: Petitioner: [REDACTED]

ON BEHALF OF PETITIONER:

NATHALIE M. MORGAN, ESQUIRE
NATHALIE M MORGAN LLC
201 W STONE AVE
GREENVILLE SC 29609

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case. All documents have been returned to the office that originally decided your case. If you have any further questions about your case, please call the USCIS Contact Center at (800) 375-5283.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Dibbins", followed by a horizontal line.

Susan Dibbins
Chief, Administrative Appeals Office



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 12184151

DATE: OCT. 18, 2021

Appeal of National Benefits Center Decision

Form I-360, Petition for Special Immigrant Juvenile

The Petitioner seeks classification as a special immigrant juvenile (SIJ) under sections 101(a)(27)(J) and 204(a)(1)(G) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(27)(J) and 1154(a)(1)(G). The Director of the National Benefits Center (Director) denied the Petitioner's Form I-360, Petition for Special Immigrant (SIJ petition) and the Petitioner appealed that decision to the Administrative Appeals Office (AAO). Upon *de novo* review, we will remand the matter to the Director.

I. LAW

To establish eligibility for SIJ classification, a petitioner must show that he or she is unmarried, under 21 years old, and has been subject to a state juvenile court order determining that the petitioner cannot reunify with one or both parents due to abuse, neglect, abandonment, or a similar basis under state law. Section 101(a)(27)(J) of the Act; 8 C.F.R. § 204.11(c). The petitioner must have been declared dependent upon the juvenile court, or the juvenile court must have placed the petitioner in the custody of a state agency or an individual or entity appointed by the state or the juvenile court. Section 101(a)(27)(J)(i) of the Act. The record must also contain a judicial or administrative determination that it is not in the petitioner's best interest to return to his or her parents' country of nationality or last habitual residence. *Id.* at section 101(a)(27)(J)(ii).

SIJ classification may only be granted upon the consent of the Department of Homeland Security (DHS), through U.S. Citizenship and Immigration Services (USCIS), when the petitioner meets all other eligibility criteria. Section 101(a)(27)(J)(i)–(iii) of the Act. *See also Matter of D-Y-S-C-*, Adopted Decision 2019-02, at 2, 6-7 (AAO Oct. 11, 2019) (providing guidance on USCIS' consent authority as rooted in the legislative history of the SIJ classification and longstanding agency policy). The Petitioner bears the burden of proof to demonstrate his or her eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

II. ANALYSIS

A. Relevant Facts and Procedural History

In November 2017, when the Petitioner was 19 years old, the Family Court of the Thirteenth Judicial Circuit of the County of Greenville, South Carolina (Family Court) issued a judgment entitled *FINAL ORDER* (SIJ order), granting custody of the Petitioner to his grandmother, among other things. The SIJ order states, in pertinent part, that the court has jurisdiction, pursuant to South Carolina Code Annotated (S.C. Code Ann.) section 63-3-530, because “exceptional circumstances [] extend the Court’s jurisdiction for the minor children’s ongoing custody and support needs.” The SIJ order further declares that the Petitioner’s parents abandoned him, and it is not in the Petitioner’s best interest to return to Mexico, the country of his nationality. The SIJ order formed the basis of the Petitioner’s SIJ petition, which he filed in December 2017.

In March 2020, the Director denied the SIJ petition after issuing a notice of intent to deny (NOID) and receiving the Petitioner’s timely response. With his SIJ petition and response to the NOID, the Petitioner submitted a copy of his birth certificate, a copy of the SIJ order, and copies of relevant decisions from the U.S. Court of Appeals for the Fourth Circuit. The Director determined that the Petitioner had reached the age of majority in South Carolina on or before the SIJ order was issued and, therefore, did not establish that the Family Court had “jurisdiction over [him] as a juvenile under state law pursuant to INA 101(a)(27)(J).”

With his appeal, the Petitioner submits a brief asserting his eligibility for SIJ classification.

B. Juvenile Court

To be eligible for SIJ classification, juveniles must have been subject to a dependency or custody order issued by a “juvenile court,” which is defined as a court “in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.” 8 C.F.R. § 204.11(a). While the specific title and type of state court may vary, SIJ petitioners must establish that the court had jurisdiction to make judicial determinations about their dependency and/or custody and care as juveniles under state law. *See* 8 C.F.R. § 204.11(a), (d)(2)(i) (stating that required initial evidence includes a juvenile court order issued by a court of competent jurisdiction); *Matter of A-O-C-*, Adopted Decision 2019-03, at 4 (AAO Oct. 11, 2019).

Because the dependency declaration or custodial placement and related SIJ findings must have been entered by a juvenile court while the Petitioner was “under the jurisdiction of the court,” the Petitioner must demonstrate that the court determined that he was a juvenile under state law and exercised jurisdiction over him accordingly. *Id.* 8 C.F.R. § 204.11 (c)(3), *cf. Matter of Annang*, 14 I&N Dec. 502 (BIA 1973) (discussing a petitioner’s burden to prove questions of foreign law).

Accordingly, the record must establish that the Family Court exercised jurisdiction over the Petitioner as a juvenile under state law. The South Carolina Children’s Code generally defines a child as a person under 18, but, as the Petitioner points out, also provides for “specific contexts” in which an individual can be over 18 and still be a “child.” *See Arreaga- Velasquez v. Cuccinelli*, 444 F.Supp.3d 678, 690

(D.S.C. 2020); S.C. Code Ann. § 63-1-40(1) (West). As examples, the District Court examined section 63-3-530(A)(17) of the S.C. Code Ann., which grants the Family Court jurisdiction to order child support past the age of 18. *See Arreaga- Velasquez*, 444 F.Supp.3d at 690. The court also addressed section 63-3-510(B) of the South Carolina Code, which allows the Family Court to retain jurisdiction, if necessary, “for the correction or education” of a child over whom it acquired jurisdiction while under the age of 18; however, such jurisdiction terminates when the child reaches age 22.

Here, the order includes a determination by the Family Court that the Petitioner was a juvenile under South Carolina law, pursuant to S.C. Code Ann. Section 63-3-530, which states, in subsection (A)(17), that “all orders for support run until further order of the court . . . or in the discretion of the court, to provide for child support past age eighteen when there are . . . other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the . . . exceptional circumstances continue.” The Family Court held that there were ‘exceptional circumstances’ present in the Petitioner’s case that necessitated the Court to extend its jurisdiction over the Petitioner as a juvenile even though he had already reached the age of majority in South Carolina. The Family Court indicated that the ‘exceptional circumstances’ were “due to the trauma that [the Petitioner] has experienced and his [ongoing] custody and support needs.” Therefore, the SIJ order describes the type of ‘specific context’ in which an individual over 18 years old can still be considered a juvenile under South Carolina law.

The record establishes that the Family Court exercised jurisdiction over the Petitioner as a juvenile, and a preponderance of the evidence establishes that the Family Court acted as a “juvenile court,” as that term is referenced in section 101(a)(27)(J) of the Act and defined at 8 C.F.R. § 204.11(a). Accordingly, we withdraw the Director’s decision to the contrary.

C. Other SIJ Eligibility Criteria

The Director determined that the Petitioner did not establish his eligibility for SIJ status because the Family Court was not acting as a ‘juvenile court,’ pursuant to 101(a)(27)(J) of the Act. Given our determination here that the Family Court was acting as a ‘juvenile court,’ we will remand this matter to the Director to determine in the first instance whether the Petitioner has satisfied the remaining SIJ eligibility requirements.

ORDER: The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

BENCH BRIEF REGARDING
SIMILAR BASIS UNDER LAW TO
ABUSE, NEGLECT AND ABANDONMENT

The U.S. Congress created Special Immigrant Juvenile Status (“SIJS”) to protect undocumented children from deportation and provide them with an avenue for a legal status in the United States. See 8 U.S.C. § 1101(a)(27)(J).

Congress chose to rely on state courts to make initial factual findings because of their special expertise in making determinations as to abuse and neglect issues, evaluating the best interest factors, and ensuring safe and appropriate custodial arrangements.” *H.S.P. v. J.K.*, 121 A.3d 849; 223 N.J. 196, 211 (2015). That is, the federal statute implements a two-step process in which a state court makes predicate factual findings — soundly within its traditional concern for child welfare. *Id.*

One of the required SIJS findings is that reunification with one or both of the minor child’s parents is not viable due to abuse, neglect, or abandonment or a **similar basis under state law**.

As of this date, the South Carolina does not have any precedent addressing the **issue** “whether the death of the parent satisfies the requirement that reunification with one or both of the minor child’s parents is not viable due to abuse, neglect, or abandonment or a similar basis under state law.”

Several cases in other jurisdictions, however, considered this very specific issue. For example, the Court of Special Appeals of Maryland in *O.T. v. N.B.*, 2020 Md. App. LEXIS 1174 (2020) considered the issue of whether death of a parent will satisfy the “similar basis under state law” prong and reasoned as follows:

“The [Trafficking Victims Protection Reauthorization Act] inserted the ‘similar basis’ language into the SIJ status statute, see 8 U.S.C. § 1101(a)(27)(J), to ‘allow for expansion of [the] protected

grounds beyond those of abuse, neglect, and abandonment.’ See *In re Dany G.*, 223 Md. App. at 718 n.6, 117 A.3d 650.” *Romero, supra*, 463 Md. at 202... In our view, given that **the SIJ statute was enacted with the express purpose of expanding the protected grounds beyond those of abuse, neglect, and abandonment**, the trial court overemphasized the timing of F.A.’s death and the resulting non-support of D.S. The undisputed facts of this case were that D.S. was deprived of his father’s physical, financial, and emotional support from the time of his death when D.S. was only four months old. As a result of F.A.’s death, F.A. failed to provide any type of financial support to D.S...Under the circumstances of this case, we agree with O.T. and N.B. that F.A.’s death constitutes a “similar basis” to parental abuse, neglect, or abandonment. As a result of F.A.’s death, the reunification of D.S. with F.A. is an impossibility. Furthermore, F.A.’s death left D.S. without any form of emotional support or financial compensation of any kind. The parties agree that F.A. failed to make any provision for the financial support of D.S. following F.A.’s death. For these reasons, we conclude that the record conclusively establishes that reunification with F.A. “is not viable due to abuse, neglect, or abandonment or a similar basis under state law.” 8 U.S.C.A. §1101(a)(27)(J)(4).”

In making its decision the Court of Special Appeals of Maryland considered two cases from New York as local court have not addressed the issue of whether a parent’s death is a “similar basis” to neglect and abandonment under the SIJ statute. Specifically, the court cited to *Matter of Guardianship of Jose YY.*, 158 A.D.3d 200, 202, 69 N.Y.S.3d 733 (3d Dep’t 2018) (concluding that the “‘similar basis’ category of factor four” was established when “both parents [were] deceased making reunification impossible”) and *Carlos A.M. v. Maria T.M.*, 141 A.D.3d 526, 35 N.Y.S.3d 406 (2d Dep’t 2016) (holding that the trial court was required to issue an order making specific factual findings that reunification and child and father was not possible due to parental

abuse, neglect, abandonment, or a similar basis found under state law when the child's father was deceased).

Considering that South Carolina courts have not yet considered this issue, it's proper to look into other jurisdictions for guidance. The present case is similar to three cases discussed above which addressed the very issue of whether the death of the parent can satisfy the similar basis under the law category of SIJS statute, and all agreed that it does.

Respectfully submitted this __ day of ____, 2024,

Khristina Siletskaya, Esq.
SC Bar 104569

QUICK REFERENCE

Special Immigrant Juvenile Status (SIJS)

I. What is SIJS

A status available for immigrant children who are unable to reunify with one or both of their parents due to abuse, neglect, abandonment, or some similar basis under South Carolina law.

II. Who is Eligible

All children who meet the eligibility requirements regardless of whether the child is in deportation proceedings or federal immigration custody.

III. Eligibility Requirements

1. Child must be present in the United States/Jurisdiction of South Carolina.
2. Child must be under the age of 18 or under 21, if the jurisdiction of the South Carolina Court extends beyond 18 years of age; and
3. Child must be unmarried (having children OK).

IV. Applicable Law

1. [8 U.S.C § 1101 \(a\) \(27\) \(J\)](#) – Definition of Special Immigrant Juvenile.
2. [S.C. Code Ann. § 63-7-20](#) – Abuse, Neglect, and Abandonment.
3. Any other similar basis under South Carolina Law.

V. Process

1. Summons and Complaint – SIJS findings can be requested and issued in any type of proceedings in which the South Carolina Family Court has authority under state law to make judicial determinations about the **care and custody** of juveniles.
2. Service – Complies with [SCRCP 4](#) and [SCRFC 17](#).
3. Possible Motion for Determination of Minor’s Eligibility for SIJS
4. Other Considerations: International Law if party outside the United States
 - Hague Convention on Service of Process – Only applies if the home country is a party to the Hague Convention and the address of the person to be served is *known*.

VI. Role of the Court

The South Carolina Family Court is not being asked to make any immigration decisions. SIJS law simply requires the findings of fact related to the child such as abuse, neglect abandonment and best interest of the child be made by those most qualified to do so – Family Court Judges.

VII. Specific Findings of the Family Court

1. Dependency/Custody – Order must declare the child dependent on the court or legally places the child under the custody of an agency or an individual appointed by the Court;
2. Order must find that reunification with **one or both** of the child’s parents is not viable because of abuse, neglect, abandonment ([S.C. Code Ann. § 63-7-20](#)) or a similar basis under South Carolina law.

Order should contain a brief description of the factual basis for the finding. *Finding of abuse, neglect, abandonment or similar basis may have occurred in the child's home county or in the United States*; and

3. Order must find that it is in the best interest of the child to remain in the United States and not return to the child's home country.

VIII. Other Considerations

1. *Temporary Orders are not sufficient for SIJS applications before USCIS.*
2. A child who gains lawful status through SIJS may never petition for either of his or her parents regardless of whether SIJS findings were only made as to one parent.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SC Department of Social Services,

Plaintiff

VS.

Defendant(s),

IN THE INTEREST OF:

_____ (DOB: _____)

Minor(s) Under the Age of 18

IN THE FAMILY COURT

THIRTEENTH JUDICIAL CIRCUIT

CASE NUMBER:

**MOTION BY _____
REQUESTING ORDER
CONFIRMING MINOR'S
ELIGIBILITY FOR SPECIAL
IMMIGRANT JUVENILE STATUS**

With the consent of the Plaintiff, South Carolina Department of Social Services (“DSS”), _____, Counsel for the minor child, _____, hereby moves the Court on behalf of the minor child for the entry of an order confirming the eligibility of the minor for special immigrant juvenile (“SIJ”) status pursuant to INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J), TVPRA § 235(d)(1), and allowing the disclosure of such order to the U.S. Citizenship and Immigration Services (“USCIS”) for purposes of applying for legal permanent residency for the minor child. Special Counsel alleges that this case has been previously before the Court and that the Court has jurisdiction of the parties and subject matter of the case.

1. In order for the minor child to submit a Form I-360, petition for SIJ status, and apply for legal permanent residency with USCIS, she requires current verification from this Court of her eligibility for SIJ status.

2. Under Section 101(a)(27)(J) of the Immigration and Nationality Act (“INA”), and as amended by Section 245(d)(1) of the William Wilberforce Trafficking Victim’s Protection

Reauthorization Act (“TVPRA”), Congress enacted a mechanism for noncitizen children to obtain legal permanent resident status in the United States where a family court has determined that reunification with one or both parents is not viable due to abuse, neglect, or abandonment. In short, the INA gives these children a way to gain or maintain lawful immigrant status and the right to work and live in the United States. Without this provision, these children would be unable to work and would otherwise be subject to removal from the United States. Pursuit of this benefit under the INA is in the best interest of the minor child.

3. To be considered a Special Immigrant Juvenile, the juvenile must establish
 - (a) that he or she is unmarried and under age 21; see 8 C.F.R. § 204.11(c)(1) – (2);
 - (b) that he or she has been “declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State or an individual or entity appointed by a State or juvenile court located in the United States;” INA § 101(a)(27)(J)(i); TVPRA § 235(d)(1); see also 8 C.F.R. § 204.11(c)(3);
 - (c) that “reunification with one or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment or a similar basis found under State law.” INA § 101(a)(27)(J)(i); TVPRA § 235(d)(1); see also 8 C.F.R. § 204.11(c)(3);
 - (d) that it has been determined in an administrative or judicial proceeding that it would “not be in the [juvenile’s] best interest to be returned” to his or her home country. INA § 101(a)(27)(J)(ii); see also 8 C.F.R. § 204.11(c)(6).
4. The minor child, _____, is eligible for special immigrant juvenile status for the following reasons:
 - (a) the minor child is currently unmarried and under age 21;

(b) the minor child was declared dependent on this Court on _____ pursuant to the Probable Cause Removal Order, which found probable cause to place the minor into the emergency protective custody of DSS as a result of allegations of _____ [INCLUDE SUMMARY OF SPECIFIC ALLEGATIONS] by the Defendant mother, _____, Defendant father, _____ and _____.

(c) Reunification with the minor child's alleged biological mother, _____, is not a viable option, based on the following: 1) at the Merits Removal Hearing on _____ this Court entered findings of [sexual and/or physical abuse, neglect and/or abandonment – include summary of findings]; 2) [ANY OTHER REASONS]; 3) this Court has determined that reunification would cause an unreasonable risk of harm to the child's life, physical health or safety and mental well-being; Reunification with the minor child's biological father, _____, is not a viable option based on the following: 1) at the Merits Removal Hearing on _____ this Court entered findings of [sexual and/or physical abuse, neglect and/or abandonment – include summary of findings]; 2) [ANY OTHER REASONS]; 3) this Court has determined that reunification would cause an unreasonable risk of harm to the child's life, physical health or safety and mental well-being; and

(d) the minor child continues to be dependent on this Court;

Further, it continues to be in the best interest of the minor child to remain in the United States and not to return to her home country of _____, because no appropriate family members have been identified in _____, and the [OTHER REASONS, i.e. therapeutic and educational services provided to her now will end causing further trauma and hindering normal child development; danger or violence in home country , etc.].

WHEREFORE, the consenting parties respectfully pray for the Court to grant the following relief:

1. That the Court consider and approve the attached proposed Order confirming the minor child's eligibility for SIJ status and granting permission to disclose the order to the USCIS for purposes of petitioning for SIJ status and legal permanent residency;
2. That the Court require the Plaintiff to provide any monetary or other support the minor child may necessarily require to submit the SIJ petition to USCIS, including the payment of any filing fees, medical exam fees and translation fees; and
3. For any and all further relief which the Court deems necessary for the best interests of the minor child.

Respectfully Submitted:

Date: _____

COUNSEL FOR THE MINOR CHILD
[INSERT ATTORNEY INFO.]

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SC Department of Social Services,

Plaintiff

VS.

Defendant(s),

IN THE INTEREST OF:

_____ (DOB: _____)

Minor(s) Under the Age of 18

IN THE FAMILY COURT

THIRTEENTH JUDICIAL CIRCUIT

CASE NUMBER:

CERTIFICATE OF SERVICE

I, _____, of _____, hereby certify that I personally served copies of the **MOTION BY COUNSEL REQUESTING ORDER CONFIRMING MINOR'S CONTINUED ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE STATUS** by delivering the same to the parties named below by hand delivery:

Attorney for Plaintiff, DSS: _____

Attorney for Defendant Father, _____

Attorney for Defendant Mother, _____

Attorney for GAL for Defendant, Mother: _____

Attorney for GAL for Minor Child, _____

Respectfully Submitted:

Date: _____

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

SC Department of Social Services,

Plaintiff

VS.

Defendant(s),

IN THE INTEREST OF:

_____ (DOB:
_____)

Minor(s) Under the Age of 18

IN THE FAMILY COURT

THIRTEENTH JUDICIAL CIRCUIT

CASE NUMBER:

ORDER CONFIRMING MINOR'S
ELIGIBILITY FOR SPECIAL
IMMIGRANT JUVENILE STATUS

The Court has reviewed the supporting material on file, prior orders of this Court, and heard the arguments of counsel and witness testimony and finds the following:

1. Pursuant to SC Code § 63-7-710, the minor, _____, was declared dependent on and brought under the jurisdiction of the Family Court of the Thirteenth Judicial Circuit of the State of South Carolina and committed to the custody of the South Carolina Department of Social Services on _____. The minor child was brought into state custody based on the following allegations:
_____.

2. As of the date of this order, the minor remains under this Court's jurisdiction, and in the legal physical custody of the South Carolina Department of Social Services.

[FAMILY COURT MUST MAKE NON-REUNIFICATION FINDINGS REGARDING AT LEAST ONE PARENT]

3. The minor was [**abused, neglected and/or abandoned**], as defined by SC Code § 63-7-20, by _____ (the "Defendant Mother") and [OTHERS?]. Pursuant to SC Code § 63-7-1640, reunification with Defendant Mother is not a viable option, because this Court has made findings of [**include a summary of specific findings**] against her and determined that reunification would cause an unreasonable risk of harm to the child's life, physical health or safety and mental well-being.
4. The minor was [**abused, neglected and/or abandoned**] by _____ (the "Defendant Father") and [OTHERS?]. Pursuant to SC Code § 63-7-1640, reunification

with Defendant Mother is not a viable option, because this Court has made findings of **[include a summary of specific findings]** against her and determined that reunification would cause an unreasonable risk of harm to the child's life, physical health or safety and mental well-being.

[ALTERNATIVE PARAGRAPH FOR NON-OFFENDING OR UNSERVED PARENT: IF CHILD IS REUNIFIED WITH ONE PARENT OR THERE ARE NO FINDINGS AGAINST THE OTHER PARENT, PREPARE PARAGRAPH DESCRIBING CHILD'S RELATIONSHIP WITH THIS PARENT.]

5. This Court has also determined that it is not in the best interest of the minor to be returned to _____, which is the country of nationality and country of last habitual residence of the minor child and **her** parents. Because [STATE THE REASONS IDENTIFIED BY THE COURT] and no suitable family members have been identified in _____, it is in the minor's best interest to remain in the United States.
6. The above findings and actions were made due to the **[abuse, neglect and/or abandonment]** of the minor child by the Defendant(s) _____.
7. This Court authorizes the disclosure of this Order to the U.S. Citizenship and Immigration Services for the purpose of establishing the minor's eligibility for Special Immigrant Juvenile status pursuant to INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J), TVPRA § 235(d)(1), and legal permanent residency.
8. The Court orders the Plaintiff, South Carolina Department of Social Services to provide any monetary or other support the minor child may necessarily require to retain experience immigration counsel and to submit the SIJ petition to USCIS, including the payment of any filing fees, medical exam fees and translation fees.

IT IS SO ORDERED.

Family Court Judge
Thirteenth Judicial Circuit

Date: _____



South Carolina Bar

Continuing Legal Education Division

2024 SC BAR CONVENTION

Family Law Section

Friday, January 19

Legislative Updates

The Honorable Bruce Bannister

Tracked Bills by Client as of 01/12/2024													
Bill	Companio	Bill Title	Bill Summary	Tracking Level	Primary	Bill	Status	Last Action	Last Action	Stance	Admin	Last Updated	
H4604		Domestic Violence	Amend The South Carolina Code Of Laws By Amending Section 16-25-20, Relating To Domestic Violence Offenses, So As To Clarify That Domestic Violence Offenses In The Second Degree Are Eligible For Pretrial Intervention Programs.	Criminal Law Section[Monitoring], Family Law Section[Monitoring]	Rose	Introduced	1/9/2024	Referred to Committee on Judiciary	1/9/2024	Watching	Marla	1/2/2024	1/2/2024
H4687		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow For The Use Of Newborn Safety Devices, And For Other Purposes.	Childrens Law Committee[Monitoring], Family Law Section[Monitoring]	Dillard	Introduced	1/9/2024	Member(s) request name added as sponsor: S.Jones	1/9/2024	Watching	Marla	1/2/2024	1/2/2024
H4700		South Carolina Social Media Regulation Act	Amend The South Carolina Code Of Laws By Adding Article 9 To Chapter 5, Title 39 So As To Provide Definitions; To Provide That A Social Media Company May Not Permit Certain Minors To Be Account Holders; To Provide Requirements For Social Media Companies; To Provide That A Social Media Company Shall Provide Certain Parents Or Guardians With Certain Information; To Provide That A Social Media Company Shall Restrict Social Media Access To Minors During Certain Hours; To Provide For Consumer Complaints; To Provide That The Consumer Services Division Has Authority To Administer And Enforce Certain Requirements; To Provide For An Annual Report; To Provide For A Cause Of Action; And To Provide That Certain Waivers And	Childrens Law Committee[Monitoring], Family Law Section[Monitoring]	Newton	Introduced	1/9/2024	Member(s) request name added as sponsor: Felder	1/10/2024	Watching	Marla	1/2/2024	1/2/2024
H4618		Paternity and Child Support	Amend The South Carolina Code Of Laws By Amending Section 63-17-70, Relating To Paternity Court Orders, So As To Require The Order To Facilitate The Correction Of Paternity References On The Birth Certificate If The Putative Father Is Determined Not To Be The Father Of The Child, To Revoke Previous Orders Establishing Child Support Payment Obligations Following Such A	Childrens Law Committee[Monitoring], Family Law Section[Monitoring]	King	Introduced	1/9/2024	Referred to Committee on Judiciary	1/9/2024	Watching	Marla	1/2/2024	1/2/2024
H4620		Guardians ad Litem	Amend The South Carolina Code Of Laws By Amending Section 63-3-820, Relating To Qualifications To Serve As A Guardian Ad Litem In Private Family Court Cases, So As To Require A Criminal History Background Check To Serve As A Guardian Ad Litem.	Childrens Law Committee[Monitoring], Family Law Section[Monitoring]	Robbins	Introduced	1/9/2024	Member(s) request name added as sponsor: Felder	1/10/2024	Watching	Marla	1/2/2024	1/2/2024
H4621		Visitation	Amend The South Carolina Code Of Laws By Amending Section 63-17-20, Relating In Part To An Unmarried Father's Visitation Rights, So As To Require The Court To Award Visitation To The Father If Paternity Is Acknowledged Or Adjudicated, With Exceptions.	Childrens Law Committee[Monitoring], Family Law Section[Monitoring]	Robbins	Introduced	1/9/2024	Referred to Committee on Judiciary	1/9/2024	Watching	Marla	1/2/2024	1/2/2024

H4558	H3228	Spousal benefit payments	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse; And To Amend Sections 20-3-120, 20-3-130, 20-3-150, 20-3-160, And 20-3-170, All Relating To Alimony, So As To Allow For Alimony In Actions For Separate Maintenance And Support, To Create Transitional Alimony And Fixed-term Alimony, To Provide For The Modifying And Suspending Of Certain Kinds Of Alimony, To Change The Definition Of "continued Cohabitation".	Family Law Section[Monitoring]	Wooten	Introduced	1/9/2024	Referred to Committee on Judiciary	1/9/2024	Watching	Marla	1/2/2024	1/2/2024
-----------------------	-------	--------------------------	--	--------------------------------	--------	------------	----------	------------------------------------	----------	----------	-------	----------	----------

Tracked Bills by Client as of 01/19/2023																
Bill Number	Compenion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-32 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3485	SO234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The "Families' Rights And Responsibilities Act" By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter, And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnuson	Introduced	1/10/2023	Member(s) request name added as sponsor: Beach	1/12/2023				Watching		Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety Day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: S Jones, White	1/12/2023				Watching		Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Yow	1/12/2023				Watching		Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Yow	1/12/2023				Watching		Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Yow	1/12/2023				Watching		Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Yow	1/12/2023				Watching		Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Yow	1/12/2023				Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Referred to Committee on Medical, Military, Public and Municipal Affairs	1/10/2023				Watching	Marla	1/6/2023
S0260	Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0266	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "south Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements, To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0233	In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(g), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track), Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Referred to Committee on Education	1/10/2023				Watching	Marla	1/9/2023

Tracked Bills by Client as of 01/20/2023																
Bill Number	Compenion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-32 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Hyde, White	1/18/2023				Watching		Marla	1/6/2023
H3485	SO234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'Families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter, And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnuson	Introduced	1/10/2023	Member(s) request name added as sponsor: Beach	1/12/2023				Watching		Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety Day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus, M.M.Smith	1/19/2023				Watching		Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus, M.M.Smith	1/19/2023				Watching		Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching		Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching		Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Hixon, Hiott	1/18/2023				Watching		Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Carter, Hixon, Hiott	1/18/2023				Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section[Lobbying/Closely Track]	Henegan	Introduced	1/10/2023	Referred to Committee on Medical, Military, Public and Municipal Affairs	1/10/2023				Watching	Marla	1/6/2023
S0260	Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section[Lobbying/Closely Track]	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0266	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section[Lobbying/Closely Track]	Hutto	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "south Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements, To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section[Lobbying/Closely Track]	Malloy	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0233	In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(g), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section[Lobbying/Closely Track], Real Estate Practice Section[Lobbying/Closely Track]	Loftis	Introduced	1/10/2023	Referred to Committee on Education	1/10/2023				Watching	Marla	1/9/2023

Tracked Bills by Client as of 01/27/2023																
Bill Number	Compenion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-32 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Cobb-Hunter	1/26/2023				Watching		Marla	1/6/2023
H3485	SO234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'Families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter, And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnuson	Introduced	1/10/2023	Member(s) request name added as sponsor: Beach	1/12/2023				Watching		Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety Day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus, M.M.Smith	1/19/2023				Watching		Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus, M.M.Smith	1/19/2023				Watching		Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching		Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching		Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Hixon, Hiott	1/18/2023				Watching		Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Carter, Hixon, Hiott	1/18/2023				Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Referred to Committee on Medical, Military, Public and Municipal Affairs	1/10/2023				Watching	Marla	1/6/2023
S0160	Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0266	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "south Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements, To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0233	In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(g), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track), Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Referred to Committee on Education	1/10/2023				Watching	Marla	1/9/2023

Tracked Bills by Client as of 03/03/2023					
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section[Lobbying/Closely Track]	Smith
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Smith
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section[Lobbying/Closely Track]	Smith
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section[Lobbying/Closely Track]	Smith
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section[Lobbying/Closely Track]	Smith

H3558		Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Smith
H3595		Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section[Lobbying/Closely Track]	Henegan
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section[Lobbying/Closely Track]	Young
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section[Lobbying/Closely Track]	Rutherford

H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section[Lobbying/Closely Track]	Jones
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The "families' Rights And Responsibilities Act" By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Magnuson
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section[Lobbying/Closely Track]	Pope

SO266		Status Offenders	<p>Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurrigibility; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record</p>	Family Law Section[Lobbying/Closely Track]	Hutto
SO278		SC Juvenile Justice Reform Act	<p>Amend The South Carolina Code, To Enact The "south Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A</p>	Family Law Section[Lobbying/Closely Track]	Malloy

S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section[Lobbying/Closely Track], Real Estate Practice Section[Lobbying/Closely Track]	Loftis
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section[Lobbying/Closely Track]	Newton
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act"; So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section[Lobbying/Closely Track]	Garrett

H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section[Lobbying/Closely Track]	Long
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fatal Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.c. Code; And To Repeal Article 5, Chapter 41, Title 44 Of The S.c. Code Subject To Certain Conditions.	Family Law Section[Lobbying/Closely Track]	Grooms
S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section[Lobbying/Closely Track]	Verdin

S0276		Biological Sex Constitutional Amendment	An Amendment To Article Xvii Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section[Lobbying/Closely Track]	Verdin
S0243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section[Lobbying/Closely Track]	Kimbrell
S0364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section[Lobbying/Closely Track]	Verdin

Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching		Marla	1/9/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/27/2023
Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching		Marla	3/1/2023

Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching		Marla	3/1/2023
Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	3/1/2023

Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

Tracked Bills by Client as of 03/07/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SQ143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SQ142	SQ226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assailants Or Probable Assailants, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SQ364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SQ243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SQ274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 58-32-36 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	3/1/2023
SQ276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	3/1/2023
SQ474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fatal Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.c. Code; And To Repeal Article 5, Chapter 41, Title 44 Of The S.c. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching		Marla	3/1/2023

H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The 'South Carolina Pain-capable Unborn Child Protection Act', So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023		Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The 'human Life Protection Act'; So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023		Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The 'uniform Child Abduction Prevention Act', To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023		Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domicile Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track), Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023		Watching	Marla	1/9/2023
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-20, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023		Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023		Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023		Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023		Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 59-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnuson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guley, Hixon, B.Newton, Forrest	2/7/2023		Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 69-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	introduced	1/10/2023	Scrivener's error corrected	1/31/2023		Watching	Marla	1/6/2023

H3554	Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023			Watching	Marla	1/6/2023
H3555	Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2230, And 63-7-1650, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023			Watching	Marla	1/6/2023
H3556	Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023			Watching	Marla	1/6/2023
H3557	Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023			Watching	Marla	1/6/2023
H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-698 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-680, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Scrivener's error corrected	1/31/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrutable Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The 'south Carolina Juvenile Justice Reform Act', To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

S0266		Status Offenders	<p>Amend The South Carolina Code Of Laws By Amending Section 63-19-920, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Writting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurribility; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record</p>	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023		Watching	Maria	1/6/2023
-------	--	------------------	--	--	-------	------------	-----------	-----------------------------	----------	--	----------	-------	----------

Tracked Bills by Client as of 09/10/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
S0143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
S0147	S0226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Roll call Ayes-41 Nays-0	3/9/2023				Watching		Marla	3/7/2023
S0364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
S0243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 5, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fatal Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code; And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching		Marla	3/1/2023

H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act". So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023					Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7. So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023					Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act". To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track), Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023					Watching	Marla	1/9/2023
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023					Watching	Marla	1/6/2023

H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The "Families' Rights And Responsibilities Act" By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnuson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, BNewton, Forrest	2/7/2023				Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
H3558		Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching	Marla	1/6/2023
H3595		Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrubed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023				Watching	Marla	1/6/2023

SO278	SC Juvenile Justice Reform Act	<p>Amend The South Carolina Code, To Enact The 'South Carolina Juvenile Justice Reform Act', To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A</p>	Family Law Section[Lobbying/Closely Track]	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023		Watching	Marla	1/6/2023
SO266	Status Offenders	<p>Amend The South Carolina Code Of Laws by Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records; So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record</p>	Family Law Section[Lobbying/Closely Track]	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023		Watching	Marla	1/6/2023

Tracked Bills by Client as of 03/17/2023					
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors
S0143		Household Member & Dating Relationship	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.	Family Law Section[Lobbying/Closely Track]	Shealy
S0147	S0226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assailants Or Probable Assailants, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section[Lobbying/Closely Track]	Shealy
S0364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section[Lobbying/Closely Track]	Verdin

S0243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section[Lobbying/Closely Track]	Kimbrell
S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section[Lobbying/Closely Track]	Verdin
S0276		Biological Sex Constitutional Amendment	An Amendment To Article Xvii Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section[Lobbying/Closely Track]	Verdin

S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fatal Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.c. Code; And To Repeal Article 5, Chapter 41, Title 44 Of The S.c. Code Subject To Certain Conditions.	Family Law Section[Lobbying/Closely Track]	Grooms
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section[Lobbying/Closely Track]	Long
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act"; So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section[Lobbying/Closely Track]	Garrett

H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section[Lobbying/Closely Track]	Newton
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section[Lobbying/Closely Track], Real Estate Practice Section[Lobbying/Closely Track]	Loftis
H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section[Lobbying/Closely Track]	Pope
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section[Lobbying/Closely Track]	Young
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section[Lobbying/Closely Track]	Rutherford
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section[Lobbying/Closely Track]	Jones

H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The "families' Rights And Responsibilities Act" By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 59-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Magnuson
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section[Lobbying/Closely Track]	Smith
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Smith
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section[Lobbying/Closely Track]	Smith
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section[Lobbying/Closely Track]	Smith

H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section[Lobbying/Closely Track]	Smith
H3558		Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-693 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section[Lobbying/Closely Track]	Smith
H3595		Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section[Lobbying/Closely Track]	Henegan

<p>S0278</p>		<p>SC Juvenile Justice Reform Act</p>	<p>Amend The South Carolina Code, To Enact The "south Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A</p>	<p>Family Law Section[Lobbying/Closely Track]</p>	<p>Malloy</p>
<p>S0266</p>		<p>Status Offenders</p>	<p>Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record</p>	<p>Family Law Section[Lobbying/Closely Track]</p>	<p>Hutto</p>

Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
Introduced	1/10/2023	Roll call Ayes-41 Nays-0	3/9/2023				Watching		Marla	3/7/2023
Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	3/1/2023

Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching		Marla	3/1/2023
Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching		Marla	3/1/2023

Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/27/2023
Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching		Marla	1/9/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching	Marla	1/6/2023
Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching	Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching	Marla	1/6/2023

Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023				Watching		Marla	1/6/2023

Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	1/6/2023
Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching		Marla	1/6/2023

Tracked Bills by Client as of 09/24/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Roll call Ayes-41 Nays-0	3/9/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program. To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023			Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023			Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023			Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023			Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023			Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track); Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023			Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 9-9-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Scrivener's error corrected	1/31/2023				Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Oremus	1/19/2023				Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Landing	2/1/2023				Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Scrivener's error corrected	1/31/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Incribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

Tracked Bills by Client as of 09/31/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Roll call Ayes-41 Nays-0	3/9/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program. To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track); Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023					Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The "families' Rights And Responsibilities Act" By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 9-9-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023					Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Cromer, Weeks, Wheeler	3/30/2023					Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Cromer, Weeks, Wheeler	3/30/2023					Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Weeks	3/30/2023					Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Weeks, Wheeler	3/30/2023					Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Committee report: Favorable with amendment Judiciary	3/29/2023					Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Member(s) request name added as sponsor: Weeks, Wheeler	3/30/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Incribed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

Tracked Bills by Client as of 04/10/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Roll call Ayes-41 Nays-0	3/9/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program. To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track); Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023					Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023					Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 9-9-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023					Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Roll call Yeas-104 Nays-0	4/5/2023					Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Roll call Yeas-105 Nays-0	4/5/2023					Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Roll call Yeas-106 Nays-0	4/5/2023					Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Roll call Yeas-109 Nays-0	4/5/2023					Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Recommitted to Committee on Judiciary	4/5/2023					Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/6/2023	Referred to Committee on Family and Veterans' Services	4/6/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrubed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

Tracked Bills by Client as of 04/28/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Engrossed	4/18/2023	Referred to Committee on Judiciary	4/19/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Introduced	1/10/2023	Requests for debate-Rep	4/26/2023				Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track); Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 9-9-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Recommitted to Committee on Judiciary	4/5/2023				Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/6/2023	Referred to Committee on Family and Veterans' Services	4/6/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrubed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

Tracked Bills by Client as of 05/05/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Engrossed	4/18/2023	Referred to Committee on Judiciary	4/19/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program, To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy, In Medical Emergencies, Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Referred to Committee on Judiciary	2/14/2023				Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Engrossed	5/4/2023	Referred to Committee on Judiciary	5/4/2023				Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track); Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 99-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Recommitted to Committee on Judiciary	4/5/2023				Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/6/2023	Referred to Committee on Family and Veterans' Services	4/6/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrubed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023

Tracked Bills by Client as of 05/12/2023																
Bill Number	Companion	Bill Title	Bill Summary	Tracking Level	Primary Sponsors	Bill Status	Status Date	Last Action	Last Action Date	Analysis	Client Comments	Tasks	Stance	Tags	Admins	Last Updated Date
SO627	SO274	Gender Identity	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Define Gender, Sex, And Other Terms; By Adding Section 40-47-310 So As To Prohibit The Provision Of Gender Transition Procedures To A Person Under Eighteen Years Of Age; By Adding Section 40-47-320 So As To Provide Exceptions; By Adding Section 40-47-330 So As To Prohibit The Use Of Public Funds For Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide Penalties; And By Adding Section 59-32-36 So As To Prohibit School Staff And Officials From Withholding Knowledge Of A Minor's Perception Of Their Gender From The Minor's Parents.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO623	SO364	Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	3/14/2023	Referred to Committee on Medical Affairs	3/14/2023				Watching		Marla	3/21/2023
SO143		Household Member & Dating Relationship	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.	Family Law Section(Lobbying/Closely Track)	Shealy	Introduced	1/10/2023	Scrivener's error corrected	2/27/2023				Watching		Marla	3/7/2023
SO147	SO226	Address Confidentiality and Advocate Privilege	Amend The South Carolina Code Of Laws By Adding Section 16-25-130 So As To Establish The Address Confidentiality Program Whereby A Victim Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses May Use A Designated Address Rather Than His Residential Address To Conceal His Place Of Residence From His Assaulters Or Probable Assaulters, To Provide That The Program Shall Be Administered By The Attorney General, To Provide For The Process Through Which A Person May Participate In The Program, And To Define Necessary Terms; By Adding Section 16-3-1656 So As To Require Nonprofit Victim Assistance Organizations That Serve Victims Of Domestic Violence, Dating Violence, Human Trafficking, Stalking, Harassment, Or Sexual Offenses To Protect The Confidentiality And Privacy Of Clients, With Exceptions; And By Adding Section 19-11-110 So As To Prohibit Employees, Agents, Or Volunteers Of Such Organizations From Testifying In Actions Or Proceedings About Co	Family Law Section(Lobbying/Closely Track)	Shealy	Engrossed	4/18/2023	Referred to Committee on Judiciary	4/19/2023				Watching		Marla	3/7/2023
SO364		Vital Statistics - Changes to Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-100, Relating To The Process Through Which A Person May Make Changes To His Birth Certificate, So As To Provide That Gender Changes To A Person's Birth Certificate May Only Be To Change From Male To Female Or From Female To Male And To Provide For Affidavits That Must Accompany A Petition To Make A Gender Change To A Person's Birth Certificate.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023
SO243		Gender reassignment	Amend The South Carolina Code Of Laws By Adding Section 40-47-205, Relating To General Provisions Concerning Physicians, So As To Prohibit Physicians From Performing Gender Reassignment Surgery On Minors, And To Prohibit Physicians From Prescribing Or Administering Certain Substances For The Purpose Of Attempting To Alter The Appearance Of Or Affirm The Minor's Perception Of His Gender If That Appearance Or Perception Is Inconsistent With The Minor's Biological Sex.	Family Law Section(Lobbying/Closely Track)	Kimbrell	Introduced	1/10/2023	Referred to Committee on Medical Affairs	1/10/2023				Watching		Marla	3/1/2023

S0274		Gender Reassignment Surgery	Amend The South Carolina Code Of Laws By Adding Section 40-47-300 So As To Provide Definitions; By Adding Section 40-47-310 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Not Undergo Gender Transition Procedures; By Adding Section 40-47-320 So As To Provide That A Person Younger Than Twenty-one Years Of Age May Receive Appropriate Medical Services Otherwise Related To Gender Transition Procedures Under Limited Circumstances; By Adding Section 40-47-330 So As To Provide Prerequisites For A Person Older Than Twenty-one Years Of Age To Undergo Gender Transition Procedures; By Adding Section 40-47-340 So As To Provide That No Public Funds May Be Used To Pay For Gender Transition Procedures; And By Adding Section 59-32-35 So As To Provide That Gender Identity Disorders May Be Taught As Part Of A Comprehensive Health Education Program. To Provide That Students With Gender Identity Disorders Must Be Encouraged To Seek Mental Health Treatment For The Disorder And Must	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023				Watching	Marla	3/1/2023
S0276		Biological Sex Constitutional Amendment	An Amendment To Article XVII Of The Constitution Of South Carolina, By Adding Section 16 To Provide That A Person's Biological Sex At Birth Constitutes That Person's Gender For The Purposes Of The State Constitution And Laws.	Family Law Section(Lobbying/Closely Track)	Verdin	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	3/1/2023
S0474		Abortion - Fetal Heartbeat	Amend Article 6, Chapter 41, Title 44 Of The South Carolina Code Of Laws, Relating To The Fetal Heartbeat And Protection From Abortion Act, So As To Provide That Abortions May Not Be Performed In This State After A Fetal Heartbeat Has Been Detected Except In Cases Of Rape Or Incest During The First Twelve Weeks Of Pregnancy; In Medical Emergencies; Or In Light Of A Fetal Anomaly; To Define Necessary Terms; To Repeal Section 2 Of Act 1 Of 2021; To Repeal Sections 44-41-10 And 44-41-20 Of The S.C. Code, And To Repeal Article 5, Chapter 41, Title 44 Of The S.C. Code Subject To Certain Conditions.	Family Law Section(Lobbying/Closely Track)	Grooms	Engrossed	2/9/2023	Requests for debate-Rep(s). Hiott, Magnuson, McCravy, Pope, Felder, O'Neal, Ligon, T Moore, Nutt, Hayes, Guest, Erickson, Jordan, JE Johnson, W Newton, Atkins, BL Cox, Pace, Davis, MM Smith, Lawson, Harris, B Newton, Neese, Carter, Hixon, Oremus, Williams, Henegan, Gagnon, Chapman, West Thayer, Forrest, Cobb-Hunter, Henderson-Myers, King, McDaniel, JA Moore, Bauer, Tedder, Rivers, Kirby, Thiippen.	5/11/2023				Watching	Marla	3/1/2023
H3490		Abortion	Amend The South Carolina Code Of Laws By Amending Sections 44-41-10 And 44-41-20, Both Relating To Abortions, So As To Make An Abortion A Criminal Act During Any Trimester If The Sole Reason Is That The Unborn Child Has A Fetal Anomaly; And By Amending Sections 44-41-430, 44-41-440, 44-41-450, And 44-41-460, All Relating To The "south Carolina Pain-capable Unborn Child Protection Act", So As To Eliminate The Fetal Anomaly Exception To The Prohibition Of Abortions When The Probable Post-fertilization Age Of An Unborn Child Is Twenty Weeks Or More.	Family Law Section(Lobbying/Closely Track)	Long	Introduced	1/10/2023	Member(s) request name added as sponsor: S.Jones, White	1/12/2023				Watching	Marla	3/1/2023
S0240	H3552, H3774	Abortion Ban with Exceptions	Amend The South Carolina Code Of Laws So As To Enact The "human Life Protection Act". So As To Amend Chapter 41, Title 44 Of The South Carolina Code By Adding Article 7, So As To Ban Abortions In This State, To Provide For Exceptions To The Ban On Abortions, To Protect The Use Of Contraceptives And Alternative Reproductive Technologies, To Provide Penalties, To Provide A Civil Cause Of Action For Failure To Comply With The Requirements Of This Article, To Provide That A Woman Cannot Be Convicted For Having An Abortion, To Provide That Physicians Or Other Licensed Professionals Shall Lose Their License For Violations Of This Article, And To Provide That A Woman's Name May Remain Anonymous In Proceedings Initiated Pursuant To This Article; By Adding Section 44-41-90 So As To Provide That The State Health Insurance Program May Not Pay For Abortions, To Prohibit State Funds From Being Used For The Purchase Of Fetal Tissue Or Fetal Remains Obtained From An Abortion, And To Defund	Family Law Section(Lobbying/Closely Track)	Garrett	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	3/1/2023
H3220		Uniform Child Abduction Prevention Act	Amend The South Carolina Code Of Laws By Adding Article 6 To Chapter 15, Title 63 So As To Enact The "uniform Child Abduction Prevention Act", To Provide A Legal Mechanism To Protect Children From Credible Risks Of Abduction Related To Legal Custody Or Visitation, And For Other Purposes.	Family Law Section(Lobbying/Closely Track)	Newton	Engrossed	5/4/2023	Referred to Committee on Judiciary	5/4/2023				Watching	Marla	1/27/2023
S0233		In State Tuition	Amend The South Carolina Code Of Laws By Amending Section 59-112-10(d), Relating To The Definition For Domicile, So As To Provide Factors To Consider When Making A Determination Concerning A Person's Domicile; And By Adding Section 59-112-15 So As To Provide That Temporary Absence From One's Domiciliary Solely For The Purpose Of Employment Does Not Change The Meaning Of A Domicile Within The Meaning Of This Section.	Family Law Section(Lobbying/Closely Track), Real Estate Practice Section(Lobbying/Closely Track)	Loftis	Introduced	1/10/2023	Scrivener's error corrected	2/8/2023				Watching	Marla	1/9/2023

H3134		Orders of Protection	Amend The South Carolina Code Of Laws By Amending Section 20-4-60, Relating To Orders Of Protection, So As To Authorize The Court To Award Certain Relief After Holding A Hearing.	Family Law Section(Lobbying/Closely Track)	Pope	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
S0160		Admissibility of out-of-court statements made by children	Amend The South Carolina Code Of Laws By Amending Section 19-1-180(g), Relating To The Admissibility Of Out-of-court Statements Made By Children, So As To Add An Exception For Statements Made To Employees Or Agents Of Children's Advocacy Centers.	Family Law Section(Lobbying/Closely Track)	Young	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3228		Alimony	Amend The South Carolina Code Of Laws By Adding Section 20-3-132 So As To Require The Use Of Certain Spousal Benefit Payments To Offset Alimony Owed By The Payor Spouse.	Family Law Section(Lobbying/Closely Track)	Rutherford	Introduced	1/10/2023	Referred to Committee on Judiciary	1/10/2023				Watching	Marla	1/6/2023
H3481		Child Custody	Amend The South Carolina Code Of Laws By Amending Section 63-15-220, Relating To Parenting Plans, So As To Create A Rebuttable Presumption That It Is In The Best Interest Of The Child To Spend Approximately An Equal Amount Of Time With Each Parent When Both Parents Are Willing, Able, And Fit; And By Amending Section 63-15-240, Relating To Child Custody Orders, So As To Require The Court To Take Into Consideration Certain Factors When Determining What Is In The Best Interest Of A Child, To Require That A Child Custody Order Include Findings Of Fact If The Time-sharing Schedule Does Not Allocate Approximately Equal Parenting Time To Each Parent, And To Provide Requirements To Modify Child Custody Orders.	Family Law Section(Lobbying/Closely Track)	Jones	Introduced	1/10/2023	Member(s) request name added as sponsor: Schuessler	2/15/2023				Watching	Marla	1/6/2023
H3485	S0234, H3197	Families' Rights and Responsibilities Act	Amend The South Carolina Code Of Laws By Enacting The 'families' Rights And Responsibilities Act' By Adding Chapter 23 To Title 63 So As To Recognize That Parents Have The Ultimate Responsibility To Direct The Upbringing, Education, Health Care, And Mental Health Of Their Children; To Set Forth Certain Rights And Responsibilities; To Require Local School Boards Of Trustees To Take Certain Actions To Promote Parental Involvement; To Require Medical Providers To Obtain Parental Consent Before Providing Health Care Services To A Child Of The Parent, With Exceptions; To Create A Cause Of Action For Violation Of The Chapter; And For Other Purposes; And To Amend Section 9-9-28-160, Relating To Local School Boards Of Trustees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Magnumson	Introduced	1/10/2023	Member(s) request name added as sponsor: Ligon, Guffey, Hixon, B.Newton, Forrest	2/7/2023				Watching	Marla	1/6/2023
H3553		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-750, Relating To Final Adoption Hearings, So As To Eliminate The Mandatory Ninety-day Waiting Period To Finalize An Adoption.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Read second time	5/11/2023				Watching	Marla	1/6/2023
H3554		Adoption	Amend The South Carolina Code Of Laws By Amending Section 63-9-520, Relating To Adoption Investigations And Reports, So As To Give The Court The Discretion To Waive The Requirement For Certain Preplacement Reports And Any Postplacement Investigation And Report; And By Amending Section 63-9-510, Relating To Temporary Placement And Custody Of Adoptees, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3555		Permanency Planning	Amend The South Carolina Code Of Laws By Amending Section 63-7-1700, Relating To Permanency Planning, So As To Make Certain Changes To Promote Timely Permanence For Children In The Custody Of The Department Of Social Services; By Amending Sections 63-7-1710, 63-7-2530, And 63-7-1660, Relating To Termination Of Parental Rights And Removal Actions, So As To Make Conforming Changes; And By Amending Section 63-9-710, Relating To Petitions For Adoption, So As To Address The Filing Of Adoption Petitions For Children In The Custody Of The Department Of Social Services.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3556		Infant Safe Havens	Amend The South Carolina Code Of Laws By Amending Section 63-7-40, Relating To Infant Safe Havens, So As To Allow The Permanency Planning Hearing And Termination Of Parental Rights Hearing To Occur In The Same Proceeding, With Exceptions.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/5/2023	Referred to Subcommittee: Talley (ch), Matthews, McLeod, Garrett, Gustafson	4/20/2023				Watching	Marla	1/6/2023
H3557		Abandonment of a Child	Amend The South Carolina Code Of Laws By Amending Section 63-7-20, Relating To Children's Code Definitional Terms, So As To Add And Change Definitions Concerning Child Abandonment; By Amending Section 63-9-310, Relating To Persons Whose Consent To Adoption Is Required, So As To Clarify That The Department Of Social Services' Consent Is Required For Abandoned Children; And By Amending Section 63-9-320, Relating To Persons Whose Consent To Adoption Is Not Required, So As To Include The Parent Of An Abandoned Child.	Family Law Section(Lobbying/Closely Track)	Smith	Introduced	1/10/2023	Recommitted to Committee on Judiciary	4/5/2023				Watching	Marla	1/6/2023

H3558	Safety Plans and Relative Placements	Amend The South Carolina Code Of Laws By Adding Sections 63-7-699 And 63-7-696 So As To Require Parties To Execute A Safety Plan Before The Department Of Social Services May Place A Child Outside The Home Without Taking Legal Custody, To Establish Limitations On The Use Of A Safety Plan For Child Protection, And For Other Purposes; By Amending Section 63-7-650, Relating To The Placement Of A Child Outside The Home Instead Of Entering State Custody, So As To Change Certain Requirements Relating To Assessing The Safety And Appropriateness Of An Out-of-home Placement; By Amending Section 63-7-690, Relating To The Allowable Timeframe To Make An Interim Out-of-home Placement Of A Child, So As To Change The Timeframe; And By Amending Section 63-7-730, Relating To Expedited Placement Of Child With A Relative At The Probable Cause Hearing, So As To Make Conforming Changes.	Family Law Section(Lobbying/Closely Track)	Smith	Engrossed	4/6/2023	Referred to Committee on Family and Veterans' Services	4/6/2023			Watching	Marla	1/6/2023
H3595	Delayed Birth Certificates	Amend The South Carolina Code Of Laws By Amending Section 44-63-90, Relating To The State Registrar's Authority To Issue A Delayed Birth Certificate For A Person Born In The State Whose Birth Is Unregistered, So As To Allow For The Use Of An Inscrubed Family Bible Or Genealogical Records As Documentation Of Date Of Birth In Certain Circumstances.	Family Law Section(Lobbying/Closely Track)	Henegan	Introduced	1/10/2023	Member(s) request name added as sponsor: Williams, Thigpen	1/31/2023			Watching	Marla	1/6/2023
S0278	SC Juvenile Justice Reform Act	Amend The South Carolina Code, To Enact The "South Carolina Juvenile Justice Reform Act", To Amend Section 63-1-20, Relating To The Children's Policy Of South Carolina, To Include Within The Statement A Provision To Establish A Policy Regarding The Care And Guidance Of Children Within The Juvenile Justice System; To Amend Chapter 19, Title 63, Relating To The Juvenile Justice Code, By Adding Article 6 To Require Each Circuit Solicitor To Establish A Juvenile Offender Civil Citation Program To Provide A Civil Diversion Program For Children Who Have Committed Acts Of Delinquency, And To Establish Eligibility And Participation Requirements; To Amend Section 16-17-425, Relating To Unlawful Student Threats, To Establish That It Is Unlawful For A Student To Make A Threat To Commit An Act Of Mass Violence At A School, College, Or University, Or At A School-, College-, Or University-sponsored Activity, And To Provide Penalties; To Amend Section 16-23-430, Relating To Possession Of A	Family Law Section(Lobbying/Closely Track)	Malloy	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023
S0286	Status Offenders	Amend The South Carolina Code Of Laws By Amending Section 63-19-820, Relating To Out-of-home Placement, So As To Eliminate The Exception For Children To Be Tried As An Adult And To Decrease The Length Of Time That A Child May Be Held In A Juvenile Detention Facility For Committing A Status Offense Or For Violating A Related Court Order; By Amending Section 63-19-1020, Relating To Instituting Proceedings, So As To Require That The Child And His Family Seek Counseling When The Status Offense Is Of Incurability; By Amending Section 63-19-1440, Relating To Commitment, So As To Distinguish Between Status And Criminal Offenses And To Change The Requirements For Court Orders; By Amending Section 63-19-1810, Relating To Determination Of Release, So As To Make Conforming Changes; By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Records, So As To Make Conforming Changes; And By Amending Section 63-19-2050, Relating To Petition For Expungement Of Official Record	Family Law Section(Lobbying/Closely Track)	Hutto	Introduced	1/10/2023	Scrivener's error corrected	2/9/2023			Watching	Marla	1/6/2023