**South Carolina General Assembly**

125th Session, 2023-2024

**A23, R30, S342**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, Jackson and Hutto

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Introduced in the Senate on January 10, 2023

Introduced in the House on February 23, 2023

Last Amended on April 26, 2023

Currently residing in the Senate

Governor's Action: May 16, 2023, Signed

Summary: Homeless Youth Definition

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/10/2023 Senate Introduced and read first time

 1/10/2023 Senate Referred to Committee on **Family and Veterans' Services**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 200)

 1/10/2023 Senate Referred to Committee on **Family and Veterans' Services** (Senate Journal‑page 200)

 2/8/2023 Senate Committee report: Favorable **Family and Veterans' Services** (Senate Journal‑page 48)

 2/9/2023 Scrivener's error corrected

 2/15/2023 Senate Amended (Senate Journal‑page 15)

 2/15/2023 Senate Read second time (Senate Journal‑page 15)

 2/15/2023 Senate Roll call Ayes-41 Nays-0 (Senate Journal‑page 15)

 2/16/2023 Scrivener's error corrected

 2/16/2023 Senate Read third time and sent to House (Senate Journal‑page 9)

 2/23/2023 House Introduced and read first time (House Journal‑page 301200)

 2/23/2023 House Referred to Committee on **Judiciary** (House Journal‑page 17)

 4/19/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 27)

 4/26/2023 House Amended (House Journal‑page 39)

 4/26/2023 House Read second time (House Journal‑page 39)

 4/26/2023 House Roll call Yeas-113 Nays-0 (House Journal‑page 39)

 4/27/2023 House Read third time and returned to Senate with amendments (House Journal‑page 12)

 5/3/2023 Senate Concurred in House amendment and enrolled (Senate Journal‑page 179)

 5/3/2023 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 179)

 5/11/2023 Ratified R 30

 5/16/2023 Signed By Governor

 5/26/2023 Effective date 05/16/23

 5/26/2023 Act No. 23

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**VERSIONS OF THIS BILL**

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230208.docx)

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230209.docx)

[02/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230215.docx)

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230216.docx)

[04/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230419.docx)

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/342_20230427.docx)

(A23, R30, S342)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑1‑40, RELATING TO children’s code DEFINITIONS, SO AS TO RESTATE the existing DEFINITIONS; AND BY ADDING SECTION 63-1-45 SO AS TO DEFINE “UNACCOMPANIED HOMELESS YOUTH”, “HOMELESS CHILD OR YOUTH”, AND “YOUTH AT RISK OF HOMELESSNESS”.

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

Definitions, Children's Code

SECTION 1. Section 63‑1‑40 of the S.C. Code is amended to read:

 Section 63‑1‑40. When used in this title and unless otherwise defined or the specific context indicates otherwise:

 (1) “Child” means a person under the age of eighteen.

 (2) “Court” means the family court.

 (3) “Guardian” means a person who legally has the care and management of a child.

 (4) “Judge” means the judge of the family court.

 (5) “Parent” means biological parent, adoptive parents, step‑parent, or person with legal custody.

 (6) “Status offense” means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.

 (7) “Child caring facility” means a campus with one or more staffed residences and with a total population of twenty or more children who are in care apart from their parents, relatives, or guardians on a continuing full‑time basis for protection and guidance.

 (8) “Foster home” means a household of one or more persons who are licensed or approved to provide full‑time care for one to five children living apart from their parents or guardians.

 (9) “Residential group care home” means a staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full‑time basis.

Definitions, homeless children and youth

SECTION 2. Chapter 1, Title 63 of the S.C. Code is amended by adding:

 Section 63-1-45. For purposes of developing an accurate statewide count of homeless children and youth in this State, the following statewide definitions shall be used:

 (1) “Unaccompanied homeless youth” means an unaccompanied individual twenty‑four years of age or younger who is not in the physical custody of a parent or guardian and lacks a fixed, regular, and adequate nighttime residence and includes:

  (a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

 (b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings; or

  (c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time‑limited housing.

 “Unaccompanied homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or fewer and meets the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

 (2) “Homeless child or youth” means children and youth from birth through twenty-four years of age who lack a fixed, regular, and adequate nighttime residence and includes:

 (a) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

  (b) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, a park, public spaces, an abandoned building, a bus or train station, or similar settings;

 (c) children and youth who live in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time‑limited housing; or

  (d) migratory children as defined in 20 U.S.C. Section 6399, who are legally in the United States, and who qualify as homeless because they are living in circumstances described in subsections (a) through (c).

 “Homeless youth” does not include any individual imprisoned or otherwise detained pursuant to a federal or state law except when a youth is exiting an institution having resided there for ninety days or less and met the criteria in subitems (a), (b), or (c) immediately prior to entering the institution.

 (3) “Youth at risk of homelessness” means an individual twenty‑four years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future and includes:

 (a) children and youth exiting a publicly funded institution or system of care;

  (b) children and youth who have previously experienced homelessness;

 (c) children and youth whose primary caregivers are currently homeless or have previously been homeless; or

  (d) children and youth who experience serious or sustained conflict with the individual’s caregivers that is likely to result in family separation.

Time effective

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

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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