



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

**Bill Number:** H. 3882    Introduced on February 7, 2023  
**Author:** Gatch  
**Subject:** Private Guardians ad Litem  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 24, 2023

**Fiscal Impact Summary**

This bill modifies when a qualified lay person may be appointed as a guardian ad litem in a child custody case. This bill also adds the requirement of observing three contested merit hearings and maintaining a certificate approved by Court Administration to be eligible for appointment as a lay guardian ad litem.

As this bill will require Judicial to conduct activities performed during the normal course of business and will not increase family court caseloads, it will have no expenditure impact.

**Explanation of Fiscal Impact**

**Introduced on February 7, 2023**

**State Expenditure**

This bill modifies provisions related to the appointment and qualifications of lay guardians ad litem. Currently, a guardian ad litem may be a qualified attorney or lay person, regardless of the status of the legal representation of either party to a child custody case. The bill provides that a qualified lay person may only be appointed as guardian ad litem in a child custody case when both parties to the case are unrepresented. Additionally, prior to serving as a lay guardian ad litem, a person must observe three contested custody merit cases and maintain a certificate showing that this observation requirement has been met. The certificate must be on a form approved by Court Administration.

As this bill will require Judicial to conduct activities performed during the normal course of business and will not increase family court caseloads, it will have no expenditure impact.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

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 Frank A. Rainwater, Executive Director