



SOUTH CAROLINA CENTER
FOR FATHERS AND FAMILIES

LEGAL UPDATE
August 2, 2022

South Carolina Legislature Expands the Definition of “Legal Representative” and Alters the Process for Obtaining Birth Certificates

Under this new Act, effective May 23rd, 2022, the definition of Legal Representative, for the purposes of obtaining a birth certificate, is expanded to include:

- (1) a person or agency that has current legal custody of a registrant by any currently effective order of a court of competent jurisdiction, including a temporary order;
- (2) the Department of Social Services for any individual or registrant in foster care or its legal custody;
- (3) a caregiver, including a kinship caregiver, providing care to a child pursuant to any currently effective order of a court of competent jurisdiction, including a temporary order;
- (4) an attorney representing the registrant or, if the parent is listed on the registrant's birth certificate, the registrant's parent;
- (5) subject to the department's verification process, on behalf of a homeless child or youth served by them:
 - (a) a director or designee of a South Carolina governmental agency or a nonprofit organization registered with the South Carolina Secretary of State's Office that receives public or private funding to provide services to the homeless; and
 - (b) a South Carolina school district's McKinney-Vento liaison for homeless children or youth.

The changes were made to make it possible for persons and agencies to obtain birth certificates for children in their care and/or custody. Birth certificates are necessary to obtain services for children such as enrolling in school and applying for benefits such as Medicaid.