



Understanding Infant Adoption 7

South Carolina Adoption Guide for Healthcare Providers & Staff

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Disclaimer: This resource guide is intended for informational purposes only and does not constitute legal advice. It is not a substitute for consultation with hospital legal counsel or a licensed adoption attorney. Adoption laws and procedures vary by jurisdiction and are subject to change. Healthcare providers and staff are strongly encouraged to seek professional legal guidance to ensure compliance with applicable laws and regulations.

Introduction to Adoption

What is Adoption?

Adoption is a legal process where biological parents (also referred to herein as “placing parents” or “birth parents” relinquish their parental rights to their child, allowing the child to be placed in the care of adoptive parents. However, adoption is more than just a legal agreement; it is a life-altering experience that reflects a commitment to a child's love, care, and well-being.

Healthcare providers should have a basic understanding of the three main types of adoption to offer informed support for their patients:

- **Private Adoption:** This is a direct arrangement between birth parents and adoptive parents, often through a licensed adoption agency or attorney. In a private adoption, the birth parents have voluntarily relinquished their parental rights to the child, and the child is placed directly into the legal and physical custody of the adoptive parents. Most private adoptions are “open adoptions,” meaning there will be ongoing contact between the birth parents and adoptive parents. Private adoption is the most common type of adoption that healthcare providers encounter when working in mother-baby and neonatal units.
- **Adoption from Foster Care:** This occurs when a child in state foster care is legally available for adoption after a court has terminated the parental rights of the birth parents. Foster care adoptions often involve older children. Every state has laws and regulations governing foster care and adoption, which are managed by the state's public child welfare agency. If the child is placed for adoption in another state, compliance with the Interstate Compact on the Placement of Children (ICPC) is required.

- **Intercountry Adoption:** The process by which a child born in one country is adopted by a family in another country. The State Department serves as the oversight authority for intercountry adoption in the United States.

For expectant mothers, the adoption journey is filled with complex emotions and culminates in a life-changing decision. The private adoption process allows mothers to create an adoption plan at any point during their pregnancy or after giving birth. In this journey, healthcare providers play a crucial role, providing neutral care and support, facilitating fully informed decision-making, and making ethical referrals to adoption providers. Your role in this process is integral in ensuring the well-being of all patients considering this option.

Important Terminology

The biological parent signs adoption consent or relinquishment, authorizing the court to terminate her parental rights:

- Before adoption consents are signed, refer to the biological parent as an **“expectant parent”** or **“parent”**
- A parent making an adoption plan for their child is called a **“placing parent”**
- After adoption consents are signed, refer to the biological parent as a **“birth parent.”**

Support for Patients Considering Adoption

Expectant parents should have access to a variety of support resources from the moment they begin considering adoption through the completion of the process and beyond. Below is a summary of some of the available services and providers that patients can access to find appropriate support.

➔ Pregnancy Options Counseling

Many non-profit organizations in South Carolina offer pregnancy options counseling for expectant mothers. The purpose of this counseling is to help women consider their available options during pregnancy. It is important to note that not all pregnancy centers provide the same services. For instance, some pregnancy resource centers do not offer information or referrals for abortion. However, most centers typically provide services such as pregnancy testing, ultrasounds, maternity clothes, parenting assistance, resource referrals, parenting classes, and counseling. Generally, these organizations do not charge fees unless they also operate a licensed medical clinic on site.

➔ Ethical & Effective Referrals

Empowering patients in their decision-making process is key. When making a referral to an adoption provider, it's important to present at least three options. This allows the patient to understand the range of services available and choose the one that best suits her needs. See the Understanding Infant Adoption curriculum handouts [Questions for Healthcare Practitioners to Ask Adoption Agencies and/or Attorneys](#) and [Questions for Patients to Ask Adoption Agencies and/or Attorneys](#) for suggestions.

➔ Choosing an Adoption Provider

The internet is full of adoption providers offering help to expectant parents, but not all of these entities have your patients' best interests at heart. It's essential to understand the different types of adoption professionals available:

- **Licensed Adoption Agencies:** Adoption agencies are licensed by the state to provide adoption services to expectant/birth parents and adoptive families. These services can include social work, home studies, adoption education, pregnancy counseling, adoption matching, and post-placement care. Agencies work to ensure that social and emotional challenges are addressed through social work and counseling, while also ensuring compliance with adoption rules and regulations.

- **Licensed Adoption Attorneys:** Attorneys play a vital role in the adoption process. Ideally, the adoptive parents should have their own attorney, and the expectant or birth parents should be represented by a separate attorney. This ensures that everyone's rights are protected and that there are no conflicts of interest. Attorneys in South Carolina are licensed by the South Carolina State Bar Association.
- **Unlicensed Adoption Intermediaries:** Some adoption providers are not licensed to offer adoption services. Unlicensed adoption intermediaries are also referred to as “advertisers,” “matchmakers,” “brokers,” or “marketers.” They solicit expectant and adoptive parents for their services through online ads and other marketing tactics and collect substantial matching fees from hopeful adoptive parents. Working with an unlicensed adoption provider can complicate the process for expectant mothers trying to find suitable adoptive parents for their children and can prevent them from getting adequate support and guidance. It is very appropriate to ask an agency to see a copy of their state-issued child-placing agency license.

More than half of the states in the U.S. have laws prohibiting the use of unlicensed adoption intermediaries, but such laws are frequently overlooked. In South Carolina, the law is unclear. The intent of the law seems to be to prohibit unlicensed, paid intermediaries; however, as written, it may be interpreted to allow them. See [South Carolina Adoption Laws](#), below, for further information.

- **Out-of-State Adoption Providers:** With the increasing use of the Internet in the adoption process, patients may choose to work with adoption providers located outside of South Carolina. It's crucial to ensure these out-of-state providers are licensed to provide adoption services and that they work cooperatively with a South Carolina-licensed adoption agency and attorney to ensure that the placing parents receive local support before, during, and after adoption. This not only ensures legal compliance but also the safety and well-being of the patient and the child.

➔ Choosing Prospective Adoptive Parents

The process of selecting adoptive parents requires careful consideration. Expectant parents often have a specific vision of the type of family they wish to find for their child. A South Carolina-licensed child-placing agency or attorney can assist expectant parents in identifying potential adoptive families that align with their desired characteristics. Once the expectant parent has reviewed profiles of suitable prospective adoptive parents, she should have the opportunity to meet with them in person whenever possible before making a final decision.

Expectant parents should create a list of questions to ask prospective adoptive parents to ensure they find the right family for their child. However, compiling this list can be overwhelming. See the handout [Questions for Patients to Ask Adoption Agencies and/or Attorneys](#) for suggestions.

Support After Adoption

Birth parents often experience grief and a range of intense emotional and psychological effects after placing a child for adoption. It is important to provide them with mental health support during this time. Support following adoption can take various forms, including individual counseling, group therapy, and support groups.

South Carolina Adoption Laws

Adoption is a complex legal process. Violating state laws can jeopardize the safety of all parties involved, as well as the child's permanency. Below are frequently asked questions regarding South Carolina's adoption laws.

Does South Carolina allow independent (non-agency) adoptions?

Yes. South Carolina does allow independent (non-agency) adoptions, often referred to as "private" or "independent" adoptions. In these cases, the adoption is arranged directly between the birth parents and the adoptive parents, typically with the assistance of an attorney rather than a licensed adoption agency.

Does South Carolina allow unlicensed adoption facilitators?

The law is unclear. The intent of the law seems to be to prohibit unlicensed, paid intermediaries; however, as written, it may be interpreted to allow them. [S.C. Code Ann. § 63-9-30\(5\) \(2024\)](#)

However, South Carolina does not regulate these entities or provide oversight. Therefore, anyone working with unlicensed adoption facilitators in South Carolina should be encouraged to seek adoption services from licensed South Carolina adoption professionals only.

Does South Carolina require that placing parents have separate legal representation?

No, unless the placing parent has been deemed mentally incapable of giving consent. [S.C. Code Ann. § 63-9-320\(A\)\(2\) \(2024\)](#)

Are adoptive parents allowed to pay an expectant mother's living expenses?

Yes, adoptive parents may pay an agency for reimbursements for necessary, actual medical, legal, and reasonable living expenses incurred by the mother and child for a reasonable period of time. [S.C. Code Ann. § 63-9-310\(F\) \(2024\)](#)

When can the placing parents sign the adoption consent or relinquishment?

Consent to adoption or relinquishment to an agency may be given any time after the birth of the child. [S.C. Code Ann. § 63-9-330 \(2024\)](#)

Can placing parents who have consented to an adoption change their mind and revoke their consent?

No, she cannot. Not without court approval based on the child's best interest and fraud or duress to the mother. [S.C. Code Ann. § 63-9-350 \(2024\)](#)

Are post-adoption contact agreements legally binding in South Carolina?

No. [S.C. Code Ann. § 63-9-760D \(2020\)](#)

What legal rights do birth fathers have in a South Carolina adoption?

In all states, including South Carolina, birth fathers' legal rights in adoption depend on various factors, such as their legal relationship with the child's mother and their actions before and after being notified of the adoption proceedings. Birth fathers who wish to understand and enforce their legal rights should consult with a South Carolina adoption attorney for guidance.

What to do when you suspect a violation in your hospital?

If you witness violations of South Carolina law in your hospital or healthcare clinic, you should immediately file a report. Where you file the report will depend on the type of entity or individual who has committed the offense. If you are witnessing repeated offenses, alert your healthcare administration office.

| Type of Entity | Where to Report | Contact Information |
|----------------------------|---|---|
| Licensed Adoption Agency | Department of Social Services or State Office Adoptions Contacts | kaci.r.wingate@dss.sc.gov https://dss.sc.gov/child-well-being/adoption/contact/ |
| Licensed Adoption Attorney | State Supreme Court Office of Disciplinary Counsel | https://www.sccourts.org/about/lawyer-judicial-discipline/how-to-file-a-complaint/ |

| Type of Entity | Where to Report | Contact Information |
|--|---|---|
| Unlicensed Adoption Facilitator Unlicensed Adoption Advertising | Department of Social Services or Local Law Enforcement | https://dss.sc.gov/child-well-being/adoption/contact/ |

Child Protection in South Carolina

Child Protective Services Referrals

Among mandated reporters in South Carolina are the following professionals: physicians, nurses, dentists, optometrists, medical examiners, or coroners, or employees of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professionals. [S.C. Code Ann. § 63-7-310\(A\) \(2024\)](#)

To learn more about mandatory reporters, visit <https://dss.sc.gov/child-well-being/mandated-reporters>

Child Abuse, Neglect, and Exploitation Definitions under South Carolina Law

Under South Carolina law, a child means a person under the age of 18. [S.C. Code Ann. § 63-7-20\(5\) \(2024\)](#)

Child abuse or neglect or **harm** occurs when the parent, guardian, or other person responsible for the child's welfare 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. [S.C. Code Ann. § 63-7-20\(6\) \(2024\)](#)

South Carolina Department of Social Services Contact Information

Whether a mandatory reporter makes the report to the Department of Social Services or to law enforcement depends upon the identity of the alleged perpetrator of the abuse or neglect. When the alleged perpetrator of the abuse or neglect is the child's parent, guardian, or a person responsible for the child's welfare, mandated reporters must report to DSS office or to Law Enforcement in the county where the child resides or is found.

When the alleged perpetrator of the abuse or neglect is not the child's parent, guardian, or other person responsible for the child's welfare, the law requires that a report be made to law enforcement. All law enforcement officers are authorized to place a child in Emergency Protective Custody if the child might be in imminent and substantial danger. However, only the law enforcement agency with jurisdiction where the incident occurred has the authority to conduct an investigation. Mandated reporters who suspect that a child has died as a result of abuse or neglect are required to report to the appropriate medical examiner or coroner.

Contact 911 immediately if the situation is a life-threatening emergency. An emergency is a situation where a child appears to face an immediate risk of abuse or neglect that could result in death or serious harm.

To report concerns about child abuse, neglect or sexual abuse, contact the Department of Social Services.

- **State Hotline:** (888) 227-3487
- **Online Portal (non-emergency):** <https://benefitsportal.dss.sc.gov/#/ran/home>

Safe Haven/Safe Surrender Laws and Process

Safe Haven/Safe Surrender laws are designed to prevent the abandonment and endangerment of infants by providing a safe and legal way for parents to relinquish unharmed newborns. These laws allow parents to safely surrender their infant directly to a designated provider, while generally protecting them from criminal liability and prosecution. Additionally, these laws ensure that the relinquishing parent can remain anonymous. It is

important to note that Safe Haven/Safe Surrender laws are intended for use in extreme circumstances and are not a substitute for the resources provided in the public child welfare system or private adoption processes.

In South Carolina, this program is known as Daniel's Law – Safe Haven for Babies: <https://dss.sc.gov/child-well-being/daniels-law-safe-haven-for-babies/>.

- **For Immediate Assistance:** Call or text the 24/7 Safe Haven Crisis Helpline at 1-888-510-BABY (2229)

What are the age restrictions for a Safe Haven/Safe Surrender relinquishment in South Carolina?

An infant not more than 60 days old may be voluntarily relinquished. [S.C. Code Ann. § 63-7-40\(G\) \(2024\)](#)

Who can relinquish the infant under Safe Haven/Safe Surrender laws?

The child may be left by a parent or someone acting at the direction of a parent who does not express an intent to return for the infant and the circumstances give rise to a reasonable belief that the person does not intend to return for the infant. [S.C. Code Ann. § 63-7-40\(G\) \(2024\)](#)

Who are the designated Safe Haven/Safe Surrender providers?

South Carolina Safe Havens are defined as a hospital or hospital outpatient facility, law enforcement agency, fire station, emergency medical services (EMS) station, or any staffed house of worship during hours when the facility is staffed. [S.C. Code Ann. § 63-7-40\(J\) \(2024\)](#)

Putative Father Registry

A putative father is a person who claims to be the father of a child and wants to establish paternity. The purpose of a registry is to allow an unmarried father of a born or unborn child to register his name so he will be notified before the child is placed for adoption. The father does not have to be listed on the birth certificate to register.

Information about South Carolina's Responsible Father Registry is available at <https://dss.sc.gov/child-well-being/adoption/responsible-father-registry/>.

Register online at <https://ssl.sc.gov/DSSFatherRegistry/FatherReg/RegIndex.aspx> or visit any county DSS office to fill out and file registry paperwork.

South Carolina Adoption Service Providers

Licensed Private Adoption Agencies

In South Carolina, adoption agencies are licensed by the state Department of Social Services. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. While a list of licensed private adoption agencies was not readily available through the state, the South Carolina Association of Licensed Adoption Agencies (<http://www.scalaa.org/members>) can offer contact information for its members. This may or may not include all currently licensed private adoption agencies at any given time.

* Denotes a for-profit agency.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

- Abiding Love Adoptions**
 32 Office Park Rd Ste 202
 Hilton Head, SC 29989
 Phone: (866) 994-3199
info@abidingloveadopt.com
<https://abidingloveadopt.com/>
- Adoption Options, Inc.**
 44-B Markfield Dr
 Charleston, SC 29407
 Phone: (843) 790-1546
 Fax: (843) 722-7439
 Contact Form: <https://adoptionoptionsinc.org/#contact-us-home>
<https://adoptionoptionsinc.org/>
- Carolina Adoption Services**
 2006 Village Creek Dr
 Columbia, SC 29210
 Phone: (336) 275-9660
 Fax: (336) 273-9804
info@carolinaadoption.org
<https://childrensadoptionservices.org/>
- Christian Adoption Services - A Ministry of Baptist Children's Homes of North Carolina**
 7884 Idlewild Road
 Indian Trail, NC 28079
 Phone: (704) 847-0038
 Fax: (704) 841-1538
cas@christianadopt.org
<https://www.christianadopt.org/>
- Flourish Adoption Ministries**
 403 Pettigru St
 Greenville, SC 29601
 Phone: (864) 373-9644
 Contact Form: <https://flourishadoptions.com/contact>
<https://flourishadoptions.com/>
- Hope Embraced Adoption Agency***
 1 Bishop St
 PO Box 123
 Inman, SC 29349
 Phone: (864) 641-8142
HopeAdoptInfo@gmail.com
<https://www.embracinghopeadoptions.com/>

- **Lifeline Children's Services**
200 Missionary Ridge Ste 200
Birmingham, AL 35242
Phone: (205) 967-0811
defendersc@lifelinechild.org
<https://lifelinechild.org/states/south-carolina/>
- **Nightlight Christian Adoptions**
955 W Wade Hampton Blvd Ste 5A
Greer, SC 29650
Phone: (864) 268-0570
Fax: (864) 370-0036
info@nightlight.org
<https://nightlight.org/south-carolina-adoption-agency/>

Licensed Adoption Attorneys

This listing reflects the current South Carolina fellows of the [Academy of Adoption & Assisted Reproduction Attorneys](#) and may not be representative of all attorneys in the state working in the field of adoption law. Some attorneys hold licensure in more than one state.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

- **Jacqueline Anthony**
561 Savannah Hwy
Charleston, SC 29407
Phone: (843) 284-9500
adoptionssupport@familyadvocacylaw.com
<https://familyadvocacylaw.com/>
- **Emily M. Barrett**
44 Markfield Dr Ste B
Charleston, SC 29407
Phone: (843) 723-1688
info@adoptionlawsc.com
<https://adoptionlawsc.com/>
- **Frederick "Rick" M. Corley**
1108-B Charles St
Beaufort, SC 29902
Phone: (843) 524-3232
Fax: (843) 525-9442
Contact Form: <https://scadoptionlaw.com/contact/#get-in-touch>
<https://scadoptionlaw.com/>
- **L. Dale Dove**
331 E Main St Ste 200
Rock Hill, SC 29730
Phone: (803) 327-1910
Fax: (803) 327-2216
info@TDLawGroup.com
<http://www.tdlawgroup.com/>

- **Allison Bullard McNair**
1418 Laurel St Ste C
Columbia, SC 29201
Phone: (803) 609-5531
Fax: (888) 838-5157
info@buildingfamiliesc.com
<https://www.buildingfamiliesc.com/>
- **James Fletcher Thompson**
302 E St. John St
PO Box 1853
Spartanburg, SC 29304-1853
Phone: (864) 573-5533
Fax: (864) 327-5139
info@TDLawGroup.com
<http://www.tdlawgroup.com/>

Resources

- [Academy of Adoption & Assisted Reproduction Attorneys](#)
- [AdoptChange](#)
- [Child Welfare Information Gateway: State, Territory, and Tribal Resources](#)
- [South Carolina Department of Social Services](#)
- [South Carolina Legislature: Code of Laws](#)
- [South Carolina State Supreme Court Office of Disciplinary Counsel](#)

About the Adoption-Sensitive Clinical Care Project

It is critical that expectant parents who may wish to place a child for adoption have access to appropriately trained staff and comprehensive supports throughout the adoption process. The federally-funded Adoption-Sensitive Clinical Care Project and the Understanding Infant Adoption curriculum are being administered by [National Council For Adoption](#) (NCFA), [The Adoption & Foster Care Clinic](#), [Spaulding for Children](#), and [University of Washington School of Social Work](#) for the project period 2024-2026.

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