



# State of South Carolina

## Department of Social Services

### Policies and Procedures: Child Welfare Services

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| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Daniel's Law – Safe Haven for Abandoned Infants                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Document:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1621                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Authority:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S.C. Code Section 63-7-40                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Standards:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <a href="#">Guiding Principles and Standards (GPS) Practice Model</a>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Application:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | All Child Welfare Services (CWS), Agency Attorneys, Office of Communications and External Affairs Staff                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Purpose:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| To provide legal and case work policies and procedures that will promote achieving legal permanency within six months for an infant surrendered pursuant to S.C. Code § 63-7- 40 (Daniel's Law) whose permanent plan is adoption and whose case is uncontested.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Policy Statement:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| A safe haven must, without a court order, take temporary physical custody of an infant who is voluntarily left with the safe haven by any person who does not express an intent to return for the infant. If the safe haven is not a medical facility, the safe haven must transport the infant to a medical facility to protect the health and safety of the infant. The medical facility must notify DSS that an infant has been abandoned. DSS shall assume physical control of the infant as soon as possible after receiving this notice, but no later than 24 hours after receiving notice the infant is ready for discharge. This does not constitute emergency protective custody and DSS is not required to initiate a child welfare services investigation. DSS shall open an Adoptions Child Welfare Services Line and begin to work toward achieving legal permanency. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Policy Administration:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Child Welfare Services Permanency and Safety Divisions are the owners of this policy. The Directors or the Directors' designees shall review this policy at least annually from the date published in the Child Welfare Manual, or as needed due to changes in law or practice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Procedures:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| A. Case Management Procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ol style="list-style-type: none"> <li>1. When a medical facility notifies DSS that the facility has taken possession of an infant, DSS creates an intake.</li> <li>2. The Intake Office notifies the Regional Adoptions Office immediately, but no later than one business day after receiving notice an infant has been abandoned.</li> <li>3. The identified Regional Adoptions Office shall assign the case to an Adoptions case manager for case management.</li> </ol> |

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|                                                       | <ol style="list-style-type: none"><li>4. A referral is made for a Child and Family Team Meeting (CFTM), and the CANS and Family Permanency Plan (FPP) is completed with the adoptive resource.</li><li>5. If the agency has been unable to obtain a name for the child through a birth certificate, hospital records, or interviews with the parent, then the identified Regional Adoptions Office will obtain the first and middle name for the child from the potential adoptive resource. The Adoptions case manager is responsible for updating CAPSS to reflect the identified name. The child's county of origin will be the identified last name until consummation of the adoption.</li><li>6. The Adoptions case manager retains case management responsibilities until an adoption is finalized, unless:<ul style="list-style-type: none"><li>• A birth parent asserts parental rights before or at the initial hearing concerning the abandoned infant; or</li><li>• An unmarried putative father asserts parental rights before or at the initial hearing and a genetic test establishes paternity.</li></ul></li><li>7. If parental rights are asserted and established, case management responsibilities shall transfer to a Foster Care case manager, who shall prepare, in collaboration with the infant's parents and others who are necessary to support the case plan:<ul style="list-style-type: none"><li>• A CANS assessment per the <a href="#">CANS Policy</a>;</li><li>• A CFTM will be held and must involve the birth parent or parents who have asserted their rights. The current foster/adoptive resource will also need to be invited per agency guidelines; and</li><li>• A Family Permanency Plan following the guidelines set forth in the <a href="#">Family Permanency Plan Policy</a> and <a href="#">Case Planning and Management Policy</a>.</li></ul></li></ol> |
| B. Assuming Legal Custody and Notification of Parties | <p><b>Responsibilities of Intake</b></p> <ol style="list-style-type: none"><li>1. When a medical facility notifies DSS the facility has taken possession of an infant, DSS has legal custody from the receipt of the notice, and the following shall occur:<ol style="list-style-type: none"><li>a. Intake emails <a href="mailto:danielslawbaby@dss.sc.gov">danielslawbaby@dss.sc.gov</a> no later than 24 hours after receiving the notice that an infant has been abandoned. This email inbox includes the following:<ol style="list-style-type: none"><li>i. Senior Regional Trial Attorney;</li><li>ii. Adoption Administrators;</li><li>iii. Office of General Counsel's (OGC) Attorneys;</li><li>iv. Office of Communication and External Affairs;</li><li>v. Director of Safety Division;</li><li>vi. Director of Permanency; and</li><li>vii. Foster Care &amp; Adoption Support Program Manager.</li></ol></li></ol></li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

- b. The Regional Adoptions Office assigns an Adoptions case manager upon receiving notice from Intake.

**Responsibilities of Adoptions Case Manager**

- 2. Within 24 hours of receiving case assignment, the Adoptions case manager shall identify a prospective adoptive family home that desires to adopt and is willing to accept "legal risks"; and the Adoptions case manager shall prepare [DSS Form 3058 Court Information Sheet/Supplemental Report](#) and send it to the Senior Regional Attorney.
- 3. DSS assumes physical custody of the infant upon discharge from the hospital, and the following steps shall be taken:
  - a. The Adoptions case manager shall place the infant in a prospective adoptive family home and provide written information about Daniel's Law and expedited procedures for permanency planning, termination of parental rights, and adoption;
  - b. The Adoptions case manager shall draft, update, and assemble adoptions investigative reports (i.e., "Judges Eyes Only" information).

**Roles Regarding Obtaining a Birth Certificate**

- 4. Once assuming physical custody of the infant, the birth certificate shall be obtained, and the follow steps shall be taken:
  - a. The Regional Adoption Office notifies the State Office Adoption Program Manager to request the birth certificate from the Department of Public Health;
  - b. State Office Adoptions shall obtain the birth certificate from the Department of Public Health Vital Statistics, link it to the CAPSS case, and email and mail a copy of the birth certificate to the Regional Adoption Office and Senior Regional Trial Attorney; or
  - c. If the birth certificate information is not easily obtained, the Senior Regional Trial Attorney will follow S.C. Code § 11-35-4860(2), 44-63-80, 44-63-110 to obtain a delayed birth certificate.

**Responsibilities of the Office of Communication and External Affairs**

- 5. The Office of Communication and External Affairs publishes a notice in a newspaper of general circulation in the area where the safe haven is located and sends a news release to broadcast and print media.
  - a. Within 48 hours of receiving notice of an abandoned infant, DSS shall publish a legal notice with the following information:
    - i. Circumstances of the infant's surrender;

- ii. Description of the infant;
- iii. The date, time, and place of a Permanency Planning and Termination of Parental Rights Hearing to be held whenever possible, within 30 days after the infant's surrender; however, this hearing must be held within 60 days of DSS assuming legal custody of an abandoned infant; and
- iv. Any person wishing to assert parental rights must do so at the hearing.

**Responsibilities of the Senior Trial Attorney**

- 6. Within 24 hours of receiving notice from the hospital, the Senior Regional Trial Attorney confirms the Adoption Administrator for the applicable region notifies SLED for assistance. SLED's assistance is ongoing for 30 days.
- 7. Within 48 hours of receiving notice of an abandoned infant, the Senior Regional Trial Attorney confirms the Office of Communications and External Affairs will send the news release to broadcast and print media containing the same information.
- 8. Within 48 hours of receiving the notice of an abandoned infant, the Senior Regional Trial Attorney shall file a Petition for Permanency Planning requesting the following:
  - a. The court dispenses with reasonable efforts to preserve or reunify the family;
  - b. Continuation of the infant in the home of the parents would be contrary to the welfare of the infant; and
  - c. Termination of parental rights is in the best interests of the infant.
- 9. Within 48 hours of receiving notice of the abandoned infant, the DSS Senior Regional Trial Attorney shall:
  - a. Concurrently with the filing of a Petition for Permanency Planning, file a Summons and Complaint for Termination of Parental Rights;
  - b. Serve the Summons and Complaint for Termination of Parental Rights and notice of the Termination of Parental Rights Hearing to be held whenever possible, within 30 days after the infant's surrender, otherwise, within 60 days of the Permanency Planning Hearing;
  - c. Check the Responsible Father Registry;
  - d. If necessary, subpoena the child's birth certificate (See S.C. Code Section 63-9-730(B)(4));
  - e. Send notice of the Termination of Parental Rights Hearing to all parties, and the prospective adoptive parents; and

*Subject: Daniel's Law*

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|                                            | <ul style="list-style-type: none"><li>f. Send notice of the Termination of Parental Rights Hearing to the OGC Adoption Attorney for the region.</li></ul> <p>10. The Senior Regional Trial Attorney shall subpoena all hospital records related to the child's birth and ascertain whether the birth mother identified herself or the birth father.</p> <p>11. The Senior Regional Trial Attorney shall send the Petition for Permanency Planning and notice of Permanency Planning Hearing via certified mail to the last known address of anyone identified as a parent, including the birth mother and birth father; and:</p> <ul style="list-style-type: none"><li>a. Send notice of a Permanency Planning Hearing to all parties including the prospective adoptive parents;</li><li>b. Copy the notice of a Permanency Planning Hearing to the OGC Adoption Attorney for the region; and</li></ul> <p>Ensure the appointment of a Guardian ad Litem (GAL) to serve in the Permanency Planning Case as well as the Termination of Parental Rights (TPR), should TPR be ordered.</p>                                                                       |
| C. Permanency Planning Hearing Preparation | <p>1. When preparing for the Permanency Planning Hearing, the Senior Regional Trial Attorney shall:</p> <ul style="list-style-type: none"><li>a. Draft the proposed Permanency Planning Order;</li><li>b. Prepare the Adoptions case manager and any other witnesses to present testimony and evidence; and</li><li>c. Consult with the OGC Adoption Attorney for the region and the Adoptions case manager to explore opportunities to finalize adoption on the date of the Termination of Parental Rights Hearing.</li></ul> <p>2. The Adoptions case manager shall engage prospective adoptive family, explain Daniel's Law and expedited procedures for permanency planning, termination of parental rights, and adoption, as well as the following:</p> <ul style="list-style-type: none"><li>a. Provide a list of experienced private attorneys who accept public adoptions cases and explain non-recurring legal cost reimbursement;</li><li>b. Prepare the adoptive family for what will or could occur at the Permanency Planning Hearing; and</li><li>c. Encourage prospective adoptive parents to attend the Permanency Planning Hearing.</li></ul> |
| D. Permanency Planning Hearing             | <p>1. At the Permanency Planning Hearing, the Senior Regional Trial Attorney shall:</p> <ul style="list-style-type: none"><li>a. Present evidence to support the permanent plan;</li><li>b. Present proposed Order for Permanency Planning for signature and filing at the conclusion of the hearing;</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

*Subject: Daniel's Law*

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|                                                              | <ul style="list-style-type: none"> <li>c. If the court does not proceed with a Termination of Parental Rights Hearing on the date of the Permanency Planning hearing, include the date of a Termination of Parental Rights Hearing within 60 days of the Permanency Planning Hearing in the order; and</li> <li>d. Serve the Order for Permanency Planning.</li> </ul> <p>2. The Adoptions case manager shall provide testimony/evidence to support the permanency plan. Following the Permanency Planning Hearing, the case manager shall confirm the date for adoptive placement, signing of adoption assistance agreement, and identification of the adoptive parents' adoption attorney.</p> <p>3. Additionally, the Adoptions case manager shall:</p> <ul style="list-style-type: none"> <li>a. Provide written information regarding adoption that includes the adoptive parents' right to obtain adoption assistance;</li> <li>b. If the adoptive parents have not yet retained an attorney, provide a list of experienced private attorneys who accept public adoptions cases and explain non-recurring legal cost reimbursement, other adoption assistance, as well as additional attorney incentive payments for the prompt completion of adoption.; and</li> <li>c. If the adoptive parents have not yet retained an attorney, request in writing that prospective adoptive parents retain an adoption attorney within 10 days of the Permanency Planning Hearing.</li> </ul> |
| <p>E. Termination of Parental Rights Hearing Preparation</p> | <ul style="list-style-type: none"> <li>1. The Senior Regional Trial Attorney shall draft the proposed Order for Termination of Parental Rights and prepare the Adoptions case manager and any other necessary witnesses to present testimony and evidence.</li> <li>2. The Adoption case manager shall engage adoptive family, explain Daniel's Law and expedited procedures for termination of parental rights, and adoption, and: <ul style="list-style-type: none"> <li>a. Submit required documents to the State Office for adoption assistance eligibility determination;</li> <li>b. Submit Adoption Subsidy Negotiation to State Office;</li> <li>c. Finalize child's background summary; and</li> <li>d. Encourage adoptive parent(s) to attend the termination of parental rights hearing.</li> </ul> </li> </ul> <p>Note: If the prospective adoptive parent(s) have retained an adoption attorney, inform the OGC Adoption Attorney for the region who will contact the attorney and the Adoptions case manager to plan the final adoption hearing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |

*Subject: Daniel's Law*

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| F. Termination of Parental Rights Hearing                    | <ol style="list-style-type: none"><li>1. The Senior Regional Trial Attorney shall present evidence to support the termination of parental rights, present the proposed Order for Termination of Parental Rights for signature and filing at the conclusion of the hearing, and serve the Order for Termination of Parental Rights immediately and schedule the legally free letter.</li><li>2. The Adoptions case manager shall provide testimony and evidence to support the termination of parental rights.</li><li>3. Whenever possible, the Termination of Parental Rights Hearing shall occur concurrently with the initial Permanency Planning Hearing.</li></ol>                                                                                                                                                                                                                                           |
| G. Responsibilities After the Termination of Parental Rights | <p>Following the termination of parental rights hearing, within 10 days the case manager shall:</p> <ol style="list-style-type: none"><li>1. Confirm the date for adoptive placement;</li><li>2. Establish the signing of adoption assistance agreement;</li><li>3. Confirm the identity of the adoptive parents' attorney;</li><li>4. Provide written information on adoption procedures;</li><li>5. Provide a list of experienced private attorneys who accept public adoptions cases if necessary;</li><li>6. Explain non-recurring legal cost reimbursement, adoption assistance, as well as additional attorney incentive payments for the prompt completion of adoption, and adoption assistance; and</li><li>7. Request in writing that adoptive parents retain an adoption attorney within 10 days of the termination of parental rights hearing if necessary.</li></ol>                                  |
| H. Final Adoption Hearing Preparation                        | <p>Upon receiving the "legally free" letter, the following shall occur:</p> <ol style="list-style-type: none"><li>1. The Adoptions case manager shall:<ol style="list-style-type: none"><li>a. Place the child for adoption within 10 days of receiving the legally free letter;</li><li>b. Complete the adoption assistance agreement;</li><li>c. Provide the name of the prospective adoptive parents' attorney to the OGC Adoption Attorney; and</li><li>d. Email the "Judges Eyes Only Packet" within 48 hours of placing the child for adoption.</li></ol></li><li>2. The OGC Adoption Attorney for the region shall acquire the name of the prospective adoptive parents' attorney.<ol style="list-style-type: none"><li>a. Within one business day of learning the name of the prospective adoptive parents' attorney, confirm the attorney has been retained to represent the family;</li></ol></li></ol> |

*Subject: Daniel's Law*

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|                           | <ul style="list-style-type: none"><li>b. Within one business day of confirming the prospective adoptive parents' attorney, send via email and U.S. mail the OGC introductory letter outlining adoption procedures; and</li><li>c. Confer with the prospective adoptive attorney to plan the final adoption hearing, including the following:<ul style="list-style-type: none"><li>i. Filing pleadings;</li><li>ii. Acceptance of service;</li><li>iii. Appointment of a GAL; and</li><li>iv. Scheduling the hearing on the DSS docket to ensure completion within 180 days of the infant's surrender.</li></ul></li></ul> <p>4. Within 72 hours of receipt of the name of the attorney, the OGC Adoption Attorney for the Region shall review the adoption investigative reports and all contents of the "Judges Eyes Only" information and immediately resolve any gaps in information or errors.</p> <p>5. When responding to the Adoption Petition, the OGC Adoption Attorney for the Region shall:</p> <ul style="list-style-type: none"><li>a. Accept service of the Adoption Petition;</li><li>b. Check the Responsible Father Registry; and</li><li>c. Ensure the adoption investigative reports are complete (i.e., "Judges Eyes Only" information).</li></ul> <p>6. Within 30 days of accepting services of the Adoption Petition or earlier as determined by the date of the final adoption hearing, the OGC Adoption Attorney for the applicable region shall draft, file, and serve the agency's response, including a written consent to the adoption, and the adoption investigative reports (i.e., "Judges Eyes Only" information).</p> <p>7. Prior to the Adoption Hearing, the OGC Adoption Attorney shall ask the prospective parents' attorney to draft a Final Decree of Adoption for review.</p> |
| I. Final Adoption Hearing | <p>1. The Adoption case manager shall provide testimony in support of adoption, including the agency's consent to the adoption.</p> <p>2. After the hearing, the prospective adoptive parents' attorney will be provided a DSS postage pre-paid, self-addressed envelope to facilitate prompt services of the Final Decree of Adoption.</p> <p>3. After the hearing, the OGC Adoption Attorney shall:</p> <ul style="list-style-type: none"><li>a. Receive the final decree of adoption. The OGC Adoption Attorney shall follow-up on any decree of adoption not received within 15 days of the final adoption hearing;</li><li>b. Send the final decree of adoption to the adoption case manager; and</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

*Subject: Daniel's Law*

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|  | <ul style="list-style-type: none"><li>c. Close the legal case in Legal Case Management System (LCMS).</li></ul> <p>4. Upon receipt of the adoption decree, the Regional Adoption Office shall:</p> <ul style="list-style-type: none"><li>a. Complete the biological family history section on the form for the amended birth certificate and submit it to the Department of Public Health or other States Vital Statistics office for processing;</li><li>b. Complete <a href="#">DSS Form 2000: Request for Direct Payment</a> and submit to State Office Adoptions with the following documents:<ul style="list-style-type: none"><li>i. Adoption Decree</li><li>ii. Attorney invoice</li></ul></li><li>c. Link the financial folder held by State Office Adoptions with the following documents:<ul style="list-style-type: none"><li>i. Adoption Decree</li><li>ii. Child's Background Summary</li><li>iii. Adoptive Home Study</li><li>iv. Certificate of Adoption or another State's vital statistic form</li><li>v. Tax Letter</li><li>vi. Amended Birth Certificate (if provided a copy)</li><li>vii. <a href="#">Copy of DSS Form 2000: Request for Direct Payment</a></li></ul></li><li>d. Close foster care and adoption service lines in CAPSS; and</li><li>e. Notify the Foster Care Review Board, the Guardian ad Litem, and the County Attorney that the child has been adopted.</li></ul> |
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**Forms:**

[DSS Form 3058: Court Information Sheet/Supplemental Report](#)  
[DSS Form 2000: Request for Direct Payment](#)  
[DSS Form 3052: Adoption Subsidy Agreement](#)  
[DSS Form 2549: Adoption Subsidy Negotiation Checklist/Financial Assistance Approval](#)  
[DSS Form 3025: Agreement to Place Child in Adoptive Home](#)  
[DSS Form 30122: Adoptive Parent\(s\) Certification Statement](#)  
[CANS Policy](#)  
[Family Permanency Plan policy](#)  
[Case Planning & Management Policy](#)

**Glossary:**

**Daniel's Law Infant:** An infant left at a safe haven who is determined to be no more than sixty days of age.

**Legally Free:** for the purpose of placing a child for adoption, means DSS has sole authority to place a child for adoption based upon the consent/relinquishment and/or termination of parental rights of any person whose consent is required in accordance

*Subject: Daniel's Law*

with S.C. Code Section 63-9-310 and who would be entitled to notice of adoption proceedings in accordance with S.C. Code Section 63-9-730.

**Permanency Planning Hearing:** is a hearing held in family court to determine the permanent placement of a child in foster care.

**Putative Father:** is a man who is either alleged or presumed to be the father or claims to be the biological father but who is not married to the mother at the time of the child's birth. A putative father has not yet been established as the child's father by genetic testing or a court.

**Safe Haven:** a hospital or hospital outpatient facility, a law enforcement agency, a fire station, an emergency services station, or any staffed house of worship during hours when the facility is staffed.

**Termination of Parental Rights Hearing:** is a hearing in a family court to determine whether there is clear and convincing evidence that parental rights, duties, and obligations to a child should be permanently severed and barred, whether termination of parental rights is in a child's best interests, and whether the child should be placed for adoption.