



Foster Care in South Carolina: How the System Works

A plain-language guide for biological, foster, and kinship families · The Healing Home Approach™

When a child cannot safely stay at home, several people share one goal: the child's safety and, whenever possible, a path back home. This guide explains how South Carolina's child welfare system works and what each person's rights and role are, so **biological parents, kinship caregivers, and foster (resource) parents** can all understand the whole picture. Read the parts that apply to you, and read the rest to understand the people you are working alongside.

What an "abuse or neglect" case means

This is the legal name for a case where the court looks at whether a child has been hurt, not adequately cared for, or left without a safe caregiver. When a child is taken into care, the court case is often called a **removal** case. It is **not** a finding that a parent is a bad person. It is about whether the child is safe and what help the family may need.

How a case usually begins

Most cases start with a call to the statewide **DSS hotline, 1-888-227-3487 (1-888-CARE4US)**, answered 24 hours a day (call **911** in a life-threatening emergency). The South Carolina Department of Social Services (DSS) reviews the report and responds either with an **Appropriate Response** (an offer of supportive services, with no formal investigation) or an **investigation**. **Most reports do not lead to a child being removed**; many families are offered services and support instead.

The people in a case

Who	Their role
Biological parent	The child's parent or legal custodian; usually the person the case is about, with the goal of safe reunification.
Kinship caregiver	A relative or close family friend (fictive kin) who may care for the child during the case.
Foster (resource) parent	A trained, approved caregiver who provides temporary care when the child cannot be with family.
The child	At the center of the case; their safety and best interest guide every decision.
Guardian ad Litem (GAL)	The child's advocate: a trained volunteer through the Cass (CASA) program, who tells the court what is best for the child, backed by an appointed attorney.
DSS caseworker	From the county DSS; assesses safety, builds the plan, and reports progress to the court.
DSS attorney	Brings the case to court on behalf of the agency.
Parent's attorney	Represents a parent, protects their rights, and speaks for them in court.
Family Court judge	Hears the evidence in Family Court and makes the legal decisions; there is no jury.

Two systems, and how South Carolina courts are set up

Two systems run side by side. **DSS** looks into concerns, places children when needed, and offers services. The **court** is where a judge makes the legal decisions. South Carolina hears these cases in the unified statewide **Family Court**, decided by a judge with **no jury**. If a parent disagrees with the judge's final decision, the appeal goes to the **South Carolina Court of Appeals**.

How a child may be removed, and whether a court order is needed

A **law enforcement officer** may take a child into **Emergency Protective Custody (EPC)** **without a prior court order** when the child's life, health, or safety is in **substantial and**

imminent danger and there is no time to ask a judge first. DSS must take physical control of the child within a short time and may never place a child in jail. In other situations, DSS removes a child through a **court order**. The court must address **reasonable efforts** to prevent removal, and safety is looked at **child by child**, so in some families one child may go home while another stays in care for a time.

What biological parents have the right to

Foster and kinship caregivers: knowing these rights helps you support the child and the case.

- **A lawyer.** Parents are entitled to an attorney, and the Family Court must appoint one for a parent who cannot afford it. Being told “you don’t need a lawyer” is not the same as having no right to one.
- **Notice and a voice.** The right to be told about hearings and to attend them.
- **A placement plan and a path home.** For most families the goal is to safely return the child home. Parents have the right to a written plan listing the steps to get there.
- **Visitation (family time).** The right to visits with their child, as set by the court.
- **To challenge a finding.** A finding that places someone on the Central Registry can be challenged (see that section).

Reasonable efforts: In most cases DSS must make reasonable efforts to prevent removal and to help reunify the family. In limited situations a court may find those efforts are not required.

Fathers: A father who is not married to the mother may need to **establish paternity** to be fully recognized in the case and to receive notice, counsel, and placement consideration. Ask the caseworker or an attorney how to start.

What kinship caregivers should know

When a child is removed, DSS must try to **identify a relative or close family friend (fictive kin)** and gives a **preference to placing the child with kin** when it is in the child’s best interest. Federal law also directs the agency to **notify adult relatives** that the child has entered care. A relative may begin caring for the child before becoming a fully licensed foster home. When reunification and adoption are not possible, the **Kinship Guardianship Assistance Program (KinGAP)** can give a kin guardian financial support so the child can have a permanent home with family.

What foster (resource) parents should know

Foster parents provide **temporary** care and, in most cases, support the goal of reunification. South Carolina has a **Foster Parent Bill of Rights**, which includes the **right to notice** of case-plan changes and of court and Foster Care Review Board reviews, and the **right to be heard**. The **reasonable and prudent parent standard** lets foster parents make careful, everyday decisions that support the child’s normal development, such as sleepovers, sports, field trips, and camps.

Siblings and older youth

South Carolina works to **place siblings together** when it is safe and in their best interest. **Older youth have a say** in their own case. And youth do not simply age out at 18: through the **Extension of Foster Care** program, young people can stay in or return to DSS care **up to age 21**. Support services (Chafee) continue to age 21, and education and training vouchers can help up to age 26.

While a child is in care: school and health

Children in foster care keep important supports. Under federal law, a child can usually **stay in their same school** when it is in their best interest, with transportation arranged; a Best Interest Determination meeting decides school placement after a move. Children in care are also covered by **Medicaid**, and young people who age out of South Carolina foster care can keep Medicaid up to age 26. It helps to ask the caseworker about school stability and health appointments early.

The hearings, in order

- **Probable cause hearing.** The first court date after an emergency removal, held within 72 hours. The judge decides whether there was probable cause for the removal and whether DSS should keep custody, and checks reasonable efforts.

- **Merits (removal) hearing.** Held within 35 days. The judge decides, by a preponderance of the evidence, whether the child was abused or neglected and whether the child should stay in care.
- **Permanency planning hearing.** Within 12 months of the child entering foster care, and yearly after that, the court sets the permanent goal: return home, custody or guardianship with a relative, or adoption.
- **Termination of parental rights (TPR).** Decided only if the child cannot safely return home, by clear and convincing evidence. One ground is that the child has been in foster care for 15 of the most recent 22 months.

Who comes to the hearings

Parents should attend every hearing: dress neatly, arrive early, and bring any important information written down. The child is represented by the **Guardian ad Litem**, and children are usually **not required to attend**, especially younger ones, though a judge can ask for a child to be present. Foster and kinship caregivers receive notice and may be heard. Family Court hearings in these cases are generally **closed to the public** to protect the child's privacy. If anyone is told to bring the children, it is fair to ask which children and why.

What the Guardian ad Litem and a CASA do

In South Carolina, the child's **Guardian ad Litem (GAL)** is usually a **trained community volunteer** serving through the statewide **Cass Elias McCarter Guardian ad Litem Program** (a CASA-model program). The volunteer gets to know the child by talking with the people in the child's life, then tells the court what the child needs and what is in the child's best interest, **backed by an appointed attorney**. The court may also appoint a separate lawyer for the child.

Family meetings

DSS may hold a **family meeting** to plan with the family and relatives, sometimes before the agency takes legal custody, and the court notes at the probable cause hearing whether such a meeting was held and what came of it. If you are invited, it is fair to ask what will be decided and whether you may bring a support person.

The Central Registry of Child Abuse and Neglect

South Carolina keeps a confidential **Central Registry of Child Abuse and Neglect**, used to screen people who work with children. A name is usually entered when the **Family Court finds**, by a preponderance of the evidence, that the person abused or neglected the child. If your case does not go to Family Court but DSS makes an **"indicated"** finding, the person named has the right to an **administrative appeal** (a fair hearing). Act quickly: the deadline to request that hearing is stated in the notice you receive.

A few things that are unusual about South Carolina

Every child's case is reviewed by citizen volunteers. The Foster Care Review Board independently reviews the case of every child who has been in foster care 4 or more months.

An independent State Child Advocate. The Department of Children's Advocacy is a separate agency that takes public complaints about DSS and other child-serving agencies.

Fast front-end timelines. A probable cause hearing within 72 hours and a merits hearing within 35 days are among the quicker in the country.

The child's advocate is a trained volunteer through the Cass (CASA) program, backed by a separate appointed attorney.

If your family may have Native American heritage

Tell your caseworker and the court **right away**. A federal law, the Indian Child Welfare Act (ICWA), may give your family added protections. The **Catawba Indian Nation** is the federally recognized tribe in South Carolina, and ICWA applies to any child who is a member of, or eligible for membership in, a federally recognized tribe; it works best when raised early.

Language and special needs: Anyone in a case can ask for a free interpreter, and should tell the court or caseworker early about any medical, medication, or disability needs for themselves or the child.

A few court words, in plain language

Probable cause hearing: the first court date, within 72 hours, where the judge reviews the emergency removal.

Merits (removal) hearing: the trial where the judge decides whether the child was abused or neglected.

Guardian ad Litem (GAL): the child's court advocate, a trained volunteer backed by an attorney.

Permanency: the long-term plan for the child: home, a relative, or adoption.

Central Registry: a confidential list of people found to have abused or neglected a child.

The typical schedule

Stage	Typical timing in South Carolina
Report and response	Call the statewide hotline; DSS responds with an Appropriate Response (services) or an investigation.
Emergency Protective Custody	Law enforcement may take a child in substantial and imminent danger into custody.
Probable cause hearing	Within 72 hours of the emergency removal.
Merits (removal) hearing	Within 35 days; decided by a preponderance of the evidence.
Permanency planning hearing	Within 12 months of entering foster care, then yearly.
Termination of parental rights	Considered when a child has been in care 15 of the most recent 22 months; clear and convincing evidence.

Questions worth asking your caseworker or attorney

- Is this an Appropriate Response or an investigation, and what does that mean for us?
- Is my child in care under Emergency Protective Custody or a court order, and when is the probable cause hearing?
- How do I ask the Family Court to appoint an attorney for me?
- Have relatives and family friends been considered for placement?
- What is the placement plan, and what specifically needs to change for the child to come home?
- If I received an "indicated" finding, what is my deadline to ask for a fair hearing?

If you have a concern: oversight in South Carolina

South Carolina has an **independent Department of Children's Advocacy** with a **State Child Advocate**. Anyone can file a complaint about state services to a child, including foster care. **Complaints: 1-800-206-1957 · childadvocate.sc.gov/complaints.**

The **Foster Care Review Board** (citizen volunteers) independently reviews every child's case after 4 months in care. **803-734-0480 · fcrb@childadvocate.sc.gov.**

Where to get help

Ask the court clerk or your caseworker how to reach your **court-appointed attorney**, **South Carolina Legal Services**, and the **Guardian ad Litem (Cass) program**. The statewide hotline to report concerns about a child's safety is **1-888-227-3487**.

South Carolina official sources (retrieved June 2026)

[§ 63-7-620 Emergency Protective Custody](#) · [§ 63-7-710 Probable cause & merits timing](#) · [§ 63-7-1620 Guardian ad Litem & counsel](#) · [§ 63-7-1660 Removal hearing](#) · [§ 63-7-1700 Permanency planning](#) · [§ 63-7-2570 Termination of parental rights](#) · [§ 63-7-1940 Central Registry](#) · [§ 63-7-2320 Relative placement](#) · [SC DSS: Report child abuse & neglect](#) · [SC Department of Children's Advocacy: Complaints](#) · [SC Foster Care Review Board](#) · [SC DSS: Extension of Foster Care](#) · [SC DSS: Foster Parent Bill of Rights](#)

Please verify before you rely on this guide

This document is a **general educational overview only**. It is **not legal advice** and should not be treated as a statement of current law or of the facts of any case. Laws, policies, timelines, and phone numbers change, and they can be applied differently from one county, court, caseworker, or family to the next. **Before you act on anything here, confirm it** with your county DSS caseworker, the court, or a licensed South Carolina attorney. Reading this guide does not create an attorney-client or other professional relationship.