



# TOUSSAINT LAW FIRM

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## **Adopting in South Carolina**

### **Who May Adopt In South Carolina?**

Any South Carolina resident may adopt. A non-resident may adopt if the adoptive parent is a relative of the child, the child is a special needs child, one or both of the parents is in the military and stationed in South Carolina, the child has been in foster care for at least 6 months and has been freed for adoption, or, "Unusual or exceptional circumstances or public notoriety concerning the child or the child's family indicate that the best interests of the child would be served by an adoptive placement outside the State."

### **When May Consent Be Signed?**

Consent may be signed any time after the child's birth. In practice, consent is usually not signed until at least 24 hours after the child's birth.

### **How Much Time Do the Birth Parents Have to Revoke Consent?**

Consent is irrevocable, unless the birth parent can prove that consent was involuntary and withdrawing consent is in the child's best interest.

### **Does South Carolina Have a Putative Father Registry?**

No.

### **Does South Carolina Allow the Biological Father to Give Consent Before the Child is Born?**

No.

### **Can Adoptive Parents Advertise to Find Expectant Parents?**

Yes. The issue of advertisement is not addressed in South Carolina law.

### **Does South Carolina Allow the Use of Facilitators?**

No.

### **How Long Before Adoption Can Be Finalized?**

3-6 months.

### **Which Expectant Mother Expenses Can Be Paid by the Adoptive Parents?**

Adoptive parents may pay “actual and necessary” medical expenses and “reasonable” living expenses for the birthmother and child for a “reasonable” amount of time.

### **Can Out of State Residents Finalize in South Carolina?**

Only in some circumstances.

### **Does South Carolina Allow for Enforceable Open Adoption Agreements?**

South Carolina law explicitly states that open adoption agreements are not binding and not enforceable

**Source: “Adopting in South Carolina”** by Robyn C.,  
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