South Carolina

GAL Volunteer Handbook

2026 Edition

Guardian Ad Litem Program Reference Guide

SC Code Title 63 · Family Court · ICWA · Catawba Nation

Columbia Metro (Richland & Lexington Counties)

GAL National Database · galdb.org

1. Program Overview

South Carolina's GAL system operates through two models: the state-funded **SC Guardian Ad Litem Program (SCGAL)** administered through SC DSS, and county-based **CASA programs**. The primary child welfare agency is **SC Department of Social Services (DSS)**. Family Court holds exclusive jurisdiction over abuse and neglect cases under **SC Code Title 63 (Children's Code)**, enacted in 2008.

State Child Welfare Agency	SC Department of Social Services (DSS)
GAL Program	SCGAL / CASA Programs
Governing Code	SC Code Title 63 (Children's Code)
Court	Family Court (Circuit Court — Family Division)
GAL Appointment Statute	SC Code § 63-7-1620
Federally Recognized Tribe	Catawba Indian Nation (York County)

2. Legal Foundation

SC Code § 63-7-1620 — Guardian Ad Litem — Appointment & Duties

Authorizes Family Court to appoint a GAL in abuse and neglect proceedings. The GAL must conduct an independent investigation, attend all hearings, and submit written reports with recommendations. The GAL has the right to access all records related to the child.

SC Code § 63-7-20 — Definitions — Abuse and Neglect

Defines child abuse and neglect, establishing the threshold for DSS involvement and Family Court jurisdiction. Includes physical abuse, sexual abuse, neglect, and exploitation.

SC Code § 63-7-740 — Emergency Protective Custody

Authorizes DSS or law enforcement to take a child into emergency protective custody without prior court order when a child is in imminent danger. DSS must file a petition within defined timeframes.

SC Code § 63-7-1700(F) — Permanency Planning Requirements

Requires permanency planning hearings within 12 months of removal. The court must identify a specific permanency goal: reunification, TPR, legal guardianship, or APPLA.

SC Code § 63-7-2570 — Termination of Parental Rights — Grounds

Sets out statutory grounds for TPR including willful failure to visit or support, abuse by the parent, and failure to remedy conditions of removal.

3. Your Role as GAL

A South Carolina GAL serves as the court's independent advocate for the child's best interests. The role is distinct from DSS, from parents' attorneys, and from any tribal representatives. The GAL independently determines what is in the child's best interests and advocates at every stage.

- **Investigate:** Review DSS records, school records, medical files, and court history. Interview the child, foster parents, caseworkers, teachers, and therapists. Visit the current placement in person.
- **Advocate:** Present best interests in court through written reports. Request services not being received. Challenge DSS if efforts are inadequate or placements are inappropriate.
- **Connect:** Identify and connect the child to services: therapy, tutoring, mentoring, community supports. Coordinate with DSS, foster families, schools, and providers across placement changes.
- **Report:** Prepare written reports before each hearing. File with the court and serve on all parties in advance. Attend every hearing and respond to questions from the judge and parties.

> ***SC-Specific Note:*** *South Carolina operates both the state-funded SCGAL Program (with paid staff guardians who supervise and review volunteer reports) and independent CASA programs. Under the SCGAL model, all volunteer court reports are reviewed and approved by a staff guardian before filing.*

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4. The Multidisciplinary Team

- **DSS Child Protective Services Worker:** Responsible for case plan, placement, service referrals. Represents DSS's institutional position.
- **DSS Attorney:** Represents the agency in Family Court. Not the child's advocate.
- **Parent's Attorney:** Appointed counsel for biological parents. Advocates for reunification and parental rights.
- **SCGAL Staff Guardian:** Reviews and approves volunteer court reports under the SCGAL model. Your supervisor and quality reviewer.
- **CASA Volunteer / GAL (You):** Independent investigator and best-interest advocate. Your independence from DSS and parents is the core of your value.
- **Foster / Kinship Caregiver:** Day-to-day care provider. Primary source of information about the child's daily functioning.
- **Child's Attorney (if appointed):** Client-directed attorney for child's expressed wishes — distinct from the GAL.
- **Family Court Judge:** Presides over all hearings, issues all orders. Elected to the bench in SC.

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5. The Dependency Court Process

1. **Removal & Emergency Custody:** DSS or law enforcement takes child into custody when there is imminent danger. DSS must file a petition within 5 business days.
2. **Probable Cause Hearing:** Held within 72 hours of custody. Court determines whether probable cause exists and whether child may return home pending merits hearing.

3. **GAL Appointment:** Court appoints GAL at or near the probable cause hearing under SC Code § 63-7-1620. Begin reviewing records and contact child promptly.
4. **Merits Hearing (Adjudication):** Family Court determines whether child was abused or neglected as alleged. GAL files report and presents recommendations.
5. **Dispositional Hearing:** Court establishes case plan, placement, and required services. GAL advocates for services addressing child's specific needs.
6. **Review Hearings (Every 6 Months):** GAL files report before each review assessing reasonable efforts, child's well-being, and progress toward permanency.
7. **Permanency Hearing (Within 12 Months):** Court identifies permanent plan: reunification, adoption, legal guardianship, or APPLA.
8. **TPR & Post-Permanency:** DSS petitions for TPR under SC Code § 63-7-2570. GAL continues advocacy through adoption finalization.

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6. ICWA & Tribal Inquiry

The Indian Child Welfare Act (25 U.S.C. §§ 1901–1963) applies when a child is a member or eligible for membership in a federally recognized tribe. South Carolina is home to the **Catawba Indian Nation** (York County), a federally recognized tribe with an active ICWA program. ICWA inquiry is mandatory in every case.

- ✓ Ask both biological parents about any Native American or Alaska Native ancestry at the very first hearing.
- ✓ Document the ICWA inquiry explicitly in your case notes and in the court record.
- ✓ If Catawba Nation or any tribal affiliation is indicated, notify the DSS caseworker immediately for formal tribal notification.
- ✓ The tribe — not DSS, the family, or the GAL — determines ICWA eligibility.
- ✓ If ICWA applies: placement preferences shift to Indian extended family, tribal member homes, or tribal foster homes (§ 1915).
- ✓ Active efforts (not just reasonable efforts) must be made to prevent breakup of the Indian family.

> ***Catawba Indian Nation:*** *Headquartered in Rock Hill (York County). Members and descendants reside throughout SC, particularly in the Piedmont region. Contact: (803) 366-4792 | catawbaindian.com. York, Lancaster, Chester, and Chesterfield counties have higher concentrations of Catawba members.*

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7. Education Rights of Foster Youth

Education stability is a critical advocacy area. SC's implementation of ESSA Title I Part A and SC Code § 59-63-5 require school districts and DSS to collaborate to keep foster children in their school of origin when it is in their best interests. Transportation must be provided across district lines.

- ✓ Obtain school records and most recent report card at every case review.
- ✓ Ask whether the child has an active IEP or 504 Plan — IDEA rights follow the child through placement changes.
- ✓ Contact the district's Foster Care Point of Contact (FCPOC) for school of origin or enrollment issues.

✓ SC's EEDA requires career planning beginning in middle school — advocate for foster youth participation.

✓ Verify your authority in the court order before consenting to educational decisions for children in DSS custody.

✓ Report school absences exceeding 10 cumulative days in your court report.

Extended Foster Care (EFC): SC Code § 63-7-3500 provides EFC for youth ages 18–21. Eligibility requires enrollment in secondary/GED programs, post-secondary education, vocational training, or employment of 80+ hours/month. Advocate for EFC planning beginning at age 16.

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8. Courtroom Practice

Before the Hearing

- File written report with the Family Court clerk AND serve all parties in advance (check local rules for timing).
- Review the prior order and identify compliance issues to raise.
- Contact the DSS caseworker to coordinate on factual updates.
- Talk with the child in age-appropriate terms about what will happen.

During the Hearing

- Address the judge as 'Your Honor.' Remain standing when addressing the court.
- Present your report clearly and concisely.
- The GAL may present evidence, call witnesses, and respond to court questions.
- State any objections to proposed orders clearly and specifically on the record.

After the Hearing

- Obtain a copy of the signed Family Court order.
- Review for any tasks assigned to DSS, parents, or the GAL.
- Communicate the outcome to the child in age-appropriate terms.
- Update case notes and begin preparing for the next review period.

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9. Local Resources — Columbia Metro

- **SC Guardian Ad Litem Program — Richland County** — (803) 898-7601 | dss.sc.gov/gal
- **Richland County DSS** — (803) 898-7601
- **Lexington County DSS** — (803) 785-8100
- **Palmetto Health Children's Hospital (Prisma Health)** — (803) 434-7000 | prismahealth.org
- **Epworth Children's Home** — (803) 256-7394 | epworthchildrenshome.org
- **SC Legal Services — Columbia** — (803) 799-9668 | sclegal.org
- **United Way of the Midlands — 211** — Dial 2-1-1 | unitedwaysc.org/211
- **Transitions — Columbia (housing for aging-out youth)** — (803) 726-8026 | transitionshomeless.org

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10. Mental Health Resources

- **SC Dept. of Mental Health (SCDMH)** — scdmh.net | (803) 898-8581
- **SC Community Mental Health Centers (17 statewide)** — County-based public mental health access for children in DSS custody
- **Trauma-Focused CBT (TF-CBT) Providers** — Request TF-CBT specifically — a generic therapy referral is insufficient
- **SC First Steps to School Readiness** — Early childhood mental health for ages 0–5 | scfirststeps.org
- **SC Crisis Line & Mobile Crisis** — 1-833-364-2274 (24/7)
- **988 Suicide & Crisis Lifeline** — Dial or text 988 (24/7)

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11. Housing & Basic Needs

- **SC DSS Youth in Transition (YIT) Program** — Life skills and housing support for youth transitioning out of foster care | dss.sc.gov/foster-care
- **Extended Foster Care Housing (ages 18–21)** — Supervised independent living placements with DSS housing subsidies
- **SC Housing Authority — Section 8/HCV** — Foster care alumni may have priority | schousing.com
- **SNAP — SC DSS** — Youth exiting at 18 eligible without income verification | apply.dss.sc.gov
- **WIC — SC DHEC** — Nutrition assistance for children under 5 | scdhec.gov/wic
- **Transitions — Columbia** — (803) 726-8026 | transitional housing for ages 18–24

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12. Court Report Writing Guide

The court report is your primary advocacy tool. A well-written report educates the judge on facts the court record may not otherwise capture and translates your best-interest recommendation into a clear, credible position that the court can act on.

1. **Case Identification:** Child's name/initials, case number, circuit, hearing date, GAL contact, date of last in-person visit.
2. **Sources Reviewed:** List documents (DSS case plan, school records, medical records, prior orders) and people interviewed (child, foster parent, caseworker, teacher, therapist).
3. **Current Placement & Well-Being:** Describe placement, child's adjustment, physical health, emotional state, school performance. Based on personal visit.
4. **Services Status:** Identify each case plan service and whether it has been accessed. Flag services ordered but not provided.
5. **Parental Progress:** Objective facts on parent compliance with case plan. Note visitation frequency and quality without editorializing.
6. **Child's Views:** Report what the child told you about placement, school, relationships, and wishes. Use child's own words. Distinguish from your assessment.

7. **Best-Interest Recommendation:** State your recommendation clearly and specifically. 'Continue current placement and order trauma-focused therapy within 30 days' beats vague language.
8. **Requested Court Orders:** List specific orders requested. Draft proposed order language (cleared with supervisor) to maximize adoption of your recommendations.

> ***Disclaimer:*** *This handbook is a reference resource only and does not constitute legal advice. Laws and program structures change frequently. Always verify current information with your supervising SCGAL staff or CASA supervisor before relying on it in any legal proceeding.*