



Daniel's Law AND ALTERNATIVES

Recognizing that you do not have the skills, the resources or the ability to care for your child is a key first step. You may be overwhelmed with the responsibilities of caring for a child. You may have nowhere to turn. You may not have supportive family or friends. Your resources may be limited. But there are safe things you can do to protect your child.

What is Daniel's Law?

If the child is under 60 days old you can safely leave that child at a hospital, police station, staffed house of worship or fire station. You would be protected by what is called Daniel's Law. If the child has not been harmed and you have no intention of returning you will not be charged with any crime. It is not an easy decision but everyone wants your child to live and thrive.

What do you do if the child is over 60 days old?

There are still safe ways to relinquish or give up your rights to your child, they are just a bit more complicated than the Daniel's Law option.

Public Options

Question: How should you approach the Department of Social Services (DSS) about relinquishing parental rights if the child is more than 60 days old?

Answer: For a child over 60 days old, Daniel's Law no longer applies, and a parent cannot simply leave a child at a designated Safe Haven location under the protections provided by that law. However, alternatives remain available. A parent may contact a private adoption agency or give custody and/or guardianship to a trusted alternative caregiver. A parent may also contact DSS about the possibility of relinquishing parental rights so that DSS can facilitate an adoption. If a parent wishes to explore the possibility of relinquishing to DSS, that parent should contact a DSS regional adoptions office. DSS does not ordinarily accept relinquishments where there has been no abuse or neglect; therefore, it is recommended that a parent have the assistance of legal counsel when contacting DSS for this purpose.

Private Options

You could transfer legal and physical custody of your child to another person. This is often considered a temporary solution to a complex problem. To insure the custody agreement is clear about your wishes and the expectations of the proposed custodial parties it is important that you have such an agreement written and executed by an attorney. Simply writing something down and having it notarized does not make it a legally binding document. It may seem like the cheap and easy way to solve the problem but headaches may arise down the road. For example: you may want to transfer custody of your child to your sister while you enter into a drug treatment program but the plan is to regain custody of your child when you get back on your feet. Without a legally binding agreement the time may come when you believe you are ready to take care of your child but your sister won't agree. These situations can be complex, emotional and damaging to all involved, including your child.

Another more permanent solution is to put your child up for adoption. Adoption is a final solution. It means that in the eyes of the law you are no longer the parent of the child. It is not an easy decision but if you decide this is best for your child you will need to contact an attorney to start the process. The SC Bar Lawyer Referral Program can provide you with contact information for an attorney you can hire. This attorney will be one who practices in adoption law. They can be reached at 1-800-868-2284. If you are low income and want to follow through with adoption you can contact SC Legal Services at: 1-888-346-5592. They will screen you for income eligibility and if they accept your case there will be no charges.

Additional Resources and Information

The following is a list of DSS regional adoptions offices:

Region I Division of Adoption Services

714 N. Pleasantburg Dr.
Greenville, SC 29607
Phone: (800) 868-6595

Region II Division of Adoption Services

2638 Two Notch Rd., Suite 200
Columbia, SC 29204
Phone: (888) 711-7095

Region II (Rock Hill) Division of Adoption Services

454 South Anderson Road, BTC
515, Suite 101
Rock Hill, SC 29730
Phone: (800) 922-1537

Region III Division of Adoption Services

3346 Rivers Ave., Suite F
N. Charleston, SC 29405
Phone: (800) 922-1518

Region IV Division of Adoption Services

181 East Evans St.
Florence Business and Technology Center-112
Florence, SC 29506
Phone: (800) 763-6637

Region V (Laurens) Division of Adoption Services

93 Human Services Road
Clinton, SC 29325
Phone: (864) 833-0100

Region V (Orangeburg) Division of Adoption Services

2570 St. Matthews Rd
Orangeburg, SC 29116
Phone: (803) 515-1852

