

1980 WL 120614 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1980

***1 Re: Free Will Baptist Church Children's Home**

Ms. Hannah S. Buford
Staff Assistant
Children's Foster Care Review Board System
2221 Devine Street, Suite 418
Columbia, South Carolina 29205

Dear Ms. Buford:

This is to acknowledge receipt of and thank you for your letter of October 31, 1979, concerning the above-captioned matter. You have asked whether a children's home supported by private funds is subject to the Foster Care Review Board statutes set out in S.C. Code, § 43-13-10, et seq. (1976), as amended. It is our understanding that the Free Will Baptist Church Children's Home is an institution which cares for abandoned children on a full-time basis.

The Foster Care Review Board has been established to review cases of children who have resided in public or private foster care for a period in excess of six months. S.C. Code, § 43-13-40 (1976), as amended. 'Foster care' includes foster family, institutional, and group home care. S.C. Code, § 43-13-80 (1979 Supp.). The Foster Care Review Board statute would apply to the Free Will Baptist Church Children's Home inasmuch as it does provide institutional home care to children who have been abandoned by their parents. Consequently, the children's home would be subject to the provisions of that statute which requires that such private institutions 'cooperate with the advisory board and local review boards by furnishing such records to the boards as may from time to time be required.' S.C. Code, § 43-13-60 (1976), as amended. This would mean that the cases of children residing with the children's home for more than six months are subject to review by the Foster Care Review Board System.

The fact that the children's home is a charitable religious institution has no bearing upon this issue inasmuch as the State has an overriding interest in the well-being of children residing in child care facilities. See, [Rolloff Evangelistic Enterprises, Inc., et al. v. Texas](#), Tex. 556 S.W.2d 856 (1977), cert. den. 99 S.Ct. 58 (1978). This State has established that a permanent family home should be provided all children, whenever possible, through either the natural parents or adoptive parents, and the Foster Care Review Board has been empowered to serve that interest. S.C. Code, § 14-13-40(2) (1976), as amended.

If you have any further questions or comments concerning the above, please do not hesitate to contact the undersigned at this office.

Thank you.

Very truly yours,

Lindy Pike Funkhouser
Assistant Attorney General

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