

1976 S.C. Op. Atty. Gen. 234 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4395, 1976 WL 23013

Office of the Attorney General

State of South Carolina

Opinion No. 4395

July 15, 1976

*1 Authority of Children's Bureau to certify homes in South Carolina for interstate or intercountry placement of children does not confer authority to consent or withhold consent to adoption of such children not under the custody and control of the Children's Bureau.

TO: Honorable Joyce C. Hearn
House of Representatives

QUESTION PRESENTED:

Does authority of the Children's Bureau to certify homes for interstate/intercountry placement of children introduced into South Carolina confer authority to consent or withhold consent to their adoption if the Children's Bureau does not have legal guardianship of these children?

AUTHORITIES:

Section 71–205 and Section 71–207, Code of Laws of South Carolina.

82 CJS, Statutes, Section 311, Construction and Operation, in general.

2. CJS, Adoption of Persons, Section 55, Adoption of Placement Agencies; Public Officials.

DISCUSSION:

Section 71–205, supra, authorizes and requires the Children's Bureau to consent to the adoption of children committed to its care when custody and control have been turned over to the Children's Bureau as legal guardian with no legal rights retained by the natural parents. Section 71–207, supra, authorizes and requires the Children's Bureau to certify (as suitable) homes in the state for children introduced into South Carolina and to require periodic reports.

Section 71–207, supra, does not confer authority to the Children's Bureau to consent to adoption of children introduced into the state. Section 71–205, supra, grants authority to consent only to the adoption of children under legal custody of the Children's Bureau. Authority to consent to the adoption of children introduced into South Carolina who are not in the legal custody of the Children's Bureau cannot be implied from the clear language of either Section 71–205 or Section 71–207, supra. See also 82 CJS, Statutes, Section 311 and 2 CJS, Adoption of Persons, Section 55, supra. (Certainly the Children's Bureau would have the right and possibly the duty of making any concern known to the Court before any private adoption, but would not have any right to give or withhold consent to such an adoption.)

CONCLUSION:

The Children's Bureau does not have legal authority to consent or withhold consent to the private adoption of children introduced into the state.

Hardwick Stuart, Jr.
Assistant Attorney General

1976 S.C. Op. Atty. Gen. 234 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4395, 1976 WL 23013

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.