

1980 WL 121017 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1980

***1 Re: Termination of parental rights**

Ms. Barbara R. LaBelle
Chairman
Foster Care Review Board 5-D
Children's Foster Care Review Board System
2221 Devine Street
Suite 418
Columbia, South Carolina 29205

Dear Ms. LaBelle:

This is to acknowledge receipt of and thank you for your letter of September 4, 1979, regarding the above-captioned matter. It appears that the basis for your concern is whether a mother's sporadic contact with D.S.S. will prevent a termination of her parental rights.

In connection with this matter we are enclosing herewith a copy of an informal opinion of this office, dated March 13, 1979, dealing with this issue. In your situation it would appear that the mother's negligible contact with D.S.S. would not prevent a court from terminating her parental rights. Also, as to the father in your situation, it should be pointed out that his separation from the child may have been the result of 'dire necessity or force of circumstances.' However, it would be for the Family Court to decide at a hearing on the merits the respective rights of these parents. We cannot, of course, guarantee complete success in termination of parental rights, but it would appear from the enclosed informal opinion that an action could be brought in the Family Court.

I hope that you will find this information, together with my previous phone call, responsive to your request. If you have any further questions concerning this matter, please do not hesitate to contact me at this office.

Thank you.

Very truly yours,

Lindy Pike Funkhouser
Assistant Attorney General

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