

SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM

SECTION 63-11-500. Creation, purpose and administration of program.

(A) There is created the South Carolina Guardian ad Litem Program to serve as a statewide system to provide training and supervision to volunteers who serve as court-appointed special advocates for children in abuse and neglect proceedings within the family court, pursuant to Section 63-7-1620. This program must be administered by the Office of the Governor.

(B) Notwithstanding the provisions of subsection (A), a county providing the guardian ad litem services set forth in subsection (A) prior to the effective date of this act may continue to provide such services, provided the county guardian ad litem program is a member of the National Court Appointed Special Advocate Association. However, a county guardian ad litem program operating pursuant to this subsection must comply with all state and federal laws, even if compliance with state or federal laws would result in the violation of a requirement for membership in the National Court Appointed Special Advocate Association.”

SECTION 63-7-510. Responsibilities and duties of guardian ad litem.

The responsibilities and duties of a guardian ad litem are to:

- (1) represent the best interests of the child;
- (2) advocate for the welfare and rights of a child involved in an abuse or neglect proceeding;
- (3) conduct an independent assessment of the facts, the needs of the child, and the available resources within the family and community to meet those needs;
- (4) maintain accurate, written case records;
- (5) provide the family court with a written report, consistent with the rules of evidence and the rules of the court, which includes without limitation evaluation and assessment of the issues brought before the court and recommendations for the case plan, the wishes of the child, if appropriate, and subsequent disposition of the case;
- (6) monitor compliance with the orders of the family court and to make the motions necessary to enforce the orders of the court or seek judicial review;
- (7) protect and promote the best interests of the child until formally relieved of the responsibility by the family court.

SECTION 63-11-520. Persons prohibited from appointment as guardian ad litem in abuse or neglect proceeding.

No person may be appointed as a guardian ad litem for a child in an abuse or neglect proceeding who has been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, in Chapter 15 of Title 16, Offenses Against Morality and Decency, in Article 3 of Chapter 53 of Title 44, Narcotics and Controlled Substances, or for the crime of contributing to the delinquency of a minor, provided for in Section 16-17-490.

SECTION 63-11-530. Guardian to represent best interests of child; guardian to receive notice of all proceedings; obligation of guardian continuing one; authority of guardian.

(A) The guardian ad litem is charged in general with the duty of representation of the child’s best interests. After appointment by the family court to a case involving an abused or neglected child, the guardian ad litem shall receive appropriate notice of all court hearings and proceedings regarding the child. The obligation of the guardian ad litem to the court is a continuing one and continues until formally relieved by the court.

(B) The guardian ad litem is authorized to:

- (1) conduct an independent assessment of the facts;
- (2) confer with and observe the child involved;
- (3) interview persons involved in the case;

- (4) participate on any multidisciplinary evaluation team for the case on which the guardian ad litem has been appointed;
 - (5) make recommendations to the court concerning the child's welfare;
 - (6) make motions necessary to enforce the orders of the court, seek judicial review, or petition the court for relief on behalf of the child.
- (C) The guardian ad litem is authorized through counsel to introduce, examine, and cross-examine witnesses in any proceeding involving the child and participate in the proceedings to any degree necessary to represent the child adequately.

SECTION 63-11-540. Guardian's right to see all reports, information and records concerning child being represented.

All reports made and information collected as described in Section 63-7-1990(A) must be made available to the guardian ad litem by the Department of Social Services. Upon proof of appointment as guardian ad litem and upon the guardian ad litem request, access to information must be made available to the guardian ad litem by the appropriate medical and dental authorities, psychologists, social workers, counselors, schools, and any agency providing services to the child.

SECTION 63-11-550. Confidentiality of records and information.

(A) All reports and information collected pursuant to this subarticle maintained by the South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 20-7-121(B), are confidential except as provided for in Section 63-11-500(B). A person who disseminates or permits the unauthorized dissemination of the information is guilty of contempt of court and, upon conviction, may be fined or imprisoned, or both, pursuant to Section 63-3-620.

(B) The name, address, and other identifying characteristics of a person named in a report determined to be judicially unfounded must be destroyed one year from the date of the determination. The name, address, and other identifying characteristics of any person named in a report determined to be judicially indicated must be destroyed seven years from the date that the guardian ad litem formally is relieved of responsibility as guardian ad litem by the family court.

(C) The director of the South Carolina Guardian ad Litem Program or the director's designee, or the chief administrator of a county guardian ad litem program operating pursuant to Section 63-11-500(B), may disclose to the media information contained in child protective services records, if disclosure is limited to discussion of the program's activities in handling the case. The program may incorporate into its discussion of the handling of the case any information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator or the attorney for the alleged perpetrator, or other public judicial proceedings. For purposes of this subsection, information is considered 'placed in the public domain' when it has been reported in the news media, is contained in public records of a criminal justice agency, is contained in public records of a court of law, or has been the subject of testimony in a public judicial proceeding."

SECTION 63-11-560. Immunity from liability for guardian ad litem.

After participating in the training program of the South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 63-11-500(B), a person who is appointed to serve as guardian ad litem and serves without compensation is not liable for any civil damages for any personal injury as a result of any act or omission by the person in the discharge of the responsibilities of a guardian ad litem if the person acts in good faith and is not guilty of gross negligence."

SECTION 63-11-570. Funds.

The General Assembly shall provide the funds necessary for the South Carolina Guardian ad Litem Program to carry out the provisions of Sections 63-11-500 through 63-11-560 and 63-7-1990(B)(5). The General Assembly shall not provide any funding for a county guardian ad litem program."