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Statutory Authority: 43-1-80 and 63-9-360

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History: 5303

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- 09/27/2024 Proposed Reg Published in SR

- 01/14/2025 Received President of the Senate & Speaker 01/18/2026

H 01/14/2025 Referred to Committee

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S 04/23/2025 Resolution Introduced to Approve 595

Document No. 5303

**DEPARTMENT OF SOCIAL SERVICES**

Chapter 114

Statutory Authority: 1976 Code Sections 43‑1‑80 and 63‑9‑360

114‑4370. Certification of Adoption Investigators and Persons Obtaining Consents or Relinquishments.

**Synopsis:**

 The Department of Social Services is responsible for establishing and promulgating rules and regulations for the certification requirements and process for an adoption investigator. The proposed amendments will ensure that prospective investigators have the necessary educational and work experience to further the Department’s mission to promote safety, permanency, stability, and well‑being of children who need foster care and adoptive placements.

Section‑by‑Section Discussion:

Regulation 114‑4370

1. Amended reference to statutory authority for promulgating the regulation

2. (A)(1), Amended definition of “person”

3. (A)(3), Updated a statutory cross reference

4 (A)(6), Updated a statutory cross reference

5. (B)(1) (a), (b), (c), (d), and (e) Amended to clarify certification requirements applicable to certain

 applicants and to re‑letter items

6. (B)(2)(a), (b), (c), (d), and (e) Added subsection to further clarify certification requirements

applicable to certain applicants

7. (B)(3)(c), Amended to clarify certification requirements related to professional and personal

references

8. (B)(4)(a) and (b), Amended to clarify continuing education requirements

9. (C), Amended to rename the section

10. (C)(1)(a), (b), and (c), Amended to clarify the application, documentation, and fees required for

initial certification

11. (D)(4) (a), (b), (c), and (d), Added to clarify documentation department employees must submit for recertification

12. (E)(1)(a), (b), and (c), Amended to reflect changes in fees associated with certification and

recertification

13. (E)(2), Amended to give the department discretion to waive fees

14. (F)(1), Amended to clarify the procedure to file complaints

15. (F)(3)(e), Amended to enhance clarity

16. (G)(2), Amended to correct a Code of Regulations cross reference

 The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulations as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

(Statutory Authority: 1976 Code Sections ~~Section 20‑7‑1750~~ 43‑1‑80, 63‑9‑360)

114‑4370. Certification of Adoption Investigators and Persons Obtaining Consents or Relinquishments.

 A. Definitions

 (1) Person ‑ an individual, self‑employed or employed by an agency.~~, corporation or professional association.~~

 (2) Department ‑ the South Carolina Department of Social Services.

 (3) Child placing agency or agency ‑the State Department of Social Services and any person or entity as defined in Section ~~20‑7‑1650 (e)~~ 63‑9‑30.

 (4) Consent ‑ the informed and voluntary release in writing of all parental rights with respect to a child by a parent for the purpose of adoption, or the informed and voluntary release in writing of all custodial or guardianship rights, or both, with respect to a child by the child placing agency or person facilitating the placement of the child for adoption where the child’s parent previously has executed a relinquishment to that agency or person.

 (5) Relinquishment ‑ the informed and voluntary release in writing of all parental rights with respect to a child by a parent to a child placing agency or to a person who facilitates the placement of a child for the purpose of adoption and to whom the parent has given the right to consent to the adoption of the child.

 (6) Investigation and reports ‑ Pursuant to section ~~20‑7‑1740~~ 63‑9‑520, before the final hearing for adoption of a child, investigations and reports must be completed in accordance with the following:

 (a) Before the placement of any child by any agency or by any person with a prospective adoptive parent, a preplacement investigation, a background investigation and reports of these investigations must be completed;

 (b) A postplacement investigation and report of this investigation must be completed after the filing of the adoption petition.

 (7) Court ‑ any Family Court in this state.

 B. Certification Requirements

 (1) Persons ~~certified to complete~~ completing preplacement and postplacement investigations, and reports of these investigations on behalf of and at the direction of the Department or a child placing agency must meet the following requirements:

 (a) Hold a Bachelor’s, Master’s, or Doctoral degree in a human service related field from an accredited college or university; or

 (b) Have a two‑year degree and be supervised by a person within the Department or child placing agency who is a certified adoption investigator who holds a Bachelor’s, Master’s, or Doctoral degree in a human service related field from an accredited college or university; and

 ~~(b)~~(c) Have two years’ experience conducting adoptive home studies or investigations or similar family/child oriented reports for a court, school, or social/health agencies~~;~~ or until such time as the person meets the home study or report writing experience requirements described in this paragraph and acquires a Bachelor’s, Master’s, or Doctoral degree in a human service related field, ~~be currently employed by the Department of Social Services or a licensed child placing agency or by a professional association and~~ be supervised by a person within ~~that~~ the Department or agency ~~or association~~ who is a certified adoption investigator who holds a Bachelor’s, Master’s, or Doctoral degree in a human service related field from an accredited college or university; and

 ~~(c)~~(d) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference~~s~~ which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

 (e) Continuing education that addresses health, safety, and well‑being of children or as approved by the Department is required as follows:

 i. At the time of application for certification, the individual will document that twenty‑five hours of training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department was completed within three years immediately prior to application.

 ii. Documentation of continuing professional development of a minimum of ten hours of training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department per year is required for recertification.

 (2) To be certified to complete preplacement and postplacement investigations, and reports of these investigations as an individual under contract with the Department, persons must meet the following requirements:

 (a) Hold a Bachelor’s, Master’s, or Doctoral degree in a human service related field from an accredited college or university;

 (b) Have two years’ experience conducting adoptive home studies or investigations or similar family/child oriented reports for a court, school, or social/health agencies;

 (c) Provide a writing sample demonstrating family/child oriented report writing aptitude; and

 (d) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

 (e) Continuing education that addresses health, safety, and well‑being of children or as approved by the Department is required as follows:

 i. At the time of application for certification, the individual will document that twenty‑five hours of training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department was completed within three years immediately prior to application.

 ii. Documentation of continuing professional development of a minimum of ten hours of training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department per year is required for recertification.

 ~~(2)~~(3) Persons certified to obtain Consents and Relinquishments must meet the following requirements:

 (a) Hold a Bachelor’s, Master’s, or Doctoral degree from an accredited college or university;

 (b) Have two years’ experience counseling with parents about relinquishing their rights and placing their children for adoption; or be currently employed by the Department of Social Services or a licensed child placing agency or by a professional association and be supervised by a person within that agency or association who is certified to accept relinquishments and consents for the purpose of adoption;

 (c) Be of good reputation in the community as attested to by two (2) professional references and one (1) personal reference which may be verified by the Department. References must state how long they have known an applicant and in what capacity.

 ~~(3)~~(4) ~~Adoption related continuing education, as accepted by the Department,~~ Continuing education that addresses health, safety, and well‑being of children or as approved by the Department is required as follows: ~~for Sections (1) and (2) above.~~

 (a) At the time of application for certification, the individual will document that twenty‑five hours of ~~adoption~~ training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department ~~related continuing education~~ was completed within three years ~~of~~ immediately prior to application.

 (b) Documentation of continuing professional development of a minimum of ten hours of ~~adoption related~~ training related to children and family that addresses health, safety, well‑being, and education or as approved by the Department ~~training~~ per year is required for recertification.

 C. ~~Process for Certification~~ Initial Certification Process

 (1) Individuals will ~~forward completed applications including a S.L.E.D. criminal records check, a C.P.S. Central Registry check and required fees to the Division of Adoption and Birth Parent Services~~ submit the completed application and all required documents and fees to the Department of Social Services‑State Office Adoptions Division as follows:

 (a) South Carolina Law Enforcement Division Criminal History Results within one year of the application. This does not apply to those who are employed by the Department of Social Services and who are in good standing;

 (b) A check of the South Carolina Central Registry of Child Abuse and Neglect. This does not apply to those who are employed by the Department of Social Services and who are in good standing; and

 (c) Training Certificates.

 (2) Incomplete applications will not be accepted.

 (3) Additional information that would clarify an item may be requested in writing, by telephone, or in a personal interview and must be returned within 10 working days of the request.

 (4) When a determination has been made that the applicant meets the requirements for certification, a certificate will be issued, and the applicant’s name and ~~fees~~ fee schedule will be placed in the directory of certified persons.

 (5) All applications and supporting documentation shall be considered public information.

 D. Expiration and Renewal of Certificate

 (1) Certificates issued under these regulations will expire one year from the date of issuance.

 (2) Application for recertification must be received thirty days prior to the expiration date of the current certificate.

 (3) Upon determination that the applicant continues to meet the requirements, a new certificate will be issued.

 (4) Applicants who are not employed by the Department must submit the following required documents and required fees at the time of the submission of the recertification application.

 (a) A completed application;

 (b) South Carolina Law Enforcement Division Criminal History Results within one year prior to application. This does not apply to those who are employed by the Department of Social Services and who are in good standing;

 (c) A check of the South Carolina Central Registry of Child Abuse and Neglect. This does not apply to those employed by the Department of Social Services and who are in good standing; and

 (d) Training Certificates for training received within one year prior to the application certification date.

 E. Fees for Certification/Recertification

 (1) The following ~~initial~~ fees are to be paid to the South Carolina Department of Social Services and are not refundable:

 (a) The fee for certification as an adoption investigator is $~~15.00~~ 20.00;

 (b) The fee for certification as a person obtaining consents or relinquishments is $~~15.00~~ 20.00;

 (c) The fee for certification in both categories simultaneously is $~~20.00~~ 35.00;

 (2) ~~The fee for recertification is $15.00.~~ The Department of Social Services may waive any required fees if the individual or child placing agency are completing the preplacement and postplacement reports or conducting Consents and Relinquishments solely for the use by the Department of Social Services.

 F. Denial or Revocation of a Certificate

 (1) Complaints about the performance or conduct of a Certified Investigator may be addressed to the ~~Division of Adoption and Birth Parent Services~~ State Office Adoptions, South Carolina Department of Social Services, P.O. Box 1520 Columbia, South Carolina 29202‑1520.

 (2) The Department has the authority to thoroughly investigate any complaints about the performance or conduct of a Certified Investigator.

 (3) The decision to deny or revoke a Certificate is made by the Department. The Certificate is the property of the Department and must be returned within ten (10) working days after revocation. Any of the following actions by a Certified Investigator or person to obtain Consents or Relinquishments may be grounds for denial or revocation of a Certificate:

 (a) An act or omission violating the South Carolina Child Protection Act, or any other act or omission in violation of Section (H) Code of Ethics, or any other act or omission which would threaten the health, safety or well‑being of clients;

 (b) A violation of the provisions of the South Carolina Adoption Act or its regulations;

 (c) Fraudulent information given during the application or recertification process;

 (d) Material misrepresentation to clients during the course of business;

 (e) Conviction of, forfeiture of bond, a plea of nolo contendere, or a guilty plea to a felony or any other crime involving moral turpitude. However, the Department, in its discretion, may except this ground if the individual submits written documentation ~~regarding the type of rehabilitation program they have undergone~~ of the completion of a rehabilitation program and the effects of the rehabilitation efforts on ~~their~~ the individual’s behavior~~/lives~~. An evaluation by the involved counselor, ~~or~~ therapist, or other appropriate professional must be submitted to the Department.

 G. Appeal of Denial of Application or Revocation of Certificate

 (1) If an individual is denied a new or renewal certificate or if a certificate is revoked, the individual will be sent a certified letter containing the following information:

 (a) The Department’s decision;

 (b) The basis of that decision;

 (c) The right to appeal the decision;

 (d) The procedure for such an appeal.

 (2) The Investigator will have thirty (30) days to appeal the decision in accordance with Department Fair Hearing Regulations, South Carolina Code of Regulations ~~114‑35.1.~~ 114‑100, *et. seq.*

 H. Code of Ethics

 (1) Any act that is in violation of the spirit and purpose as well as the letter of the Code of Ethics shall be unethical practice.

 (2) The Certified Investigator should maintain high standards of conduct in the capacity of Certified Investigator.

 (3) Whenever conflict between the interests of the child, who is the primary subject of adoption, and adults is involved, the best interests of the child shall govern decisions.

 (4) It is the responsibility of the certified person to protect the rights of vulnerable birth parents who are making decisions regarding their children regardless of the source of payment for services rendered. This principle must be clearly stated and understood in arrangements for payment for services rendered.

 (5) When setting fees, certified persons should ensure they are fair, reasonable, and commensurate with the service performed and with due regard for the clients’ ability to pay.

 (6) Certified persons will perform duties and tasks in the time specified and never delay the adoption of a child without good cause.

 (7) Reports presented to the court will be complete and truthful.

 (8) Information in reports will be available upon request to the subject of the report.

 (9) All completed reports will be submitted to the court regardless of the recommendations.

 (10) All recommendations will be discussed with the applicant in advance of presentation to the court.

 (11) Before accepting a consent or relinquishment the certified person will ascertain the mental and physical condition of the birth parent and not accept their signature if their condition does not warrant.

 (12) The certified person must fully advise the birth parent of rights and responsibilities before accepting signatures and will not accept signatures unless fully satisfied that the consequences are fully understood by the birth parent.

 (13) Consultation from other professionals must be sought when the certified person is unsure of a course of action in any particular instance.

 (14) The certified person must maintain the confidentiality of the adoption process and protect the privacy of all parties.

 (15) The certified person must not discriminate on the basis of race, religion, gender, or handicap in professional relationships with clients or colleagues.

 (16) Persons employed by sectarian sponsored organizations may limit their practice to persons eligible for service from that organization.

 I. Severability

 If any provision of these Regulations or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision of application, and to this end the provisions of these Rules and Regulations are severable.

**Fiscal Impact Statement:**

 The Department of Social Services estimates there will be no additional costs incurred by the State and its political subdivisions due to the promulgation of the proposed regulations.

**Statement of Rationale:**

 The Department of Social Services is proposing to amend Regulation 114‑4370 to ensure that prospective investigators have the necessary educational and work experience to further the Department’s mission to promote safety, permanency, stability, and well‑being of children who need foster care and adoptive placements.