

Termination of Parental Rights

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- Termination of Parental Rights

Termination of Parental Rights in South Carolina

The termination of parental rights is a very serious issue and not to be taken lightly. Generally speaking, a biological parent may have his/her parental rights terminated if that parent:

- Has failed to support the child for a period of six consecutive months
- Failed to willfully visit with the child for a period of six consecutive months
- Has a diagnosable condition unlikely to change within a reasonable time which makes the parent unlikely to provide minimally acceptable care of the child including, but not limited to: alcohol/drug addiction, mental deficiency, mental illness, or extreme physical incapacitation
- And the Court finds that the termination is in the best interests of the child

Courts apply the best interests of the child standard in looking at the totality of the above factors while also taking a holistic view of the circumstances to establish if parental rights should be revoked.

Although one may initially meet the basic factors required to terminate this does not automatically mean that the parental rights will be terminated. Courts often look favorably upon the existence of a “psychological” parent, such as an involved stepparent who has stepped in to fill the role of a biological parent and who would like to adopt the child where the circumstances reflect that the biological parent has been totally uninvolved with and/or abandoned the minor child.