

1984 S.C. Op. Atty. Gen. 335 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-139, 1984 WL 159945

Office of the Attorney General

State of South Carolina

Opinion No. 84-139

December 17, 1984

\*1 Mr. Francis E. Lewis, ACSW  
Executive Director  
Children's Bureau of South Carolina  
1001 Harden Street, Suite 225  
Columbia, SC 29205

Dear Frank:

In your letter of October 23, 1984, to Attorney General Travis Medlock, you have inquired whether the provisions of the Interstate Compact on the Placement of Children (ICPC) apply to the placement of children from other states into child-caring institutions in South Carolina.

The ICPC was enacted into law in South Carolina by Act 469 of 1980, Acts and Joint Resolutions of South Carolina, 1980, and is presently codified at § 20-7-1980, *et seq.*, South Carolina Code of Laws, 1976, as amended. As you are well aware, the purpose of the compact is to provide a mechanism whereby party states can cooperate with each other in the interstate placement of children to assure that each child requiring placement receives the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities. 'Placement', as defined in § 20-7-1980 subsection 2(d), 'means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.' The clear language of this definition brings the placement of a child in a child-caring institution generally within the provisions of the compact. The exceptions to this general proposition are listed and clearly spelled out in the definition of 'placement', as previously set forth. It is the opinion of this Office that so long as the child-caring institution does not fall within one of the categories of those institutions exempted under the provisions of § 20-7-1980 subsection 2(d), the placement is subject to scrutiny by the appropriate public authority as defined in § 20-7-2000, *South Carolina Code* of Laws, 1976, as amended.<sup>1</sup>

I hope this information sufficiently answers your inquiry.

Sincerely,

B. J. Willoughby  
Assistant Attorney General

Footnotes

<sup>1</sup> This opinion does not address the question of when a child-caring facility fits within one of the exceptions of § 20-7-1980 subsection 2(d). Such a question would require a factual determination to be made on a case by case basis.

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