

# RAYMOND W. GODWIN

*Attorney at Law, PC* PRACTICE AREA LIMITED TO ADOPTION & CHILDREN'S LAW



## WINTER 2010 NEWSLETTER



### ADOPTION CREATES LOVING FAMILY AND LASTING FRIENDSHIPS

For Matt and Katie, adoption is not only a process that builds families but one that strengthens faith as well. Since before marriage, the couple had discussed the possibility of adopting a child. Once married, and after months of trying unsuccessfully to conceive a child on their own, the couple evaluated a wide variety of options and decided adoption was the best fit for them.

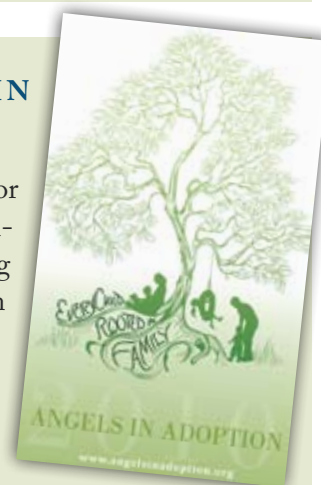
"We felt this was the way God would have us create a family," Katie said. "We felt God had a specific child He wanted us to parent."

*("FAMILY" continued on page 2)*

### SENATOR JIM DEMINT HONORS RAY AND LAURA GODWIN AS ANGELS IN ADOPTION

Senator Jim DeMint selected Ray Godwin and his wife Laura as 2010 Angels in Adoption for their outstanding advocacy of adoption issues. The Congressional Coalition on Adoption Institute (CCAI), which sponsors the Angels in Adoption program, honored Ray and Laura, along with more than 190 Angels, from across the nation, at an awards ceremony and gala event in Washington, DC on October 6.

Ray and Laura were honored for their extensive work with the adoption process throughout the state--handling over *("ANGELS" continued on page 3)*



### A MESSAGE FROM JULIE M. RAU, ASSOCIATE ATTORNEY

In May, 2010, the South Carolina General Assembly passed legislation that affects several aspects of adoption law in South Carolina. This legislation may have an impact on both private adoptions and DSS foster-adopt cases. With regard to DSS cases, 1) legislation expanded the Department's ability to forego providing reasonable efforts at preserving or reunifying biological family and expediting the filing of an action for termination of parental rights; 2) legislation amended the Termination of Parental Rights (TPR) statute so as to further specify grounds for TPR. With regard to private adoption actions, the legislation 1) specifies that adoptions by non-residents of South Carolina exclusively be finalized in South Carolina; and 2) prohibits out-of-state entities from advertising to birth mothers in South Carolina.

#### **DSS MAY IN CERTAIN CIRCUMSTANCES FOREGO REASONABLE EFFORTS AT REUNIFICATION AND MUST SEEK TPR AT THE TIME OF REMOVAL IN CERTAIN CIRCUMSTANCES.**

The legislation passed in May amended S.C. Code Section 63-7-1640 to add circumstances in which the Department of Social Services (DSS), or any named party in a DSS *("DSS" continued on page 4)*

**“FAMILY”** *(Continued From Page 1)*

While attending a play at Bob Jones University, the couple saw an advertisement for the Law Office of Raymond W. Godwin in the production’s program.

The advertisement sparked Katie’s interest, and upon returning home, she viewed the law office’s website to gather more information.

Then, a few months later after Matt returned home from a clergy gathering he was enthused once again to contact Attorney Godwin after speaking with some friends who had adopted through Ray’s office and were impressed with the services offered.

“We took this news as a sign and called Ray,” the couple stated.

The couple initiated their adoption process with a phone call to the office.

“I was sitting in the car outside of a local Japanese restaurant, waiting for a friend to meet me for dinner,” Katie said. “I called the office on my cell phone thinking it would be a simple, quick call that would result in tons of paperwork and a lengthy application process. I

was pleasantly surprised to hear Marion say we should get ready because sometimes things happen quickly. She was right!”



The couple was matched with a birth mother in June and less than two months later, they brought home then baby Christopher.

Born a month early, the new parents were somewhat unprepared for the birth, but were more than ready to welcome their new son into their lives.

“Our hearts were more than ready, even if the nursery wasn’t

quite finished (or started for that matter),” the couple said.

“I would encourage anyone thinking about adoption to pray and seek God’s will.” Katie explained. “All of God’s children are adopted into His family, so adoption is something natural and glorifies His name.”

“We think it is important for our son to know his biological siblings,” Katie said. “When he is older, it will be good for him to be able to talk to and have a relationship with these siblings who share in his situation and story. It is wonderful knowing you are not alone.” ❖

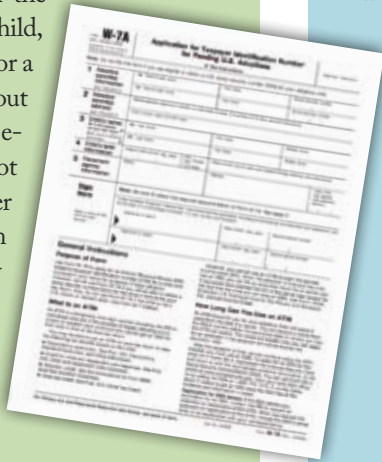


## DON'T FORGET!

If you are currently in the process of adopting a child, do not forget to apply for a tax number by filling out form W-7A. Social Security Numbers will not be assigned until after the adoption has been finalized. To get a copy of the form, please visit the IRS's website at the following address:

[www.irs.gov/pub/irs-pdf/fw7a.pdf](http://www.irs.gov/pub/irs-pdf/fw7a.pdf)

If you were not able to finalize in 2010 please consult your tax professional as you may be able to receive a partial credit for adoption expenses.



## SERVICES PROVIDED THROUGH NIGHTLIGHT CHRISTIAN ADOPTIONS

### DOMESTIC ADOPTION SUPPORT GROUP FOR ADOPTIVE PARENTS

*The Vine Community Church  
4373 Wade Hampton Blvd, Taylors, SC  
4th Monday of the Month at 7:00 p.m.  
Contact [Laura@nightlight.org](mailto:Laura@nightlight.org)*

### ADOPTION EDUCATION WORKSHOPS FOR THOSE INTERESTED IN ADOPTING

Every Thursday at 7 p.m.  
Starts January 11, 2011  
1527 Wade Hampton Blvd. Greenville, South Carolina  
Contact [Laura@nightlight.org](mailto:Laura@nightlight.org)

### BIRTH MOTHER SUPPORT GROUP

4th Thursday of the Month Call (864) 268-0570 for details

## "ANGELS" (Continued from page 1)

2,000 adoptions since the firm's outset in 1993. The Angels in Adoption program is CCAI's signature public awareness campaign and provides an opportunity for all members of the U.S. Congress to honor the good work of their constituents who have enriched the lives of foster children and orphans in the United States and abroad.

"The Angels in Adoption program is unlike any other program in the Nation's Capitol. Because of it, over 1600 Angels have come to share with Washington their adoption experience and left with a renewed excitement of all that adoption makes possible," said Kathleen Strotzman, Executive Director of CCAI. "I learned one simple lesson from my time on the Hill, knowledge is power. Angels in Adoption is meant to give Members of Congress the knowledge they need to use the power they have toward making the dream of a family a reality for every child."

In addition to the more than 190 local Angels from around the country, several "National Angels" were also recognized at the ceremony and gala for their dedication and commitment nationally and internationally to child welfare on a grand scale. Former "National Angels" include First Lady Laura Bush, Patti LaBelle, Jane Seymour, Muhammad Ali, the late Dave Thomas, Steven Curtis Chapman, Bruce Willis, Alonzo Mourning, and Marcus Samuelsson.

The Congressional Coalition on Adoption Institute (CCAI) is dedicated to raising awareness about the tens of thousands of orphans and foster children in the United States and the millions of orphans around the world in need of permanent, safe, and loving homes through adoption. CCAI's goal is the elimination of the barriers that hinder these children from realizing their basic right of a family.

CCAI was created in 2001 by the active co-chairs of the bicameral, bipartisan Congressional Coalition on Adoption (CCA) to more effectively raise Congressional and public awareness about the issue of adoption. ❖

“JULIE” (Continued From Page 1)

action may request that the court authorize the Department to terminate or forego reasonable efforts at reunification, when the parent has a diagnosable condition, including alcohol or drug addiction, mental illness or extreme physical incapacity. This is good news for many foster parents interested in adopting the child or children in their home. With the passage of this section, if the Department can show the family court at an early stage of the case that the parent suffers from one of those named conditions, or fits in the other circumstances outlined in the statute, then the Department can forego a treatment/placement plan for the parents and children and move directly to an action for termination of parental rights and adoption without the mandatory waiting time to see whether or not the parent can or will complete a treatment plan.

The General Assembly also amended Section 63-7-1660(B)(2) to require that the Department file an action for Termination of Parental Rights at the time of the removal of a child from the home of the parents if evidence indicates “the existence of one or more of the conditions set forth in Section 63-7-1640(C)(1) through (8), unless there are compelling reasons for believing that TPR would be contrary to the best interests of the minor child.” This means that the Department will now be required to evaluate each case at the outset to determine whether a termination of parental rights action should be pursued right from the start, instead of waiting months before filing a separate case for TPR.

The General Assembly also amended the statute regarding grounds for termination of parental rights so as to

clarify when a parent’s conduct toward another child in the home may constitute grounds for TPR and to further specify grounds for TPR due to a parent’s diagnosable condition.

## PRIVATE ADOPTION ACTIONS

In the area of private adoption actions, the General Assembly amended Section 63-9-60(A)(2) to require that adoptions by non-South Carolina residents must be initiated and finalized in the State of South Carolina. In this way, the South Carolina courts retain jurisdiction over the child, the adoptive parents, and the adoption process until the final decree of adoption is issued. The court is now in a position to more closely monitor compliance with the Interstate Compact on the Placement of Children (ICPC) as well as being in a position to more closely monitor fees paid in an adoption action.

Also, the General Assembly has passed a new statute prohibiting advertising in this South Carolina unless that entity is licensed in South Carolina. Advertising is defined as “to communicate by newspaper, radio, television, hand bills, placards or other print, broadcast or electronic medium that originates within this State.” We believe this section was added to allow the South Carolina courts to more closely monitor and/or limit fees charged in adoption actions by out-of-state adoption agencies which advertise in South Carolina. ❖

*For more information about these developments in the law and how they apply to your specific case, please do not hesitate to contact our office.*

