

GAL Program for Vulnerable Adults

January 18, 2013



In late 2011, the South Carolina Supreme Court handed down a ruling that had been anticipated for quite some time. The case before the court dealt with practice of assigning attorneys to cases when the defendant involved was indigent and could not pay for an attorney. For years this has been done in criminal cases, but also in civil cases when the individual appearing before the court (Family and Probate) were indigent or incompetent to represent themselves and no family member was available for such representation.

In the case before the Court, the attorney challenging the practice governed by Rule 608 (South Carolina Administrative Court Rules) argued that assigning him such cases was an unconstitutional taking of his time and professional talents without compensation. The Court agreed, and for the most part, Rule 608 ended.

Impacted by the Court's ruling was the practice of appointing attorney's to represent vulnerable adults who were indigent, perhaps incompetent and without family members to offer assistance in court. These attorneys were referred to a Guardian Ad Litem (GAL's.)

A void was created for vulnerable adults with the loss of Rule 608 and these GALs. The University of South Carolina School of Public Health stepped in with a grant to establish a volunteer GAL program until the state addressed the matter legislatively. The grant terminates June 30, 2013.

Along with other members of the Adult Protection Coordinating Council, SCSA has developed draft legislation to create at the state level a permanent GAL program for vulnerable adults. Naturally, funding will be a difficult issue to overcome. Discussions with the S.C. Department of Health and Human Services are underway to determine how to keep the current volunteer program going after the grant runs out while efforts are made at the General Assembly to establish the permanent program with recurring funds to support it.

We are an aging state and nation, and GAL programs like this will be critical as we become an older and grayer society. Without these programs, vulnerable adults may suffer unnecessary and tragic consequences.

This may not be directly a criminal justice issue, but it is a human issue of growing importance and SCSA sees it as our responsibility to be part of a long term and permanent solution before it becomes a criminal justice matter.

The South Carolina Sheriffs' Association. This is who we are, and what we do.