



# **SOUTH CAROLINA SENIOR CITIZENS' HANDBOOK**

**A Guide to Laws and Programs Affecting Senior Citizens**

*Brought to you by the South Carolina Bar Public Services Division and the Elder Law Committee*



## PREFACE

The *South Carolina Senior Citizens' Handbook* is intended to provide general information about many of the complicated issues that confront South Carolina's senior citizens. It is not intended to provide information about your specific situation.

While some of the information contained in this edition is similar to the 2012 edition, many sections may have been substantially revised due to changes in various laws and regulations.

**Though the new information is based on current legislation and industry standards, readers should always consult with the appropriate professional(s) before making decisions regarding the various legal, financial and other issues addressed in this handbook.** Contributing authors have covered a wide variety of issues concerning the elderly; however, the handbook ***does not*** take the place of advice and counsel from a competent attorney where a legal problem or issue exists.

We hope the 2019 edition of the handbook will prove to be a useful educational tool for South Carolina's seniors and those who care for them. Corrections and suggestions for additional topics to be included in future editions are welcome.

## ACKNOWLEDGMENTS

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# PART ONE – HEALTH CARE

## A. MEDICARE

*Note: Information in this section was condensed from the **Medicare & You 2019 Handbook** printed by the U.S. Centers for Medicare and Medicaid Services (CMS). The text has been edited for readability. The **Medicare & You Handbook** changes each year. New ones are issued in September. It is the official U.S. Government Medicare Handbook. A current copy can be ordered by calling 1-800-633-422 or visiting the CMS website at [www.medicare.gov](http://www.medicare.gov). The publication is available in Spanish, Braille, Audio CD and Large Print (English & Spanish).*

### **The Medicare Card**

New Medicare cards will be issued to beneficiaries between April 2018 and April 2019. Social Security numbers will be replaced with a Medicare number.

### **Medicare Insurance Basics**

#### **Medicare is a federal health insurance program for:**

- people age 65 or older;
- people under age 65 with certain disabilities; and
- people of all ages with End-Stage Renal Disease (permanent kidney failure requiring dialysis or a kidney transplant).

**Original Medicare includes Part A (Hospital Insurance) and Part B (Medical Insurance). You can add Part D (Medicare Prescription Drug Coverage), and you can also add a Medicare Supplement (Medigap) policy. Medicare Advantage (Part C) plans generally combine Parts A, B, and D and are Health Maintenance Organizations (HMOs) or Preferred Provider Organizations (PPOs).**

### **Part A Hospital Insurance**

Medicare Part A (Hospital Insurance) covers:

- Inpatient care in hospitals
- Inpatient care in a skilled nursing facility (not custodial or long-term care)
- Hospice care services
- Home health care services

### **Part B Medical Insurance**

Medicare Part B (Medical Insurance) covers medically necessary services such as:

- Doctor's services and services of other health care providers
- Outpatient care
- Home health care services
- Durable medical equipment
- Many preventive services

### **Medicare Advantage (Part C) Plans**

A Medicare Advantage Plan (like an HMO or PPO) is another Medicare health plan choice you may have as part of Medicare. Sometimes they are called Part C or "MA" plans. They are offered by private companies approved by Medicare. If you join a Medicare Advantage Plan you still have Medicare. You will get your Part A (Hospital Insurance) and Part B (Medical Insurance) coverage from your Medicare Advantage Plan and not from original Medicare. In all parts of Part C plans, you are always covered for emergency and urgent care. Medicare Advantage Plans must cover all the services Medicare provides except hospice. Original Medicare covers hospice care even if you are in a Medicare Advantage Plan. Medicare Advantage Plans are not supplemental coverage.

There are many companies in South Carolina that offer Medicare Part C plans. There are advantages and disadvantages to consider. In addition to your Medicare premium, you usually pay a monthly premium for the Part C Plan. Costs and coverage vary widely and often have different out-of-pocket costs and different rules as to how to get referred to certain doctors or specialists.

The plans vary as to non-emergency and non-urgent care as to whether you can only go to doctors within the plan or any doctor. The rules change every year for each company who provides the Part C coverage. Some of the advantages are that you might obtain extra coverage, such as vision, hearing, dental and/or health and wellness programs. Most include the Medicare Prescription Drug coverage Part D.

You should consult the National Medicare Handbook for specific information. You may request a copy by calling 1-800-633-4227, TTY 1-877-486-2084. You may also read and order a copy at [www.medicare.gov](http://www.medicare.gov).

### **Medicare Part D Prescription Drug Coverage**

Original Medicare offers prescription drug coverage to everyone with Medicare. There are two ways to get Medicare Prescription Drug coverage (Part D):

- Medicare Prescription Drug Plans (sometimes called “PDPs”) add drug coverage to original Medicare, some Medicare Cost Plans, some Medicare Private Fee-For-Services (“PFFS”) plans, and Medicare Medical Savings (MSA) savings accounts.
- Medicare Advantage Plans or other Medicare health plans that offer Part D.

You must live in the service area of the Medicare drug plan you want to join. You may visit [www.medicare.gov/find-a-plan](http://www.medicare.gov/find-a-plan) to find a plan in your area. You should read the national Medicare Handbook section on Part D. You may request a copy by calling 1-800-633-4227 (TTY 1-877-486-2084) or read and order a copy from [www.medicare.gov](http://www.medicare.gov). You should always contact 1-800-MEDICARE (1-800-633-4227) to find out the most up-to-date information on all Medicare plans including premium and deductible amounts because they change from year to year. Open enrollment dates may also change.

For Medicare Parts C and D, you should also contact the South Carolina State Health Insurance Assistance Program (SHIP). SC SHIP provides help with questions about appeals, buying other insurance, choosing a health plan, buying a Medigap policy, and Medicare rights and protections. For the most recent phone number information, you may check the website at [www.medicare.gov/contacts](http://www.medicare.gov/contacts).

### **Extra Help with the Costs of Medicare Part D:**

#### **Social Security**

You may qualify for help to pay some of your expenses if you have Medicare. These requirements change frequently. For more information contact Social Security at 1-800-772-1213 or visit their website at [www.ssa.gov](http://www.ssa.gov).

### **Supplemental Security Income Benefits (SSI)**

#### **What is this program?**

Supplemental Security Income (SSI) is a monthly benefit paid by the Social Security Administration to people with limited income and resources who are disabled, blind or age 65 or older. SSI benefits provide cash to meet basic needs for food, clothing and shelter. SSI benefits aren't the same as Social Security Disability or Retirement benefits. You can make an appointment to apply for SSI benefits by telephone or in person at your local Social Security office.

#### **How do I qualify for this program?**

To qualify for SSI, you must have limited income and resources, and be disabled, blind or age 65 or older. You also

must be a resident of the United States, not be absent from the country for more than 30 days, and be either a U.S. citizen or national, or in one of certain categories of eligible non-citizens.

### **What do I do next?**

For more information, call Social Security at 1-800-772-1213 or contact your local Social Security office. TTY users should call 1-800-325-0778. You can also visit [www.ssa.gov/ssi](http://www.ssa.gov/ssi) and use the Benefits Eligibility Screening Tool (“BEST”) to find out if you are eligible for SSI or other benefits to help you decide whether to apply.

## **B. MEDICAID**

Medicaid is a program designed to pay for health care for people who have low income and limited assets. This program, also referred to as the Medical Assistance Program, or Title XIX (of the Social Security Act), is financed jointly by the federal government and the state of South Carolina. Because Medicaid uses state as well as federal funds, and is administered by the state, rules and regulations vary from state to state. In South Carolina, since June 2, 2002, the Medicaid Program has been administered solely by the Department of Health and Human Services. There are numerous program manuals and policy issuances and the rules change from time to time.

A person can have both Medicaid and Medicare. If you have both, Medicaid will probably pay the monthly Medicare premium, the coinsurance and deductibles and cover Medicaid services, which are not covered by Medicare.

The discussion below covers only the major aspects of the Medicaid programs that benefit seniors. More information can be obtained at your county Department of Health and Human Services or at [www.scdhhs.gov](http://www.scdhhs.gov).

### **Programs**

*Please note that income and resource limits listed for eligibility for a specific program can change from year to year. If you need one of these types of assistance, check for current limits with your local Department of Health and Human Services office. All numbers are for 2017 unless otherwise noted.*

**SSI** - SSI stands for Supplemental Security Income. It is a program administered through Social Security for seniors and disabled persons whose incomes and countable resources are below a certain limit. If a person receives an SSI check, that person is automatically enrolled in Medicaid. The coverage includes medical treatment, hospitalizations and medications. The income limit is \$771 for 2019 and the resource limit is \$2,000.

**ABD** - This is a state program to provide coverage for medical treatment, hospitalizations and medications for people who are aged, blind or disabled and have an income (in 2019) of less than \$1,041 for an individual or \$1,410 for a couple. There is a resource limit (in 2019) of \$7,730 for an individual or \$11,600 for a couple.

**SLMB** – The specified low income beneficiary category allows a person with income (in 2019) up to \$1,269, or a couple with income up to \$1,711, to receive assistance to cover the Medicare Part B premium, if the person has Medicare Part A. There is a resource limit of \$7,730 for an individual and \$11,600 for a couple.

**QI** – The qualifying individual category allows a person with income (in 2019) up to \$1,426 or a couple with income up to \$1,923 to receive assistance to cover the Medicare Part B premium. There is a resource limit (in 2019) of \$7,730 for an individual and \$11,600 for a couple.

**OSS** - The program helps cover the cost of assisted living or boarding home care for an individual whose income is (in 2019) less than \$1,456 and whose resources are (in 2019) below \$2,000.



**Hospital, Nursing Home** – Medicaid helps covers hospital and nursing home care for those who meet level of care criteria and who have incomes below \$2,313 per month\* (2019) and countable resources below \$2,000.

**HBCS** – The Home and Community Based Services waiver covers in-home assistance for people who meet nursing home level of care criteria but prefer to stay at home. There is an income cap of \$2,313\* per month (2019) and countable resources must be below \$2,000.

*\*If the person's income exceeds \$2,313 per month, it is still possible to obtain Medicaid assistance by placing the excess income into an income trust. Your local Department of Health and Human Services can provide you with a sample trust, or you can contact an attorney to assist with the creation of the trust.*

### **Countable resources**

Whenever there is resource limit, this refers to countable resources. Some assets are excluded from consideration:

1. The residence (up to an equity value of \$560,000) is an exempt resource so long as the applicant has an intent to return. The exemption includes all land contiguous to the residence. If there is a spouse, a child under age 21, or a disabled child living in the home, there is no limit on the value of the home. Although the home is excluded from consideration as a resource for eligibility purposes, there may be estate recovery against the home if it is titled in the name of the Medicaid recipient at death.
2. Personal property and household goods (held for personal use and not for investment purposes) are exempt regardless of value.
3. Irrevocable pre-need funeral plans are exempt.
4. If there is no irrevocable pre-need funeral plan, then up to \$1,500 cash value of life insurance or a burial fund of \$1,500 may be exempted. You may also have term insurance with no cash value.
5. One car is exempt.

These assets are exempt from consideration in the qualification process. Federal law has mandated that each state implement a recovery program to collect amounts paid out by Medicaid from the estate of deceased recipients. If the asset is included in the decedent's probate estate, it will be subject to a Medicaid claim.

### **Spousal Impoverishment**

In October of 1988, the Medicare Catastrophic Coverage Act was enacted by Congress. This Act provides some protection for spouses of those who need institutional level of care under the Hospital, Nursing Home program or the Home and Community Based Services waiver. The spouse's income does not affect eligibility, but if the spouse's income is below the minimum monthly maintenance needs allowance, a portion of the applicant's income can be diverted to the spouse. The spouse is allowed to retain exempt resources and an additional \$66,480.

Information concerning spousal impoverishment may be found at [www.scdhhs.gov](http://www.scdhhs.gov).

### **Transfer of Assets**

The Medicare Catastrophic Coverage Act ("MCCA"), Public Law 96-611 and the Deficit Reduction Act of 2005 ("DRA"), Public Law 109-171, revised the transfer of assets provisions found in § 1917 of the Social Security Act. Individuals who apply for Hospital, Nursing Home or HCBS programs may be penalized for the transfer of a resource for less than fair market value.

All transfers within the five-year period immediately preceding the application (the look-back period) must be reported. If the individual or their spouse disposed of assets for less than fair market value during this period, there may be a transfer penalty imposed. The transfer penalty is a period of time during which the individual is not eligible for assistance with paying for long term care. The penalty period does not start until the individual is in a nursing home, has applied for Medicaid, and meets all other eligibility requirements. The penalty period is approximately equivalent to the length of time the individual could have paid for care with the assets that were given away.

The transfer penalty does not apply in the following situations:

- No penalty is imposed for the transfer of a home to a spouse, child under age 21 or a blind or disabled child, sibling with equity interest who lived in the home at least one year before the individual's admission to the institution, or child who lived in the parent(s)' home for at least two years before the parent was admitted to the institution and who provided care for the parent that delayed institutionalization.

- No penalty is imposed for transfers of resources:

- if the resources were transferred to the spouse, a minor, a blind or disabled child, or to another for the sole benefit of the spouse; or
- if the individual can show that he intended to dispose of resources at fair market value; or
- if the individual can show that the resources were transferred for some reason other than to qualify for Medicaid; or
- if the imposition of the penalty would work an undue hardship.

### **The Medicaid Card**

Once an individual is eligible for Medicaid, they will receive a Medicaid card, which entitles the individual to coverage. When the person goes to the doctor, or gets a prescription filled, they will be asked to show the Medicaid card. The health care provider files a claim with Medicaid. The individual cannot file the claim.

In some cases there is a co-payment required for the services received.

Not all doctors and health care providers accept Medicaid. It is important to find out before services are received if the provider has agreed to accept Medicaid payment. If they do not, the individual will be responsible for paying the bill. If a provider participates in the Medicaid program, they have agreed to accept Medicaid payments as full payment, and the provider cannot charge the beneficiary the difference between what Medicaid pays and what they charge.

Not all medical services are covered under Medicaid, and the individual will be responsible for paying for those services not covered.

### **Covered Services**

Medicaid will pay for health care services that are covered and that are medically necessary. Some services are limited to a certain number per fiscal year (July 1 through June 30).

These services are subject to change and may be limited by who can receive them. The types of procedures that are covered, and the number of times they can be received and paid for by Medicaid may be found at [www.scdhhs.gov](http://www.scdhhs.gov).

### **How to Apply**

The aged, blind, or disabled, who may be eligible for Supplemental Security Income (SSI), should apply at the local Social Security Office. If they are eligible to receive SSI, they will automatically receive Medicaid. They will not need to make a separate application for Medicaid, unless they also need nursing home or HCBS Medicaid.

Other categories of eligibility may be determined by contacting the local Medicaid eligibility office. Additional information may be found at [www.scdhhs.gov](http://www.scdhhs.gov).

## **Rights**

Medicaid cannot discriminate on the basis of race, color, national origin, or disability.

If an individual is turned down for eligibility, they have the right to appeal, and can request a fair hearing. This request must be made within 30 days of receiving notice of having been turned down.

For More Information go to [www.scdhhs.gov](http://www.scdhhs.gov)

## **C. LONG TERM CARE**

Long Term Care is a variety of services that includes medical and non-medical care for people who have a chronic illness or disability. Long term care is also needed when a person requires someone else to help them with a physical or emotional need (i.e. house cleaning, preparing meals, companionship or support for loved ones) over an extended period of time. Most long term care is to assist people with support services for the activities of daily living, such as bathing, dressing, toileting, walking, transferring and eating. The need for long term care may only last for a few weeks or months or it may go on for years. Long term care may be provided at home, in the community, in an assisted living facility or in a nursing home. Most people prefer to stay at home, and most of the time family and friends become the caregivers. To determine where you should receive care, you should consider the intensity and amount of services needed for support and the payment sources available for such care.

Custodial Care (non-skilled care) and Skilled Care are terms used by the medical community, health care plans, health insurance plans, Medicare, Medicaid, and the Veterans Administration. These terms are used to differentiate care provided by medical providers from care provided by aides, volunteers, family, or friends. Generally, only skilled services are paid for by a health care plan.

Skilled Care is the provision of services and supplies that can be given only by or under the supervision of skilled or licensed medical personnel. Skilled Care must be done under a written plan of care which often also includes Custodial Care services.

Custodial Care is the provision of services and supplies that can be given safely and reasonably by individuals who are neither skilled nor licensed medical personnel, such as those provided by most in-home caretakers or at adult day care facilities.

## **Types of Residential Facilities**

**Community Residential Care Facilities/Assisted Living Facilities** provide room and board and limited personal assistance. The core services provided include, but are not limited to:

- Three meals a day;
- Snacks;
- Housekeeping services;
- Assistance with eating, bathing, dressing, toileting and walking;
- Medication assistance;
- 24 hours, seven days a week staffing; and
- Transportation to medical appointments

Residents of these facilities are not eligible for reimbursement from Medicare or Medicaid, but eligible residents may qualify for the Optional State Supplementation (OSS) Program, which can pay a supplement to a Community Residential Care facility for individuals who are age 65 and over, blind, or disabled. This program is administered by the Department of Health and Human Services. The requirements to qualify for OSS have strict limitations on assets and income available to the recipient. Community Residential Care Facilities (CRCFs) are licensed and monitored for compliance by the S.C. Department of Health and Environmental Control, Division of Health Licensing.

**Nursing Homes** are facilities with organized nursing staff that maintain and operate organized facility services to accommodate two or more unrelated persons over a period exceeding 24 hours. A nursing home may be operated in connection with a hospital or as a freestanding facility for the express or implied purpose of providing nursing care for people who are not in need of hospital care. Nursing homes provide a wide range of personal and health services. A resident's plan of care will vary based on their needs. Some residents will return home after a short rehabilitative stay following a hospitalization, and others may require care for an extended period.

Nursing home facilities are licensed by the state and monitored for compliance with federal regulations by the S.C. Department of Health and Environmental Control (DHEC), Division of Health Licensing. You can find information from state surveys of nursing homes in your area at Nursing Home Compare on the Medicare website ([www.medicare.gov/NHCompare](http://www.medicare.gov/NHCompare)). This helpful site is easy to navigate and gives star ratings for facilities based on the evaluation criteria. It also provides information on whether the facility participates in Medicaid and provides information from surveys conducted by the state.

**Alzheimer's Services or Memory Care** facilities offer special care treatment and/or special care units for residents with dementia or Alzheimer's disease. Both Community Residential Care Facilities and Nursing Homes may provide special care for dementia or Alzheimer's patients. The facility must disclose information that distinguishes the form of care or treatment for residents with dementia or Alzheimer's disease.

**Continuing Care Retirement Communities (CCRCs)** are housing developments that are planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, assisted living, and nursing home care. Residents may move from one level of care to another level of care as their needs change. Financial arrangements usually include a substantial entrance fee, combined with recurring, monthly charges. A contract is required for entry. The terms of the contract vary among CCRCs. Each contract should be reviewed carefully, and questions should be asked. For example, does the CCRC have the right to require the resident to transfer to a higher level of care? Under what circumstances?

Lists of licensed Long Term Care Facilities in South Carolina, organized by type of facility, may be found on DHEC's website at: <http://www.scdhec.gov/Health/FHPP/HealthFacilityRegulationsLicensing/HealthcareFacilityLicensing/FacilitySpecificInfo/>

On this page you will find links to lists of Community Residential Care Facilities (CRCFs), day care facilities for adults, nursing homes and home health agencies.

### **Choosing the Right Facility**

Choosing a nursing home for Long Term Care is a decision requiring great consideration. The nursing home you choose could have a profound impact on you or your loved one's quality of life and sense of dignity. First, determine what you can afford and whether your loved one qualifies for any public assistance programs such as those from Veterans Administration or Medicaid, to help with the cost. If Medicaid is a potential payor, you will need to determine whether a facility accepts Medicaid and upon what conditions. (See [Financing Long Term Care](#)).

Visit several homes at different times of day and take a checklist with you.

- The bathrooms, lounges and offices should be clean and odor free.
- Observe whether the atmosphere is warm and comfortable.
- Is there a homelike atmosphere?
- Are the drinking fountains, televisions and radios functioning properly?
- Are residents in bed or up participating in activities?
- Is the menu posted?
- Is the meal being served the same as that reflected on the posted menu?
- Are the residents eating or receiving assistance with meals?

The staff of the home should have a positive and encouraging attitude toward the residents. Notice if residents are treated with dignity and respect. Observe the residents, their actions and how they are dressed. Talk with some of the residents to see if they are satisfied with the care they receive.

### Nursing Home Checklist

It is important for you and your family members to visit the nursing home to make sure that it meets your needs. A few things to consider when choosing a nursing home are listed here.

- |  |          |         |
|--|----------|---------|
| Is the nursing home accepting new residents?                           | Yes_____ | No_____ |
| Is the nursing home easy for family and friends to visit?              | Yes_____ | No_____ |
| Does the nursing home use the hospitals where my doctor practices?     | Yes_____ | No_____ |
| Does the nursing home have the services I need?                        | Yes_____ | No_____ |
| Does the nursing home have a variety of activities that I might enjoy? | Yes_____ | No_____ |
| Do residents appear clean and well-groomed?                            | Yes_____ | No_____ |
| Do the residents have the same staff on a daily basis?                 | Yes_____ | No_____ |
| · Is there enough staff available to assist residents?                 | Yes_____ | No_____ |
| · Does the staff respond quickly to residents' calls for help?         | Yes_____ | No_____ |
| Does the nursing home have an active resident and/or family council?   | Yes_____ | No_____ |
| Is the nursing home clean and pleasant?                                | Yes_____ | No_____ |
| Is the nursing home certified by Medicare and Medicaid?                | Yes_____ | No_____ |
| Are the nursing home and current administrator licensed?               | Yes_____ | No_____ |
| How much is the cost of care in this nursing home?                     | _____    |         |
| · What services are included in this price?                            | _____    |         |
| · What additional costs will I have to pay?                            | _____    |         |

Also, ask to see the nursing home's last annual state inspection report (survey). Did the report find any problems? Ask how the problems were fixed.

### Residents' Rights

Residents' Rights are guaranteed by the federal 1987 Nursing Home Reform Law and S.C. Code Ann. § 44-81-20. These laws require that Long-Term Care facilities "promote and protect the rights of each resident" and place a strong emphasis on individual dignity and self-determination. A person living in a Long Term Care facility maintains the same rights as an individual living in the community.

All facilities are required to provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident in accordance with a written plan of care. The family should monitor and provide input into the plan of care for. Monitoring medications prescribed for the patient is crucial. The facility must give each resident or the resident's representative a written and oral explanation of the rights, grievance procedures, and enforcement provisions before or at the time of admission. An understanding of these rights by either the resident or a family member can help protect a resident from inappropriate treatment or a wrongful discharge.

A Residents' Rights Poster must be posted in prominent locations in all facilities. Residents of a Long-Term Care facility have the following rights:

**The Right to Be Fully Informed of:**

- Available services and the charges for each service;
- Facility rules and regulations, including a written copy of resident rights;
- Address and telephone number of the State Ombudsman and state survey agency;
- State survey reports and the nursing home's plan of correction;
- Advance plans of a change in rooms or roommates;
- Assistance if a sensory impairment exists; and
- Residents have a right to receive information in a language they understand (*Spanish, Braille, etc.*).

**The Right to Complain, including the right to:**

- Present grievances to staff or any other person, without fear of reprisal and with prompt efforts by the facility to resolve those grievances;
- Complain to the ombudsman program; and
- File a complaint with the state survey and certification agency.

**The Right to Participate in One's Own Care, including the right to:**

- Receive adequate and appropriate care;
- Be informed of all changes in medical condition;
- Participate in their own assessment, care planning, treatment, and discharge;
- Refuse medication and treatment;
- Refuse chemical and physical restraints;
- Review one's medical record; and
- Be free from charge for services covered by Medicaid or Medicare.

**Right to Privacy and Confidentiality, including the right to:**

- Private and unrestricted communication with any person of their choice;
- During treatment and care of one's personal needs; and
- Regarding medical, personal, or financial affairs.

**Rights During Transfers and Discharges, including the right to:**

- Remain in the nursing facility unless a transfer or discharge:
  - (a) is necessary to meet the resident's welfare;
  - (b) is appropriate because the resident's health has improved and nursing home care is no longer required;
  - (c) is needed to protect the health and safety of other residents or staff; or
  - (d) is required because the resident has failed, after reasonable notice, to pay the facility charge for an item or service provided at the resident's request.
- Receive 30 days advance notice of transfer or discharge which includes the reason, effective date, location to which the resident is transferred or discharged, the right to appeal, and the name, address,

and telephone number of the state long-term care ombudsman; and

- Safe transfer or discharge through sufficient preparation by the nursing home.

**Right to Dignity, Respect and Freedom, including the right to:**

- Be treated with consideration, respect, and dignity;
- Be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints;
- To self-determination; and
- Security of possessions.

**Right to Visits, including the right to:**

- Be visited by a resident's personal physician and representatives from the state survey agency and ombudsman programs;
- Be visited by relatives, friends, and others of the residents' choosing;
- Be visited by organizations or individuals providing health, social, legal, or other services; and
- Refuse visitors.

**Right to Make Independent Choices, including the right to:**

- Make personal decisions, such as what to wear and how to spend free time;
- Reasonable accommodation of one's needs and preferences;
- Choose a physician;
- Participate in community activities, both inside and outside the nursing home;
- Organize and participate in a Resident Council; and
- Manage one's own financial affairs.

**Advocates for Residents Rights**

Where should you go for help if you're concerned a facility is not honoring the rights of residents? Contact your regional or state Long Term Care Ombudsman. (Please refer to the **Resource Directory** at the end of this handbook for contact information). The Long-Term Care Ombudsman Program is required by federal law to promote and protect the rights of residents in licensed Long Term Care facilities.

**Alternatives to Residential Facility Care**

Many families are not aware of services that may allow loved ones to stay at home. To learn more about resources available in your area contact the Lieutenant Governor's Office on Aging and the local Area Agency on Aging. There are no public or private programs that will cover around the clock in-home care. The family may be able to keep a person at home by combining care provided by family members with community programs such as home-delivered meals, home health services, homemaker services, adult day care programs, and respite care. A plan of home-based care should be reviewed by a health professional, discharge planner or geriatric care manager who is able to evaluate the adequacy of the care in light of the recipient's needs.

**Financing Nursing Home Care**

**Medicare** generally doesn't pay for Long Term Care. Medicare will help pay for skilled nursing or home health care for a short period of time but only if you meet certain conditions. You should not rely on Medicare to pay for your Long Term Care needs. The cost of nursing home level of care, whether in a facility or at home, is substantial. According the Genworth 2017 Cost of Care Survey, the median cost of a nursing home semi-private room in South Carolina is \$6,418 per month. The median cost for an Assisted Living Facility is \$2,865 per month.

Medicare Supplement Insurance is a private insurance that helps pay for some of the gaps in Medicare coverage,

such as hospital deductibles and excess physicians' charges, above what Medicare pays. Medicare supplement policies do not cover the cost of Long Term Care Cost.

**The SC Medicaid Program** sponsors payment of long term care for people who reside in licensed and certified nursing facilities. The Medicaid Program also pays for special Long Term Care services for those people who participate in the home and community-based program called Community Long Term Care (CLTC). CLTC offers a variety of programs for people who need nursing home care, but choose to stay at home. CLTC slots are limited and there is a waiting list. Contact the Community Long Term Care office in your area for more information.

In order to qualify for either the nursing home or CLTC program, Medicaid Long Term Care eligibility requirements must be met. There are two categories of eligibility requirements, the first being non-financial and the second being financial. Generally, a person must be a U.S. citizen, a resident of South Carolina, aged 65 or older, blind, or totally and permanently disabled in order to qualify for Medicaid. For those under 65, disability is determined by using Supplemental Security Income (SSI) guidelines. You must be screened and certified by the state CLTC Program to determine the level of care you need, and your level of care must meet the criteria for Medicaid assistance.

There are two financial requirements that must be met in order to qualify for Medicaid: (1) the income test; and (2) the asset test. To satisfy the income test, the applicant may not receive more than \$2,250 in income each month (for 2018), although the applicant may set up an "Income trust" into which he/she can transfer some types of his/her income in order to meet the income test. To satisfy the asset test, the applicant may not own more than \$2,000 in "countable assets," and if there is a spouse at home or in assisted living, the spouse may have exempt resources and not more than \$66,480 in countable assets. What is considered as "income" or "exempt resources" or "countable assets" is determined by federal and state rules and regulations.

In addition to meeting the income and asset test, the Medicaid agency also requires that any gifts (transfers for less than fair market value) be disclosed. There may be a delay or denial of benefits if the applicant has transferred assets or made "gifts" to anyone other than to a spouse or disabled child in the past five years. Medicaid eligibility rules are quite complicated and are not coordinated with other laws such as those for tax, VA benefits and Social Security matters. The investigation and eligibility determination for LTC Medicaid is made by a caseworker at South Carolina DHHS. Before making an application, or even after you have been told that you don't qualify for benefits, you may want to consult with a lawyer who is knowledgeable about Long Term Care issues and Medicaid and VA benefits. There may be federal or state tax or Veterans Benefits issues which should be considered before attempting to obtain Medicaid eligibility. Elder law practitioners are often familiar with rules of the various public benefit programs and how they interact, as well as methods of attaining eligibility.

**Long Term Care Insurance** can help pay for many types of long term care, including both skilled and non-skilled care. Medicare and Medicare supplements do not pay a significant portion of nursing home expenses. Therefore, Long Term Care Insurance may be an appropriate method of financing Long Term Care services. People with low incomes and few assets who have not made gifts of assets in the past five years may not need long term care insurance because of the entitlement programs discussed above that pay for Long Term Care.

Long Term Care Insurance coverage can vary widely. Some policies may cover only nursing home care. Others may include coverage for a whole range of services such as care in an adult day care center, assisted living, medical equipment, and formal and informal home care. Some also cover payments for care provided by family members. In choosing Long Term Care Insurance, there are a large number of features to be considered, including medical requirements, the waiting period needed to trigger payment of benefits, covered services, ability to pay family providers, daily and lifetime limits, inflation adjustments, joint policies for married couples, consequences of letting the policy lapse, and convertibility of unused benefits to life insurance.



Long Term Care Insurance premiums vary depending on your age and health status when you buy the Long Term Care Insurance policy and the coverage you choose. Premiums may be increased, so long as the increase applies to the entire class of insureds rather than only to selected individuals. Additionally, you must be in generally good health to pass underwriting when purchasing a policy. Different companies have different underwriting requirements, so it pays to compare if you have medical issues. It may be better to buy Long Term Care Insurance at a younger age when premiums are lower, especially if there is a concern about insurability later on. You should periodically review your Long Term Care coverage to make sure your policy covers your current and future Long Term Care needs. You may want to discuss the various alternatives with a financial advisor or an insurance agent who specializes in Long Term Care to learn what is best for you.

You should not buy Long Term Care Insurance if you:

- Can't afford the premiums;
- Have very modest assets;
- Your only source of income is a Social Security benefit or Supplemental Security Income;
- Often have trouble paying for utilities, food, medicine, or other important needs; or
- Are on Medicaid.

The cost of care, especially in nursing homes and assisted living facilities, varies from state to state. Make sure that the Long Term Care Insurance policy you buy will cover the costs of care where you plan to use it. For example, the median cost of nursing home care in Connecticut is almost twice that of South Carolina.

Before buying a Long Term Care Insurance policy, you may want to review a copy of “A Shopper’s Guide to Long Term Care Insurance” from the South Carolina Department of Insurance.

## **D. INSURANCE**

### **Health Insurance**

The first thing any new enrollee of Medicare should do is visit the Medicare website at [www.medicare.gov](http://www.medicare.gov). Here you can search for the most up to date plans and premiums, and compare prescription coverage or search for providers who accept Medicare, in addition to obtaining other valuable information. You can also contact the Lieutenant Governor’s Office on Aging to seek information.

Medicare covers many, but not all, health care costs. There are two basic parts of Original Medicare, Part A (Hospital Insurance) and Part B (Medical Insurance). In 2006 Medicare added drug coverage (Part D) and revamped Managed Care Plans (Medicare Advantage). Medicare Advantage plans resemble an HMO or PPO and can include drug coverage and additional benefits that Original Medicare does not.

For Original Medicare, you can supplement your coverage to help cover the costs of deductibles, co-insurance and co-pays by purchasing Medigap (Medicare Supplement) insurance from a private carrier. There are 10 standardized plans available labeled A, B, C, D, F, G, K, L, M, N. If you choose a Medicare Advantage Plan you will not be eligible for a Medigap policy.

Whichever plan you choose (Original or Advantage) you will need to enroll in Medicare Parts A & B. Part A has no premium if you worked for 40 or more quarters of Medicare-covered employment. Part B has a premium of \$134 per month for 2017, with higher income earners paying more. If you have employer-provided drug coverage, you may not need Part D. The options are confusing and there are significant penalties if you make the wrong choice and attempt to change later, so ask questions. Consult with insurance agents, do research on the [medicare.gov](http://medicare.gov) website, and contact the resources listed in this handbook.

## Life Insurance

Most people buy life insurance to either to provide financial protection for their dependents or as an investment. If you have policies you bought years ago or are thinking about starting another policy, there are some basic terms you should familiarize yourself with:

**Term Insurance:** means that you get a certain amount of life insurance coverage for a specific period of time. There is no cash value for the policy, and the coverage ends at the end of the term. For example, you may have a policy that insures your life until you reach age 65. At age 65, the policy terminates and you have no more coverage.

**Whole-Life Insurance:** (also called straight-life or ordinary life) provides life insurance coverage for your entire life. There is a cash value that you may receive if you decide to terminate the policy. That value increases the longer the policy is in force. Typically, whole-life policies are more expensive than term insurance.

**Cash Value:** the value of the accumulated savings in the policy. You may surrender (cancel) the policy and receive the cash value (less any fees) or you can take out a loan against the cash value. You will not receive the face amount of the policy. If you want to surrender the policy, you must notify the insurance company immediately. Otherwise, if you just stop paying the premium, the company may continue your coverage by taking premiums out of your cash value for as long as it lasts.

**Face Value:** the amount of the death benefit, before reductions for loans against the policy etc. For example, if you are paying for a policy that has a face value of \$5,000, your beneficiary will be paid \$5,000 if you die while the policy is in force. Some policies provide additional coverage, such as double the face value, if you die from an accident, but usually only under certain conditions.

## Type and Amount of Life Insurance

In deciding what type of life insurance you want, the first question is usually whether you need life insurance at all. Usually, as you get older, there is less need for life insurance. Is the purpose of obtaining the life insurance to cover your funeral costs or to provide for dependents? Consider the reason for the insurance, the amount needed, what the premiums will be, and purchase accordingly. A term insurance policy provides insurance protection only. A cash-value policy provides both an insurance element and a savings element. These may be whole life, universal life, variable life policies depending on the investment structure. Under term insurance policies, premiums are usually lower to start, but increase as time goes by. On the other hand, premiums for cash-value policies are much higher, but usually remain the same over time.

## Scams Involving Life Insurance

Beware of a new scheme called “Stranger Owned Life Insurance.” This is an arrangement whereby an agent offers to sell you a policy, perhaps giving you an up-front signing fee bonus, arrange for someone to loan you the money to pay the premiums, and after two years you are expected to transfer the policy to the lender who forgives the loan. The lender is usually a group of investors who are wagering you will die soon. Another variation of this scam involves a senior being paid money to fill out a “Longevity Survey,” which collects private health information about the senior, which is then secretly used to purchase insurance on her life. These are illegal and/or hazardous arrangements.

## Existing Life Insurance Policies

What if you already have life insurance that you no longer need? Should you keep paying the premiums on the policy or should you stop? First, you need to know which type of policy you have, term or cash value. In the case of a term insurance policy, the policy may terminate automatically after the expiration of its term. You would not receive any money, but you would no longer have to pay premiums. On the other hand, for a cash value policy you will receive the cash value if you surrender the policy to the insurer. There may be termination or other fees, so be

sure to understand what you will actually receive from the insurance company. There is another option if you have an unwanted cash value policy, and that is the “life settlement.”

A life settlement is a transfer of an ownership interest in a life insurance policy to a third party for less than the expected death benefit under the policy. A life settlement purchaser can pay the policy holder more than the surrender value of the policy offered by the insurer, and you are relieved of the responsibility of making premium payments. The third party assumes the premium payments and holds the policy until your death, at which time the third party is paid the death benefit under the policy. Life settlements can be a favorable option for a senior to access the death benefit of a policy for which the senior no longer has a good economic need to keep in force. A life settlement is different from the Scams discussed above. The critical difference is that the insurance was initially purchased for a legitimate reason rather than as a syndicated investment.

### **Changing the Beneficiary**

Life insurance does not pass under your will, if you have named a beneficiary for the policy. If you name your estate as beneficiary, then the proceeds of the policy will have to be included in your probate estate and will be governed by your will. If you would like to add or change a beneficiary of your policy, you should contact your life insurance agent or the life insurance company that sold you the policy to complete a change of beneficiary form. It is important that you keep a copy of your change of beneficiary request and ask the company to confirm that it has made the change. Even if you think they are correct, it is a very good idea to check your policies to make sure that your designated beneficiary is not a minor (who can't own money outright), a deceased person, or an ex-spouse and is still the person you want to be the beneficiary under the policy. If you have any questions about your current life insurance protection, you should contact the life insurance agent or the life insurance company that sold you the policy.

### **Annuities**

An annuity is a contract in which an insurance company makes a series of payments to you at regular intervals in return for a premium. Annuities are insurance products but are usually sold for their investment features. There are two basic types. The first is the Immediate Annuity, whereby you pay a single amount to the insurance company, and it starts making payments to you right away, either for a certain number of years or for the rest of your life depending on your contract.

The second, and more common, is the Deferred Annuity, where the money paid by you over a period of time into the policy account earns interest. You are deferring the conversion from the investment account to a stream of income payments, and you can defer until you die. With this type of annuity, during the deferral period you cannot draw from the accumulated amount without penalty for a certain number of years. The policy will usually allow some small percentage to be taken out without penalty each year. If you need more than that percentage, you will incur a penalty. You may choose to annuitize, which means that you no longer have access to the money in the account. Instead, you will receive periodic installment payments. This technique may be used when you retire in order to supplement your retirement income.

Annuities are heavily marketed to seniors, often by those who are primarily motivated by pecuniary concerns and not the best interests of seniors. Annuities pay hefty commissions to the broker, which creates the incentive to sell annuities. The annuity products are very complicated, and an annuity contract can be over 100 pages in length. There are many legitimate annuities in existence, but they are often an inappropriate investment, particularly for an elderly person. Features such as “guaranteed income” and “lifetime payments” are very attractive to people on fixed incomes, but remember, if it sounds too good to be true, you can bet it is.

### **Insurance Hints**

Keep your insurance policies all together in a safe place. Keep copies of your confirmed beneficiary designations forms as proof of such designations. Companies may “lose” the beneficiary designations forms that you have submitted.

Be very careful about buying annuities from unknown brokers.

Tell those close to you where your policies are kept.

Make a list of your insurance policies including policy number and names of companies. If the original policies get lost, you can get duplicates.

The South Carolina Department of Insurance can assist you with any insurance questions you might have.

## E. REVERSE MORTGAGES

A home is often a person's largest asset, and for seniors who want to age in place, the Reverse Mortgage ("RM") is a powerful tool to consider. RMs provide a way for homeowners, 62 or older, to convert their home equity into cash and/or supplement their income while allowing them to stay in the home. With a RM, a loan is secured against the equity in the home, which can be accessed as a lump sum, in scheduled monthly installments, as needed, or a combination of these. There are no restrictions on how this equity can be spent. Additionally, these monies are tax-free and generally do not affect Social Security or Medicare eligibility. However, if the senior is receiving needs-based benefits, such as Supplemental Security Income and Medicaid, these may be impacted. A homeowner with a RM is required to pay their property-related expenses on time, maintain the property's condition, and to live in the property as their primary residence.

### Important Points to Consider:

- **Ownership of Home:** One of the most common misconceptions is that the homeowner has to deed their property to the lender. As with a standard mortgage, the homeowner remains the property owner and the RM is secured by a lien on the home. The loan becomes due and payable under the following circumstances:
  - o when the home has been sold (whereby the seller keeps any remaining equity, if any);
  - o within one year of the homeowner's death (or, if multiple homeowners, within a year of the death of the last homeowner to die);
  - o within one year of the home ceasing to be the homeowner's primary residence;
  - o if the homeowner is out of the home for more than 12 consecutive months due to mental or physical illness; or
  - o if they fail to pay their property taxes or insurance, or fail to keep the home in good repair.
- **Non-borrowing Spouses:** Another misconception is that a non-borrowing spouse will be evicted from the home at the death of the borrowing spouse. RMs taken out after August 4, 2014 provide more protections to qualifying non-borrowing spouses and allow such spouse to remain in the home if s/he meets the following criteria:
  - o the non-borrowing spouse is married to the borrowing spouse at the time of the application and remains married to him/her continuously until the borrowing spouse's death;
  - o the non-borrowing spouse is identified on the loan application, named in the loan documents and signs certain disclosures;
  - o the non-borrower spouse, along with the borrowing spouse, completes mandated reverse mortgage counseling; and
  - o the non-borrowing spouse occupies, at the commencement of the loan and continuously throughout the term of the RM and after the death of the borrowing spouse's death, the property as his/her primary residence.
- **Refinance or Purchase:** An RM can be obtained by using the senior's existing primary residence or a new

primary residence purchased by the homeowner with a special RM (called a Home Equity Conversion Mortgage for Purchase). If structured as a refinance, any existing mortgages would be paid off via a lump sum distribution at closing.

- **Non-Recourse Loans:** RMs are non-recourse loans; this means that the loan is secured by the property *only* and neither the homeowner, nor the homeowner's beneficiaries, has personal liability for the debt. The lender cannot ever collect more than the value of the home. If, at the time it becomes due and payable, the loan balance exceeds the equity in the home, the mortgage insurance policy [which the homeowner was required to purchase from the Federal Housing Administration (FHA) at closing] will pay the difference. As such, neither the homeowner nor the homeowner's beneficiaries will ever be responsible for paying more than the fair market value of the home. In other words, the homeowner owes the debt, just like a traditional mortgage, but unlike a traditional mortgage, if the remaining home value does not exceed the debt, they won't owe more than the value of the house. When the debt becomes due, it is the homeowner or the homeowner's beneficiaries' decision to either pay off the debt from other sources and keep the home or relinquish it to satisfy the loan.
- **Loan Amount:** The amount of equity a qualified homeowner can borrow under an RM is based on the age of the youngest spouse and increases on a sliding scale with the age of the borrower. Additional factors that influence the amount of equity a homeowner can access:
  - o the appraised value of the home;
  - o whether set-asides are made for repairs and/or escrows for taxes and insurance;
  - o the FHA lending limits in the area, and
  - o the prevailing interest rates.

Closing costs are financed into the loan which, in turn, further reduces the amount of equity that can be accessed but provides the benefit of reducing the up-front charges to the homeowner.

- **Closing Costs:** Closing costs for an RM are typically significantly higher than closing costs associated with a traditional mortgage and may be deemed excessive if the homeowner does not plan to live in the house for a minimum of five years. However, a relatively new reverse mortgage has been created that has greatly reduced RM fees; it is called the Home Equity Conversion Mortgage (HECM) Saver. With a HECM Saver, the homeowner can opt to have much lower up-front costs in exchange for access to less equity.
- **Monthly Payments:** Unlike a traditional mortgage, an RM doesn't require monthly mortgage payments. However, the homeowner, unless they have opted to set-aside funds for escrows, will need to pay for taxes and insurance and will still have to pay any other carrying costs. If a borrower is escrowing for taxes and insurance under an RM, they have less equity available to them. That being said, the taxes and insurance have to get paid either way. Lenders are now required to consider borrower's ability to make these payments when granting these loans.

RMs may seem like a complicated product but, simply put, it is a slightly more expensive traditional mortgage in which you have the flexibility to make voluntary monthly payments, or to not make payments at all until the last homeowner dies, moves, or sells the house. Benefits to a RM cannot be overstated: a homeowner retains ownership of the home; the homeowner can never owe more than the value of the home; and that the homeowner, or, if the homeowner is deceased, the beneficiaries, have the right to keep the home if they desire. The RM can be an effective way for seniors to address the economic challenges faced today and benefit from the money they have invested in their home over the years. Pragmatically, it is a strategy that should be considered by all homeowners 62 or older who have equity in their home and desire to age in place.

Every RM applicant is required to participate in independent counseling done by HUD trained counselors to make sure that the homeowner thoroughly understands the reverse mortgage payback provisions and requirements. Regardless, it is strongly suggested that you consult further with a qualified elder law attorney before proceeding with a RM.

## PART TWO - RIGHTS AND PROTECTIONS

### A. HOUSING

In today's world it is more than likely that almost everyone will find themselves in a landlord-tenant relationship at some point. Knowing one's rights and responsibilities in this relationship can make the difference between having a pleasurable experience and controlling one's own destiny or having a miserable experience and forfeiting such control.

#### Important Terms:

- **Landlord:** The owner, lessor, or sublessor of a specific residence.
- **Tenant:** The person who rents or leases a specific residence to the exclusion of others.
- **Rent:** The charge for use of the premises.
- **Tenancy:** The period for which the residence is rented or leased.
- **Lease:** The oral or written agreement between the landlord and the tenant. If the agreement is for more than one year, it must be in writing. Even when a lease is for less than a year, it is best that the agreement be in writing so that all rights and responsibilities of the landlord and the tenant are clear.

In South Carolina, the landlord and tenant are generally free to set any terms they wish so long as the terms are not against the law. Once you have agreed to certain terms, no matter how burdensome, you are obligated to abide by them. For this reason, be sure to read all written leases very carefully before you sign them.

The South Carolina Residential Landlord Tenant Act governs the duties of both the landlord and the tenant and provides each with certain protections. For example, the tenant is required to pay the agreed upon rent within the specified time frame and to abide by all the terms of the lease. The landlord is required to maintain the residence, especially anything that would affect the health and safety of the tenants, and to make essential repairs. The landlord is also responsible for keeping common areas, such as halls and stairs, reasonably safe and for maintaining heating, plumbing, and provided appliances. The tenant cannot waive or give up the protections of the Act under a lease provision (27-40-330).

#### Considerations for a Residential Lease:

- **Rent:** The lease should say exactly how much the rent will be, when it is due, where it is to be paid, when it is to be paid and whether or not late charges will be added if it is paid late.
- **Term:** The lease should say exactly how long the lease will run and whether it can be renewed, and if so, what steps must be taken to renew it. The lease should also specify when and how the landlord or the tenant can break the lease prior to its end date.
- **Deposits:** The lease should state the amount of deposit that will be required. (Under current law there is no limit to the amount that can be charged. Note that the landlord will not have to pay you interest earned on your deposit.) When the lease is up and you have moved, the landlord has 30 days to return your deposit after you make a written demand and provide a forwarding address. The landlord can deduct any unpaid rent and the value of damages to the premises from your deposit, but the landlord must give you an itemized statement of the expenses that were deducted.
- **Utilities:** The lease should clarify which utilities are the responsibility of the landlord and which are the responsibility of the tenant.
- **Landlord's Right to Enter the Residence:** The lease should specify when the landlord can enter the residence during the term of the lease.
- **Tenant's Rights:** The lease should be clear about whether a tenant has the right to keep pets, have other persons live in the residence, and/or sublease the residence.
- **Repairs:** The lease should specify what repairs are the responsibilities of the landlord and tell you how to request repairs be made. Also, the lease should specify what repairs are the responsibilities of the tenant

Under current law, the landlord and tenant can agree to put almost anything in a lease except provisions that are considered unconscionable, a waiver of rights and remedies under South Carolina law, a confession of judgment, or a limitation of liability.

### **Lease Provisions to Avoid**

- Landlord is not responsible for repairs;
- Tenant is responsible for repairs, even if tenant is not at fault;
- Unreasonable right of landlord to enter leased premises;
- Acceleration of rent in the event of tenant's breach of lease;
- Tenant will pay landlord's attorney's fees;
- Termination of lease for late payment of rent without notice and opportunity to pay;
- Waiver of tenant's right to jury trial, service of process, or other rights; and
- Tenant accepts premises "as is" (this is particularly true when tenant has not had an opportunity to adequately inspect the premises).

### **Absence of Lease**

When there is no oral or written lease, the Landlord Tenant Act will govern the landlord/tenant relationship. This can happen if the parties fail to make an agreement or when a tenant remains in the residence after the valid lease has expired.

In such a case, the tenant is generally considered a tenant-at-will. The tenant could be considered a tenant for a certain term if the circumstances indicated that the parties intended that this would be the case. The term is considered to be month-to-month under current law.

Under these circumstances, the provisions of the act prevail and the tenant has the duty to comply with housing and building codes, keep his/her unit safe and clean, dispose of all waste sanitarily, keep plumbing fixtures clean, avoid destruction of property and avoid disturbing others. The landlord has the same general duties as previously discussed. Both the landlord and the tenant would have to abide by the duties and responsibilities set out in the Landlord Tenant Act.

### **Tenant's Remedies**

If your lease is not specific, you must send the landlord written notice to request repairs that are the landlord's responsibility and allow him 14 days to complete or at least start the repairs. If repairs are needed for essential services such as heat or water and the landlord does not make the repairs within the 14 days or at least start them in good faith, you may be able to terminate your lease and recover actual damages. **In most instances you cannot withhold rent – it is always advisable to consult an attorney before withholding rent under any circumstances.**

If the landlord's actions or failure to act are willful, the tenant may be able to recover reasonable attorney's fees. **You should always consult an attorney when contemplating a law suit.**

### **Landlord's Remedies**

If a tenant breaks the terms of the lease, the landlord can bring a cause of action for eviction in Magistrate's Court where the residence is located and may recover the costs associated with bringing an eviction action.

### **Reasons to Evict**

#### **· Non-Payment of Rent**

Landlord can evict you for **non-payment of rent** five days after the date rent is due. Before you can be evicted, your landlord must give you a written notice about the non-payment, unless your lease states the five day rule or your landlord gave you a written notice on another occasion. The fact that you lost a job



or were hospitalized will not keep the landlord from being able to evict you. If you realize that you are going to be late with your rent, you should immediately contact your landlord to see if you can reach an agreement about paying the rent late. Any agreement you reach should be put in writing.

#### · **Breaking the Rental Agreement**

The landlord can bring an eviction action against you if you **break your rental agreement** by not following the rules set out in your lease, the South Carolina Landlord Tenant Act, and any other rules that may apply. The rules in your lease must be reasonable. Most rules about keeping the property clean and safe will be considered reasonable. (The landlord must give you 14 days to correct any rule violations before he asks the Court to have you evicted.) Even if one rule is found to be illegal, the rest of the agreement may still be enforced.

#### · **Keeping the Property Clean and Free of Damage**

Even when your lease does not specifically address health or safety hazards, you must keep the premises free of any health or safety hazards and if you do not do so, the landlord may give you a written notice giving you 14 days to clean the property or pay for any damages. If you do not do so, then the landlord can ask that you be evicted.

#### · **Landlord Access**

Your landlord may enter your property with your consent to make repairs or inspections during reasonable hours, after giving you notice, unless it is an emergency in which the landlord does not have to give notice or obtain your consent. If you unreasonably refuse to let the landlord in to the premises, he can try to evict you. The landlord must knock and identify himself except in emergencies. The landlord can enter without your consent to perform services on a regular schedule or to provide services requested by the tenant.

#### · **Use of the Property**

You can be evicted for certain activities on the property, whether or not your lease says so, such as using the property for anything other than a living space or for criminal activity.

#### · **End of Lease Agreement**

If you do not leave at the end of the term of a lease and you have not renewed your lease, the landlord may evict you, even if all rent has been paid.

### **Eviction Tips**

- Your landlord must file an action in Magistrate's Court to have you legally evicted and will have to serve you with a Rule to Show Cause. (**If you are served with a Rule to Show Cause, you should call a lawyer as soon as possible.**)
- Once you are served a Rule to Show Cause stating why you should be evicted, you have 10 days to file an answer to the charges with the Magistrate. You can also request a hearing within those 10 days and can request a jury trial.
- If you have paid part of the rent, the judge may make the landlord accept the rest of the rent instead of evicting you.
- If you have a hearing before the magistrate, you can tell him about any problems that were having such as no hot water or heat, and the judge may consider those factors in deciding whether to evict you or not.
- If the landlord says that you broke rules and should be evicted, he must first give you 14 days to correct the violations.
- If you think that the landlord has not renewed your lease because of complaints you have made, **you should call a lawyer.**

- If you believe that the rules have not been followed by the landlord in evicting you, you should tell the judge.
- If you lose your eviction case, and do not appeal, the Magistrate may issue a Writ of Ejectment within five days of the hearing which says that you either have to move or the sheriff will remove you and your belongings from the property. Once you receive the ejectment in person or find it posted to your door, you will have 24 hours before the sheriff comes to put you and your family out on the street.
- If you or family member is sick or old, you can ask the sheriff to give you more time to move; however, please note, the sheriff does not have to give you more time.
- Even if you are evicted, you should request your security deposit back. The landlord can deduct any unpaid rent or cost of damages from the deposit, but he must give you an itemized statement of the expenses he deducted. Ordinary wear and tear cannot be deducted.

### **Manufactured Home Park Tenancy Act (S.C. Code Ann. Section 27-47-10)**

Many people who own manufactured/mobile homes lease a lot on which to keep the home. These leases are governed by the Manufactured Home Park Tenancy Act. These laws were enacted to clarify the rights and obligations of owners of manufactured homes and owners of manufactured home parks and to encourage maintaining and improving the quality of housing.

#### **Exclusions:**

- Tenancies in which both a manufactured home and a manufactured home lot are rented or leased by the same resident;
- Lots that are rented primarily as temporary living quarters for recreational camping or travel use that have their own motor power or are mounted on or drawn by another vehicle;
- Manufactured home parks with fewer than five lots for rent/lease.

Written rental agreements are required when a lot covered by this act is offered for rent/lease. The agreement must comply with the act and include the duration of the lease as agreed upon between the owner of the manufactured home and the owner of the manufactured home park. If the agreement can be renewed, the amount of rent to be paid before the agreement is actually renewed must be stated.

#### **Requirements of Rental Agreement:**

- Location and size of lot to be leased;
- Monthly rental rate;
- Date payment is due;
- Place payment to be made;
- Personal property, services, and facilities to be provided by the park owner;
- Rules governing residency which, if violated, may be cause for eviction;
- Statement of any amounts to be paid by the resident including security deposits, service fees, installation charges, and any other amounts;
- Improvements, if any, which the resident may make to the lot including landscaping;
- Improvements, if any, which are required to be made by the resident;
- Restrictions, if any, regarding pets, children, number of occupants, and vehicle storage; and
- Notice required to exercise option for renewal or to terminate tenancy.

#### **Manufactured Home Park Owner's Obligations:**

- Park owner must give resident his or her name and address or the name and address of a person authorized to act as his/her agent and keep that information current;
- An authorized agent of a park owner who fails to comply with the Act with regard to a rental agreement entered into on behalf of the park owner becomes the part owner's agent for purposes of the rental agreement for service of process and receiving notices and demands;
- An authorized agent of a park owner who fails to comply with the act with regard to a rental agreement

- entered into on behalf of the park owner becomes the park owner's agent for the purposes of that rental agreement for performing the obligations of the owner under the law and the rental agreement;
- Park owner must give the resident at least 30 days advance notice of the effective date of new rental rate when the tenancy is to continue beyond the original term;
- Park owner has the burden of proving a manufactured home located in the park is unsafe or unsanitary or fails to meet the park's aesthetic standards. A resident must not be forced to make an aesthetic change to his home's original design that would create undue financial hardship and that is contrary to the terms of the rental agreement during the term of the rental agreement;
- Purchaser of a manufactured home may not become a resident of a manufactured home park without the approval of the owner. Approval by the owner must not be withheld unreasonably. The purchaser has the burden of proof as to whether approval or disapproval is unreasonable;
- Park owner has to provide access to the common areas of the park at reasonable times and must maintain the utility connections and systems in proper working condition;
- Park owner does not guarantee the safety of residents or their guests but he/she shall exercise due care to keep the premises under his/her control in a reasonably safe condition;
- Park owner must take reasonable steps to maintain the cleanliness and appearance of the common areas of the park;
- New park owner must notify residents of the change in ownership within thirty days after the date of closing of the sale;
- Park owner who applies for rezoning of a park must post a notice of the proposed rezoning at least five days before the public hearing on the rezoning.

#### **Resident's Obligations:**

- Residents must comply with building, housing and health codes;
- Residents are to keep their manufactured home lot clean;
- Residents and their guests are to comply with regulations and the rental agreements and ensure that they and guests conduct themselves in a manner that does not disturb other residents unreasonably;
- Residents are to keep their rent current;
- Residents are to give written notice to the park owner as to whether they want to continue the tenancy beyond the original term within 30 days of receiving notice of a new rental rate; and
- Residents must provide the park owner with a forwarding address so that their security deposit or prepaid rent can be returned to them, less amounts withheld for accrued rent or damages. Deductions from the deposit must be itemized.

#### **Evictions from Manufactured Home Park**

As with private residences, a park owner can have a renter evicted for failure to pay the rent when due or for breaking the rules of the lease.

#### **Reasons to Evict**

- Failure to comply with local, state, or federal laws governing manufactured homes after resident receives written notice of noncompliance and has had a reasonable opportunity to remedy the violation;
- Resident engages in repeated conduct that interferes with the quiet enjoyment of the park by other residents;
- Resident is in noncompliance with a provision of the rental agreement or park regulations and fails to remedy the violation within 14 days after written notice from park owner;
- Resident does not pay rent within five days of its due date;
- Resident is in noncompliance with a law, provision in the rental agreement, or park regulations affecting the health, safety, or welfare of other residents in the park or affecting the condition of the park;
- Resident willfully and knowingly makes a false or misleading statement in the rental agreement or application;
- Taking of the park or the part of it affecting the resident's lot by eminent domain; or

- Other reasons sufficient under common law.

## B. CONSUMER ISSUES

This section will examine the rights and obligations of senior citizens as consumers. The consumer's considerations prior to a purchase, the consumer's rights if something goes wrong, the creditor's rights if the consumer defaults, and several special problems related to consumer transactions will all be addressed.

Your best protection against fraud as a consumer is to be well-informed and a careful buyer. A smart consumer should be knowledgeable about his or her legal rights, be cautious of product exaggerations (also known as "puffing"), and be unafraid to demand satisfaction commensurate with the purchase price.

This section is designed to help you become a more alert consumer and less likely to be taken advantage of by fast-talking salespeople and/or misleading advertising.

This section will provide you with: (1) general information that will assist you in consumer purchases; (2) specific things you should know about particular types of purchases; and (3) a description of remedies at your disposal if something goes wrong with a purchase.

The consumer should learn all she can about a merchant before doing business with him. The best way to learn about someone's reputation is through friends, relatives or others in the community who have had dealings with the merchant. A consumer can also request a report from the Better Business Bureau. Many regional offices of the Better Business Bureau maintain a website where you can obtain information regarding local merchants and businesses. For more information and links to local branches of the Better Business Bureau, visit [www.bbb.org](http://www.bbb.org) or call the Better Business Bureau regional office.

Consumers may also contact the South Carolina Department of Consumer Affairs at [www.sccoconsumer.gov](http://www.sccoconsumer.gov). Additionally, the internet is a powerful tool to discover information about a person or entity before engaging in a transaction with that person. A simple Google search, or a search on websites such as Angie's List, Yelp, or Facebook, can reveal positive reviews or complaints.

### **Credit Cards:**

Credit card users who pay for their goods or services within 30 days of their charges **may** avoid finance charges on those items (depending on the terms of the contract with their credit card company). If you have a bank card, like Visa or Mastercard, the card issuer must include the name, address and phone number of its billing department on its billing statements.

Many banks and credit card companies now offer online banking services, which allow you to regularly check on your account(s) from your computer.

The "Fair Credit Billing Act" requires that bank and credit card lenders acknowledge any complaint(s) that have been received unless the complaint has been resolved, within 30 days. Your complaint must be mailed out by you within 60 days after when the first bill containing the error was mailed. Send your complaint via certified mail, return receipt requested, so that you can have a record of when the creditor received your complaint. In any event, the lender has to correct the error, if there is one, within the shorter of 60 days or two billing cycles after receiving your complaint. If the lender does not correct the mistake within the proper time period, the amount in question must be forfeited by the creditor.

People often worry what could happen if their credit cards are lost or stolen or used by an unauthorized person. You are only liable for somebody else using your card if you have signed and accepted use of the card. In addition, you are only liable for \$50, but if you have given notice of the loss of the card to the card issuer, you

will only be liable for the amount charged prior to your notice (if it is under \$50). Therefore, you have a possible liability of \$50 per credit card if you have been given notice of such liability by the card issuer. You can avoid most liability by giving prompt notice of any loss or theft and regularly checking and reviewing your account statements when you get them in the mail.

Debit cards have different liability rules. If you report a debit card missing before someone uses it, you are not responsible for any unauthorized transactions. If someone uses your debit card before you report it lost or stolen, your liability depends on how quickly you report it. If you report it before any unauthorized charges are made, you have no liability. If you report it within two business days after you learn about the loss or theft, you are liable up to \$50. If you report more than two business days after you learn about the loss or theft, but less than 60 calendar days after your statement is sent to you, then you are liable up to \$500. If you report more than 60 calendar days after your statement is sent to you, then you are liable for all of the money in your account, plus any other accounts linked to that debit card.

Further, under the Equal Credit Opportunity Act (ECOA), it is against the law for a creditor to deny credit or terminate credit because of your age. More information regarding the ECOA is available from the Federal Trade Commission at [www.ftc.gov](http://www.ftc.gov).

### **Truth in Lending:**

When buying goods or services using credit, one must consider the extra costs that are usually involved. Under the Federal Truth in Lending Act, the creditor must disclose the finance charge. This figure tells exactly the difference between the cash price and the cost of buying goods and services on credit. In addition, the creditor must disclose an interest figure called the annual percentage rate, or “APR.”

### **Credit Discrimination:**

A creditor cannot discriminate against a credit applicant by reason of sex, age, race, color, religion, national origin, marital status, retirement status, or the receipt of public assistance income. Currently, the Consumer Financial Protection Bureau takes the position that “sex” includes “gender identity” and “sexual orientation.” When credit is denied, an explanation must be given. The notice of refusal should be given within 30 days of rejection of the application and must be accompanied with an explanation. Further, under the ECOA, the creditor shall promptly furnish an applicant, upon written request made within a reasonable period of time of the application, a copy of the appraisal report used in connection with the applicant’s application for a loan that is or would have been secured by a lien on residential real property.

Your credit account cannot be terminated for any of the following reasons: race, sex, marital status, age attained (provided the applicant has the capacity to contract), or retirement status.

However, it is not discrimination for purposes of the ECOA for a creditor to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the creditor’s rights and remedies applicable to the particular extension of credit and in order to not discriminate in a determination of credit-worthiness or to make an inquiry of the applicant’s age or of whether the applicant’s income derives from any public assistance program, if such inquiry is for the purpose of determining the amount and probable continuance of income levels, credit history, or other pertinent elements of credit-worthiness.

### **Home as Collateral:**

If you’re considering applying for a personal loan and using your home to guarantee repayment, you should know that a federal credit law gives you three days to reconsider a signed credit agreement and cancel the deal without penalty. Your “right to cancel” is guaranteed by the Truth In Lending Act. You can cancel for any reason but only if you are using your principal residence—whether it is a condominium, mobile home, or house boat—as collateral, not a vacation or second home. (For more information see the Federal Trade Commission website at [www.ftc.gov](http://www.ftc.gov)).

### **Sales and Loan Contracts:**

Because of a special rule of law, a court will not usually accept any oral testimony regarding promises, agreements, or modifications made in relation to a written contract that is “outside” the terms of the written contract itself.

Therefore, if a seller makes a promise not contained in the written agreement, make him or her put it in writing. If he or she refuses to do so you run the risk that those promises will not be enforceable. Because of this rule, it is very important to read and understand a contract before you sign it.

Most installment contracts give the creditor the right to charge extra when a payment is late. Or, the creditor can refuse to accept the late payment and demand the entire balance. If you cannot pay, the seller can sue for the total amount owed on the contract. However, the creditor may not demand the entire balance until after he or she has sent a special letter called the “Consumer’s Notice of Right to Cure.” This notice allows you 20 days to catch up on all your late payments or “cure.” If you do not make the payment, or if you make the payment and fall behind later on during the loan, the creditor can demand payment of the entire balance in full.

You only get one “Consumer’s Notice of Right to Cure,” unless you are paying on a revolving charge or credit card account. Those accounts require one Notice of Right to Cure per year.

A judgment for default will usually include attorney’s fees and court costs in addition to the payment of the unpaid balance. For this reason, it is vital to make payments on time. If you must be late, make arrangements ahead of time. Call the creditor before payment is due, maintain contact with creditors and provide them with updated addresses and telephone information.

### **Basic Contract Do’s and Don’ts :**

**Do** insist that the sales person allows you to take the contract home with you before you sign it.

**Don’t** deal with any salesman who refuses to let you take home a complete contract before you sign it.

**Do** show the contract to a friend that you trust, family member or a lawyer if there’s any question about some provision of the contract.

**Don’t** sign anything unless you have had time to read it carefully (or have it read to you) and you fully understand what it says.

**Do** insist that all terms, promises, guarantees, and warranties be put in writing as a part of the contract.

**Don’t** sign a contract with blank spaces that are to be filled in later by the sales person.

**Do** keep copies of all contracts, payment records, and complaint letters in a safe place.

### **Door to Door Sales:**

The first thing you should remember about door to door salesmen is that you do not have to talk to them. If you do not want to buy anything, all have to do is ask the salesman to leave.

A South Carolina law allows you three days to cancel a home solicitation sale and a Federal Trade Commission (FTC) rule allows you three days to cancel a cash purchase of \$25 or more, under certain circumstances.

If you do decide to cancel the sale or rescind the contract, you must do so by following the instructions in the

contract, usually sending written notice to the company or business before midnight of the third business day after the date of the transaction. Keep a copy of this letter for your records.

South Carolina law sets forth a specific form for sending your notice to cancel. The FTC rule involves a Notice of Cancellation which the sales person is required to give to you, along with copies of the receipt or sales contract.

Once the merchant receives the notice or letter of cancellation, he has 10 days to refund any money that he has received, return any documents that you may have signed, return any goods or property that you've traded in, and inform you that he will pick up or let you keep any items that were left with you. Products left with you must be available to the seller in the same condition as you received them. It is not your responsibility to ship the items back to the seller or pay postage expenses for such shipping. The seller must pay the return postage expenses.

### **Complaints:**

Complaints are most effective when they are accompanied by receipts, contracts and other documentation that helps to explain your case. If you are contacting the store or business by mail, send your complaint letter by registered or certified mail, and keep a copy for your records. Never send originals of any receipt, contract or documentation – send copies. If you are making your complaint in person, try to remain calm, but be firm and make sure that what you are told makes sense to you.

When a direct complaint to a store or business does not satisfactorily resolve your problem, contact the Better Business Bureau or the Department of Consumer Affairs.

If you are dissatisfied with a product or service, the first thing you should do is to notify the company, in writing, of your complaints. If they do not satisfy your complaint, you may want to contact a lawyer. Do not assume you can stop paying just because you are dissatisfied. Get the advice of a lawyer first. An attorney may be able to get you out of a bad bargain.

### **Dealing with a Lawyer:**

It is often necessary or advisable for a senior to consult with or retain an attorney to assist him or her. Unfortunately, there are common misconceptions about the legal field, and many people are afraid to seek out the legal assistance they need. Despite this, good legal advice should and can be obtained.

First, if you do not know of a lawyer to contact, you should call the South Carolina Bar Lawyer Referral Service at 1-800-868-2284. Second, you might check to see if you are eligible for free legal services. Ordinarily, your eligibility will be based upon your income and assets. The Legal Aid Telephone Intake Service (LATIS) handles the screening for S.C. Legal Services. You may contact LATIS at 1-868-346-5592.

If you already know a lawyer with whom you wish to consult, or if you have the names of several lawyers, you should not be afraid to make a phone call to learn whether there will be a charge for an initial conference. Many lawyers may charge a reduced fee for the first conference, or that conference might be free of charge.

On your initial visit with the lawyer, be sure to inquire what his or her charges will be and ask to have those charges formalized in a written agreement if you agree to hire the lawyer. All parties should sign such an agreement and you should be given a copy. Whenever you visit with your lawyer do not be afraid to ask questions – you deserve to have answers to your questions.

If you have a case that might generate a large settlement or judgment, such as a personal injury case, you might ask the lawyer if he is going to charge a contingency fee, meaning that the lawyer will take a percentage of the recovery if there is one, but will take no fee if you are not successful. If you do not have money to pay hourly legal fees, a contingency arrangement can frequently be desirable. Note, however, that a lawyer is generally not allowed to accept a contingency fee for representing you in a divorce, child custody case or criminal defense

matter. Also, even if a lawyer takes a case with a contingency fee arrangement, you will probably be responsible for some of the out-of-pocket expenses, such as filing fees, even if you do not win your case.

You should also be aware that certain consumer laws provide that the business may have to pay the attorney's fees of the consumer who wins. If pursuing such a claim, it is wise to inquire of this possibility.

When debating the value of paying a lawyer to prepare a Will, power of attorney, or a similar estate planning document, keep in mind that the small relative cost of preparing the estate planning document often pales in comparison with the immense costs of protracted estate litigation, Guardianships, and Conservatorships, that are necessitated by the lack of proper estate planning documents.

When discussing your legal bill, ask your lawyer if your bill might be paid in installments.

In any event, lawyers should not be feared, but should be viewed as individuals who can help you with your problems or concerns and help you protect and assert all the rights to which you are entitled.

### **Breach of Warranty:**

There are generally two kinds of warranties, those provided in a written contract ("express warranties"), and those given to you automatically by law ("implied warranties"). Federal law requires simple and easily understood explanations of most written warranties, including any special conditions which will be imposed, and whether the warranty is full or limited.

Some goods carry no "express warranty" at all. However, in order for the seller to "implied warranties," the seller must disclose this fact conspicuously on the contract in bold, clear language. In any warranty situation, assume that the written contract controls, no matter what promises the seller may have made to you verbally.

If the seller fails to honor a warranty, the buyer may sue for damages, or in some cases, even cancel the contract and get his or her money back. If cancellation is not possible, damages will usually be calculated by subtracting the actual value of the goods from the warranty value and offsetting this amount against the balance due to the seller.

### **Creditor and Debtor Rights:**

If someone obtains a judgment against you or if you obtain a judgment against someone else, it is important to know how the judgment can be collected. A judgment can be collected from some assets of the debtor, but not others.

Once a judgment has been obtained and becomes part of the Circuit Court records, a lien is automatically placed against all real estate owned by the debtor in that county. That judgment can also be filed in other counties where the debtor owns property, thus attaching a lien to that property. These judgment liens are only enforceable for a period of ten years.

Some personal property may also be vulnerable to collection.

However, some items are exempt from collection. Consultation with an attorney who specializes in debtor/creditor law or bankruptcy is recommended in order to protect your property. This attorney will be able to tell you which items are subject to collection.

### **Bad Credit Ratings:**

If you learn that your credit has been damaged, you are authorized under the Fair Credit Reporting Act to request an accurate report from the credit reporting agency showing any information transmitted about your credit standing. If you challenge the information, the agency must re-investigate, and, if it is not resolved, you



may file a protest that will remain in the report. If the agency does not comply, you may be entitled to damages, attorney's fees, and costs.

Under the Fair Credit Reporting Act you are entitled to one free copy of your credit report, per year, from the three major credit reporting agencies. You can obtain your free annual credit report online at [www.annualcreditreport.com](http://www.annualcreditreport.com).

### **Collection Tactics:**

Collection agencies and credit departments often use forceful methods to collect debts. They may try to embarrass you at your place of employment or in your neighborhood. They may threaten to do things they cannot really do. They may also try to make a person without assets pay even though they know the person cannot be legally forced to pay. These actions are illegal.

Reasonable collection practices are legal. However, if the agency makes unreasonable threats, uses harassment to an extreme, or engages in libel or slander, the agency is breaking the law. In such cases consult an attorney and/or file a complaint with the Department of Consumer Affairs.

Additionally, debt collectors should not contact you at unreasonable hours. Telephone calls are limited to the hours of between 8 a.m. to 9 p.m. unless you agree otherwise.

### **C. BANKRUPTCY AND DEBT ADJUSTMENT:**

If a consumer has too many outstanding debts to manage, the consumer might consider bankruptcy. There are two choices for consumers: Chapter 7 (liquidation) and Chapter 13 (debt adjustment). Congress has made both choices much more difficult for consumers. You should consult with a bankruptcy specialist before considering either option, as there are many provisions that could prevent you from obtaining bankruptcy protection. In both chapters, before you can file, you will have to complete a credit counseling course, and before you receive your discharge (that is, before your debts are erased), you will have to take a full course on credit management.

Filing for Chapter 7 liquidation requires that the debtor pass a "means test," showing that he cannot afford to go into a Chapter 13. If you qualify for Chapter 7, this will cancel most consumer debts; however, it will not erase tax debts, most student loan debts, nor debts due to a divorce, including alimony and child support. Of course, in a Chapter 7, all exemptions previously described are applicable. Chapter 7 will not cancel most security interests, such as mortgages on your house or a lien on your car.

A Chapter 13 debt adjustment allows the consumer to keep part of his income – the portion that Congress has determined is realistic – and dedicate all surplus income the consumer earns during the life of the Chapter 13 Plan to repay his creditors for a period of up to 60 months. In a Chapter 13, the consumer can "cure" (catch up overdue) mortgage payments. The surplus payments are the total that unsecured creditors will receive – whether it is 10% or 100%. While under a Chapter 13 plan, the consumer's property cannot be attached without permission of the Bankruptcy Judge.

### **D. SPECIAL CONSUMER ISSUES:**

#### **Drugs:**

South Carolina has a generic drug law that allows for substitution, in most circumstances, of the generic equivalent of a prescription drug for the name brand of that drug, if it is available. (S.C. Code Ann. § 39-24-10, et seq.)

#### **Utilities:**

The elderly and people with a disability on fixed incomes are often the least able to afford rate increases and hefty utility charges.

Under South Carolina law, no utility, electric cooperative or municipality may interrupt service to any residential customer for non-payment of a bill until 25 days from the billing date have elapsed.

Further, during certain months of the year or extreme weather, residential utilities cannot be disconnected if the consumer can show that they are unable to pay their bill(s) and disconnection of the utility would be dangerous to their health.

### **Home Repair or Improvement:**

Some con-artists are in the “business” of home repair or improvement. It is important for you to know the reputation of any contractor with whom you deal.

Be particularly wary of repairmen who go door-to-door offering services.

If a repairman fails to do the necessary work, it is difficult to recover damages. You may have to hire a second contractor to make an estimate and testify in court. Depending on the amount of money and damages in controversy, you may have to seek relief in the Magistrate’s court.

Also, if the contractor you hired has not paid for labor and materials used on your house, the laborers or suppliers may be able to obtain a lien against your property. You might end up paying twice for the same labor and materials.

Before signing retaining a contractor, it is advisable to check the contractor’s licensure status in in South Carolina by searching for him or her at [www.llr.state.sc.us](http://www.llr.state.sc.us). It is also possible to search for any complaints that have been made against the contractor with the Better Business Bureau. Also, don’t be afraid to ask for referrals.

Whenever it is necessary for you to hire someone to do work on your home, get multiple estimates and shop around. Do not feel pressured to make a quick decision.

### **Hearing Aids:**

It is always advisable to visit an audiologist and obtain a medical evaluation prior to obtaining a hearing aid. Non-medical hearing aid providers should be avoided.

Federal regulations and the Food and Drug Administration govern the hearing aid industry to help protect against unscrupulous salespersons. These rules require a physician’s statement that the device may help and a medical evaluation, less than six (6) months prior to the sale, before a hearing aid is sold. Furthermore, each hearing aid must have a detailed brochure that tells what the device does, how it works and how it is to be used. This brochure must be provided by the manufacturer and given to the customer. It is prohibited to use high pressure home solicitation, make unexpected calls, to utilize any misleading or unfair practices in the sale of hearing aids.

The federal government has set forth specific guidelines for determining misleading or unfair practices, and violation of these guidelines can result in severe penalties. In most cases, the hearing aid can be refused, and the contract cancelled up to 30 days after receipt of the hearing aid if you are not satisfied.

In addition to these remedies, a number of other rights and remedies exist to combat the unscrupulous hearing aid salesperson. Such remedies include laws governing home solicitation, false advertising, consumer fraud, uniform deceptive trade practices, and warranties.

### **Prepaid Funerals:**

Some people purchase pre-paid funeral plans for themselves. When doing so, it is important to understand whether you are buying insurance, or an actual funeral service.

For example, when purchasing a pre-need funeral service, a person can pick out the type of funeral wanted – a certain kind of casket, service, marker, and so on. After services are bought, the extras are provided at no additional cost if the plan has been fully paid for at time of death.

The real problem arises under the insurance model, when you pick out a plan today (which costs \$1,000) and pay insurance premiums toward that amount. By the time of death, the price of the same service may have doubled. This puts your relatives in a difficult spot. A funeral director may pressure them to follow the deceased's wishes to have a particular service, even when, due to inflation, doing so would cost an extra \$1,000. The funeral director might play on their guilt and grief. ("All we have for \$1,000 is a pine box").

Pre-payment to a funeral home can create more problems than it solves. What if you move or change your plans and they won't return your money? If you want to set aside funds to cover funeral costs, a third-party trust or special bank account may be a safer option.

Although pre-paying is not always recommended, pre-planning is. To obtain help with planning, you might wish to turn to one or more memorial societies, which are non-profit associations set up with the goals of providing dignity, simplicity, and economy in funeral practices.

The South Carolina Department of Consumer Affairs regulates the pre-need funeral contracts. You can find more information on the department's website at [www.scconsumer.gov](http://www.scconsumer.gov).

#### **FTC Funeral Rule:**

The Federal Trade Commission has developed a trade regulation rule that concerns the funeral industry. It is called the Funeral Rule and is intended to enable consumers to obtain information about funeral arrangements.

In general, the rule provides for the following consumer rights:

- You have the right to choose the funeral goods and services you want (with some exceptions);
- The funeral provider must state this right in writing on the general price list;
- If state or local law requires you to buy any particular item, the funeral provider must disclose it on the price list, with a reference to the specific law;
- The funeral provider may not refuse, or charge a fee, to handle a casket you bought elsewhere; and
- A funeral provider that offers cremations must make alternative containers available.

#### **Fraud or Deception:**

If something seems too good to be true, it probably is. Bargains are limited, and anything better than a bargain is practically non-existent. The best way to avoid being fleeced is to spot an illegal scheme or deception before you become a victim. And as always, the best protection you have against rip-off schemes is your own knowledge. Here are some of the prevalent frauds, schemes, rip-offs, and cons which are used to defraud the public of billions of dollars each year. As with many business transactions, a good source for checking on any history of past complaints against businesses or sales agents is the Better Business Bureau.

- *Dance Instruction Frauds* involve the high-pressure sale of dance lessons for inflated prices. The lessons themselves are often legitimate.
- *Death Vulture Frauds* involve the presentment of false bills and debts to the family members of a deceased person. Unscrupulous people will claim to one or more family members of the decedent that the decedent purchased goods, lent money, or otherwise owes them money. Do not pay any unsecured creditors of the deceased unless a valid claim has been filed with the probate court, and, when in doubt, consult with a lawyer.

· *Investment rip-offs* involve the sale of gold, silver, diamonds and other precious metals, stones, coins, and mineral rights by television, telephone, mail, or online.

Worthwhile investments do not need to be advertised. Commodities are highly risky and should be avoided. Your banker or financial advisor can help you purchase safe investments such as bonds, Certificates of Deposit, and mutual funds. If you must buy gold, silver, or jewels for investment purposes, which is highly ill-advised, do so in person through a licensed jeweler.

· *Pest control fraud* is prevalent in the South. This takes the form of a termite inspector who appears and informs you that termites have infested your home, but if you contract for his or her services today, you will receive a discount. Always avoid such pressures. Termite inspectors don't go door-to-door, and it is extremely doubtful that your house will start tumbling down that very day. Besides not applying pesticides properly, the pest control con-man may not use a recognized or effective pesticide. As a matter of fact, he or she may apply nothing but some chemically smelling liquid. Don't deal with door-to-door pest control operators. If you need pest control, check the yellow pages or the internet, then call the reputable pest control company and ask for an estimate based on your needs.

· *The "Pigeon-Drop" Fraud* is designed to rob people – particularly elderly persons – of their savings. Usually a pleasant, "nice" person introduces himself or herself and informs the victim that he or she has recently found "a large sum of money." This person wants to give some of the money away to a "deserving and honest" person, because he or she and his or her spouse "do not need all of it." The victims are told that proof of their "good faith" is needed before they can get the money. This "proof" that the "nice" person wants is cash, called "good faith" money. An amount is agreed upon and the victim obtains it and delivers it to the "nice" person. What follows is either (1) an exchange for a box which supposedly contains the large amount of money the "nice" person is giving away; or (2) a robbery when the victim gives his or her money to the thief and expects to receive his or her windfall "later or tomorrow," but doesn't. These "cons" sometimes sound believable, but they never are. When in doubt, call the police or the Better Business Bureau to see if people are using a similar scheme to victimize others in the community. Generally, you should never give money to strangers, and it is usually not advisable to give or loan money to perceived friends.

· *Envelope Stuffing Fraud* usually begins with an ad in the Business Opportunities section of a Newspaper or magazine. The headline usually jumps out at you. "We'll pay you 25 cents for each envelope you stuff and return to us" or for the reader to "earn \$250.00 for stuffing 1,000 envelopes." Such advertisements are deceptive and misleading and should be ignored by consumers. Envelope stuffing schemes are essentially like pyramid schemes or chain letters.

· *Franchise Frauds* come in a vast array of guises. There are many franchise operations which can give a person the independence of owning a small business plus the advantage or help from an experience company. The advertising literature for some franchises make their offers irresistible through promises of "high" profits from small investments and other misrepresentation. Approach franchise opportunities with extreme caution and investigate thoroughly "before" you invest. It is not generally advisable to open a business in one's later stages of life.

Most of the practices described in this section are crimes. Other crimes you should watch out for, and some things you can do to help protect yourself from them, are described in the section entitled "protection from crime."

As a blanket rule, you should ignore all solicitations, particularly those by in-person sales people, telephone, or mail. When in doubt, contact an attorney.

### **Deceptive Sales Practices:**

Beware of merchants or salespersons who use high-pressure tactics or unusual ploys. Hundreds of variations of such tactics or gimmicks are used, but some of the most common are:

- *Bait and Switch*—A store may advertise a special low price. When the consumer asks about that item, the salesperson will try to switch the consumer's attention to a more expensive article.
- *High Pressure Tactics*—A salesman will forcefully try to pressure you into buying something. The salesman is trained to make the deal sound irresistible and you might well buy something without thinking the matter through. In such a situation, you should insist on a delay. Take time to get the opinion of a friend or relative in order to gain time to "cool off" and consider the purchase more carefully. If the salesman is legitimate and believes in his or her product, he or she will not object to a delay. If he or she persists strongly, back off. Don't be a sucker.
- *Referral Sales*—These schemes operate by promising you a fee for each new customer referred to the seller. In theory, if you send the store enough business, the item you want to buy is practically free. In reality the process is much like a chain letter. All prospective customers meeting the seller's requirements are soon used up, leaving most customers to pay the full price. In addition, goods are usually marked up, so you gain little or nothing from any discounts you receive.

This kind of scheme is now illegal in South Carolina. But if you should get drawn in by a similar scam, see an attorney or report this matter to the Department of Consumer Affairs.

### **Unsolicited Consumer Telephone Calls:**

There is something you can do about unwanted telephone calls made to you for the purpose of selling you something. Live telephone solicitors must identify themselves, their business, and the object of the call, and, within 30 seconds after beginning the conversation, state the purpose of the call and allow you the opportunity to respond. If you say you are not interested, the solicitor must discontinue the call and remove your name and telephone number from the list if you ask not to be called again. Live telephone solicitation calls may not be made after 9:00 p.m. or before 8:00 a.m. and must disclose the cost of merchandise or method of estimation, payment plan, and extra or special charges like shipping, handling, and taxes. You should contact the Department of Consumer Affairs if you have any complaints about the violation of this law. The Department can impose a monetary penalty and injunctive relief against the telephone solicitor, if necessary. Violation of this law can also be prosecuted as a crime.

Additionally, unsavory people have begun making marketing calls to consumers' cell phones using mirrored numbers. You may receive a call from a local area code, but the caller may be from another state or country. Generally, you should not answer a call if you do not recognize the number. If the caller is legitimate, he or she will leave a message.

### **National Do Not Call Registry:**

Additionally, the FCC has also established a national Do Not Call Registry. Once your residential or cellular telephone number has been listed on the registry for 30 days, telemarketers are prohibited from calling that number. You can report any violations directly to the FCC. To register for the national Do Not Call Registry, go to [www.donotcall.gov](http://www.donotcall.gov) or call 1-888-382-1222.

## **E. PROTECTION FROM CRIME**

### **Robbery and Assault:**

Do not carry large sums of money. Credit cards and checks can be replaced. Currency cannot be replaced.

Do not discuss your financial affairs in public or around strangers. Letting the wrong person hear where you bank, when and where you cash your check, and similar information could set you up for a robbery.

Do not flash large bills or large amounts of money when paying for things when shopping.

Do not hide a door key under the doormat, behind the shutter, or in a mailbox. If you need to store an extra key, leave it with a trusted neighbor.

Be sure to lock your doors when you're home as well as when you leave. Install a peephole in your door and check the identity of all callers, including repairmen, deliverymen, or salespersons. Don't let strangers in to use the phone. Offer to make the call for them.

If you must go out at night, tell a friend where you are going, what route you will take, and when you plan to be back.

Take a taxicab at night rather than walk. Ask the driver to wait until you are safely inside.

Stay away from dark, out-of-the-way places at night. Avoid lonely and deserted places even during the day.

When you walk, attempt to do so with another person. If you must walk alone, a dog is a good companion.

When walking at night, take the most direct route and stay in lighted and well-traveled areas as much as possible.

If you think you are being followed, do not necessarily go directly home. Head toward the closest well-lit area and try to find a store or gas station that is open.

Always act as if you know where you are going or are meeting someone.

Carry a whistle. When you are walking home, to work, or to your car, have your keys and whistle in hand so you can get inside quickly if necessary.

Avoid empty laundromats, bus stations and taxi stands at night. When you call a taxicab, wait inside until it arrives.

Keep a firm hold of your purse, especially in crowds. Do not leave it lying somewhere while you shop. If you go into a dressing room to try on clothes, take your purse with you. Keep your wallet in your front pocket or inside coat pocket instead of a back pocket if possible. If you must place your wallet in your back pants pocket, wrap a rubber band around it first. This makes it more difficult to lift from your pocket.

Keep the phone numbers of your bank and credit card companies written down at home in case your purse is snatched. Cards can be cancelled over the phone.

Take notice whom you sit beside, and do not get into a self-service elevator at night with a stranger.

Keep the shades pulled at night and while undressing.

Do not advertise that you are alone.

Do not list your first name in the phone book or on a mailbox.

Do not give out any personal information over the phone to strange callers. Never tell anyone you are home

alone.

Do not respond to emails and text messages advising you that you have won a contest and just need to fill out a form. This is a fast way for thieves to get your personal data.

Never click a login link on an email that is supposedly sent from your bank. Banks never send these types of emails. It is a scammer pretending to be your real bank.

Generally, never click a link on any emails without verifying the sender's email address.

If your automobile becomes disabled while you are driving, put your hood up, turn on the flashers, and tie a cloth to the antenna. Then get in the car, roll up the windows (as long as it will not get too hot inside the car) and lock the doors. When someone stops, only roll your window down enough to ask them to phone for help.

Always lock your doors when driving or riding in a car and when you leave your car, even for short periods. Put parcels in the trunk. Do not leave them in plain view inside the car where they will encourage theft.

Check the back seat and floorboard before getting into your car. Never pick up hitchhikers.

When stopped at stop signs and stoplights, keep the car in gear and stay alert.

Park in safe, well-lit areas near your destination.

In the event of a holdup, don't resist, especially if the person has a weapon. Robbers must be considered dangerous. If a purse or wallet is snatched, let it go. Duplicate identification is easy to obtain.

### **Rape:**

Sexual assaults can happen to anyone, anytime, anywhere, and at any age. Statistics show that most rapes are committed not by strangers but by acquaintances of the victim. Most rapes occur at the victim's home.

If you are sexually assaulted:

- o Report the crime to the police or sheriff.
- o Go to the hospital or the doctor's office, even if you do not think you are physically hurt.
- o Do not change clothes, clean up, or bathe before you report the crime or before you go to the hospital. Your clothes and body may contain evidence of the rapist's identity.
- o Rapists are often repeat offenders. If you do not report the crime, the rapist may hurt someone else.
- o Get help from your family, clergy, friends, or a rape crisis center. You will need emotional support.

### **Auto Theft:**

Never leave your keys in an unattended car, even while running a quick errand, and always lock your car.

Never attach a tag with your name and address to a key ring. If the keys are lost or stolen, the tag will lead the thief directly to your car – and your home. If lost keys are turned in, shopper cards will often cover postage to return them to you, without your personal information being made public.

Only leave the ignition key with a parking attendant. A dishonest parking lot attendant may have house keys

duplicated and sell them, along with your name and address for a tidy profit.

At night, park in well-lit areas with pedestrian traffic. Auto thieves don't like working in spots where they are clearly visible.

Lock all doors and roll up windows whenever leaving the car unattended. Be sure vent windows, a favorite means of entry for car thieves, are shut tight.

When you park the car, remove any valuable possessions from the car. These items tempt thieves and should be locked in the trunk. If possible, also remove the CB antenna and stow it in the trunk.

Never leave your automobile registration or driver's license inside the car. Carry these items in your wallet. If you don't, thieves will be able to produce legitimate documents when stopped by the police.

Consider the purchase and installation of security devices, such as a locking gas cap or an alarm device to frighten the thief away before he is able to steal your car.

### **Burglary:**

Install lights at all entry points of your house to eliminate dark areas where burglars can work unnoticed.

Trim trees and bushes so your doors and windows can be observed by neighbors and police patrols.

Ask your local law enforcement department to adopt Crime Prevention Through Environmental Design. Many departments will send out a specially trained officer free of charge to conduct a safety audit of your residence. This will include evaluating all areas around your home to determine if such areas promote or deter criminal opportunity. Then, you should follow the police recommendations of how to improve the safety of your home.

Equip your doors with one-inch throw deadbolt locks.

Lock your doors whenever you leave the house, even if you will only be gone a few minutes.

Lock your windows with key-operated auxiliary locks. You can also, less expensively, "pin" your windows shut by drilling through the sash into the frame and inserting nails in the holes.

Patio doors should be secured with a strip of wood placed in the bottom track (to prevent sliding) and screws placed in the top track (to prevent the door from being lifted out).

Use large, visible house numbers so that police can quickly locate your house in an emergency.

If you are going on vacation, make sure your home retains a lived-in look. Buy several electric timers to turn lights and a radio on and off in your home, following the same pattern as you would if you were at home.

Place a hold on the delivery of newspapers, mail and other deliveries, so they don't pile up on your doorstep and tip off burglars to your absence. In the summer, if you are going on an extended vacation, ask a neighbor to mow your lawn, and in the winter ask your neighbor to shovel your walk-in case of snowfall.

Be a good neighbor in return. Watch your neighbor's house for any suspicious activity, and if it returns, call the police. If your neighbor is home, be sure to call him also.

Don't keep excess cash or jewelry or other gold and silver items around your home. These items belong in a safe deposit box.



Turn on some lights when you are away. A dark home is an invitation to burglars. Try to leave lights on in the kitchen and living room because these are the two most used rooms at night. However, you should not leave the same lights on every time you are out. When away for a long time, notify the police.

Keep all doors and windows in good repair. Many home burglaries occur because the burglar was able to enter through already broken doors and windows. A police officer passing by may notice something wrong when he or she sees a damaged door or window and knows that your property is usually well kept.

Keep emergency numbers near your telephone.

Record all serial numbers of your appliances, motor vehicles, televisions, cameras, and so on. Keep this record in a safe place and keep a copy of it somewhere away from your home.

Photograph your jewelry, silver, antiques, and art objects. Keep these photos in a safe place.

An empty garage is a dead giveaway that you are not home.

Keep garage doors closed and locked, as people are very willing to walk into a garage and help themselves to tools and other items left in the open.

Keep a dog. A barking dog is still an effective burglar alarm.

Where it isn't cost prohibitive, use a silent alarm that is directly connected to a law enforcement office or direct monitoring company.

In isolated areas, use the type of alarm that makes a loud noise.

### **Neighborhood Protection:**

The following information describes a Neighborhood Watch Program, which is designed to make you and your neighbors aware of what you can do together to make your homes safer. However, many of these ideas can be adopted even if a formal Neighborhood Watch program doesn't come about.

To start a successful Neighborhood Watch, talk with your neighbors and exchange information. Within reason, be familiar with every member of their family and the cars they drive. That way, you can easily spot strangers or suspicious activities around their house. They will hopefully do the same for you.

Get to know your neighbors and become familiar with their routines. You're going to become partners in watching the activities on your block.

Be suspicious. Report unusual or suspicious behavior to the police. Write down descriptions of the person(s) and license numbers of any vehicles involved.

Establish a meeting time and place convenient to all neighbors.

Draw a diagram appropriate for your neighborhood. Each neighboring house depicted should contain the house number, occupant names, and home and work telephone numbers. The emergency number of your police or sheriff's department should be placed prominently on the diagram.

Keep a trusted neighbor informed if your house will be unoccupied for an extended period and provide your contact information in the event of an emergency.

### **Credit Card Protection:**

Here are some ways to minimize the risk of becoming a credit card scam victim:

- Discard carbon paper along with your receipt. Throw it away at home, not in a public trash can.
- When possible, watch the clerk to ensure that your number is not being stolen, and that your card is not being switched.
- Reconcile your monthly bill with your receipts to check against fraudulent charges.
- Don't reveal your card number to anyone over the phone or on the internet. A common ploy is for the caller to say he or she is doing a survey for the credit card company or retail store.
- Tear up receipts and expired cards before discarding them. They contain your name and number.

### **Other Tips:**

#### **Conduct A Security Survey (Crime Prevention Through Environmental Design):**

Your local law enforcement officer may be able to help you conduct a home security survey. In addition to the tips provided in the above sections on protection against robbery and burglary, you will want to check the following:

- Are any openings to your home (sky-light, crawlspaces, vents, etc.) unprotected?
- Does the basement door have extra protection, such as a padlock?
- Does the garage door lock?
- Do all entrances to your home have deadbolt locks (with a minimum one-inch throw)?
- Are all exterior doors (including the garage) strong enough to withstand excessive force?
- Are sliding doors and windows secure against forced lock and/or lifting out of their frames?
- Are hinges pinned to prevent removal?
- Is there a peephole viewer of 180 degrees on the main entrance door?
- Are double-hung windows secured with a pin or extra lock to discourage lock picking?
- Are panes in louver windows well-fastened to the metal retainers? Are they reinforced with metal screening or grating on the inside?
- Do the basement window latches work properly, without excess play?

It is also a good idea to establish a security closet inside your house for storing valuables. The closet door should be as secure as your exterior door, with a deadbolt lock and pinned hinges on a solid wood door.

**Senior Citizens' Call-In Program:**

Many local sheriff's offices and city police have a crime prevention unit. As part of their services, a senior citizens call-in program may be offered to people in the community. This program may require you to call in to your local law enforcement center by a certain hour to ensure that you are all right. Some units now have the capability to initiate calls so they can call you at home, pass on information and record replies to inquiries you may have. Contact your local sheriff's office or city police office for more information.

**Reporting Crime:**

Report a crime by calling the police or sheriff in your community as soon as possible. You may dial 911, or you should have the police or sheriff's department number posted conspicuously by your phone. If you cannot find the number in your telephone directory, call information or the operator. If you don't have a phone, use a friend's or have someone take you to the police station.

When you are reporting a crime, you will be asked your name, where you are calling from, what crime you are reporting, where it happened, how many people were involved, and what the people committing the crime looked like. Try to remember everything you can about the crime and the criminal's appearance and describe it to the police.

**Victim's Rights:**

As a victim of a crime you have certain legal rights.

If you receive physical threats or are harmed in any way in connection with your case, notify your local law enforcement.

Victims have a right to be informed concerning the criminal justice process. If your incident results in prosecution, the Solicitor's Office will inform you as to procedures and court policies.

Victims who suffer physical injury during the commission of a crime may be eligible for compensation in some cases.

To be eligible the crime must have been reported to the proper authorities within 48 hours of the occurrence. Contact the South Carolina Crime Victims Compensation Board for more information. You may find more information about crime victim's rights on the S.C. Crime Victim's Council (<http://www.sccvc.org>) or the S.C. Victim's Assistance Network ([www.scvan.org](http://www.scvan.org)) websites.

**Domestic Abuse:**

The South Carolina Protection from Domestic Abuse Act is a set of laws that protect people from physical harm, threats of harm, and criminal sexual conduct. These laws protect the following people: wives, husbands, non-married parents that have children together, former spouses, and boyfriends or girlfriends that live together now or have lived together in the past.

The Family Court and Magistrate's Court can help victims of domestic abuse. There are two types of protective orders that can be issued in South Carolina: an Order of Protection and a Restraining Order. These Orders are designed to help protect you from being hit, threatened, harassed, or stalked by another person.

**An Order of Protection** is an Order issued by the Family Court. An Order of Protection can temporarily prevent the alleged abuser from abusing, threatening, communicating with, or molesting the person being harmed. The Court may also grant temporary custody, child support, alimony, use of the family home, and/or use of property shared by the parties.

**A Restraining Order** is an Order issued by the Magistrate's Court. Restraining Orders are similar to

Orders of Protection, except that Magistrate's do not have authority to grant the victim child support, alimony, use of the family home, or use of property shared by the parties. The Magistrate's Court may issue an Order of Protection after Family Court business hours in an emergency situation.

### **Where can I get an Order of Protection or Restraining Order?**

An Order of Protection may be obtained from the Family Court in any county. You can get the forms from the Clerk of Family Court. Petitions for a Restraining Order can be filed at the Magistrate's office in your county. Forms are usually available at the Magistrate's Office. You can get help in filling out the forms from your local domestic abuse shelter or a law enforcement victims' advocate.

## **F. BASIC RIGHTS**

### **Voting Rights:**

In order to vote, South Carolina law requires a person to register. To be able to register, you must:

- Be a United States citizen;
- Be at least 18 years old on or before the next election;
- Be a resident of the state, county and precinct at the address you give on the application;
- Not be under a court order declaring you mentally incompetent;
- Not be confined in any public prison as a result from a conviction of a crime; and
- Have never been convicted of a felony or offense against the election; laws. If you have been convicted, once the sentence is completed including probation or parole, or you have received a pardon, you can register.

There is no length of resident requirement to register to vote

To register to vote, contact your county registrar's office, which is listed under your county's government section in the telephone book under Voter Registration or Registration and Election Commission. Sometimes, voter registration is conducted in public places such as shopping centers. Under certain circumstances, you can even register by mail if you plan to vote by absentee ballot or if you are physically disabled.

You no longer have to present your voter registration card to vote in your precinct. As long as you are registered, you can vote upon showing a valid driver's license or South Carolina Department of Motor Vehicles photo I.D.

No patient of a nursing home, including one operated by the State Department of Mental Health, can be denied the right to register to vote, unless he has been found to be incapacitated by the Probate Court.

A voter who is physically disabled, illiterate or blind may receive assistance in casting a ballot. If you need assistance because of blindness, disability or inability to read or write, you can take anyone into the voting booth with you except your employer or an agent of your employer or an officer or agent of your union. A voter who is disabled or unable to access the polling place may vote in their vehicle. In some polling places, voters use a vehicle-height call button system placed at a designated parking area, which when pressed, notifies poll managers of the voter's arrival. At others, poll managers monitor the designated parking area to look for curbside voters. The portability of the voting machine allows it to be brought to the vehicle. Additional information may be found on the South Carolina Election Commission website at <http://www.scvotes.org/>, or you may contact the Commission at 2221 Devine Street, Suite 105, Columbia, SC 29205, 803-734-9060.

### **Jury Duty:**

Jury duty is an important civic responsibility and can be interesting. You can be exempt from jury duty if you are over 65. The exemption is not automatic and you must be excused by the Court. Legal blindness does not

automatically disqualify you as a juror.

Your employer cannot legally interfere with your service of jury duty or penalize you for serving as a juror.

If you are summoned as a juror and fail to attend, without sufficient excuse, you will be subject to a fine. A telephone call to the appropriate clerk of court's office can often help with any confusion you have with regard to the summons for jury duty.

## G. AGE DISCRIMINATION

Do you as an older worker have recourse against an employer who unfairly discriminates against you because of your age?

Yes. The Federal Age Discrimination in Employment Act (ADEA) protects certain applicants and employees 40 and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions, or privileges of employment. The ADEA is enforced by the Equal Employment Opportunity Commission (EEOC).

Under the South Carolina Human Affairs Law ("SCHAL") it is improper for an employer to discriminate based on sex, race, age, race, religion, color or national origin. The South Carolina Human Affairs Commission ("SCHAC") enforces state regulations.

The following employers are subject to the Federal law: private employers with 20 or more workers; federal, state, and local governments; all employment agencies that serve employers who are subject to the law; and most labor organizations of 25 members or more. The SCHAL applies to any employer who has fifteen or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

Actions that may constitute **age discrimination** include an employer dismissing, demoting, or refusing to hire, interview, or consider you for employment or promotion because of your age.

The ADEA and SCHAL also prohibit **harassment** based on age.

Harassment can include, for example, offensive or derogatory remarks about a person's age. Although these laws do not prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Similarly, the ADA and SCHAL prohibit **retaliation** against job applicants or employees for asserting their rights, in good faith, to be free from discrimination and harassment. For example, unlawful retaliation against applicants or employees may include:

- Filing a charge of discrimination or harassment with the EEOC or the SCHAC (or subsequently filing a lawsuit after the EEOC or SCHAC concludes its investigation);
- Participating in an internal investigation of a discrimination or harassment complaint or in an external investigation conducted by the EEOC or SCHAC;
- Communicating with or complaining to a supervisor or manager about discrimination or harassment;
- Refusing to follow orders that would result in discrimination; and
- Intervening to protect others who subjected to discrimination or harassment.

Employers may not do anything in response to such protected activity that would discourage an employee from resisting or complaining about discrimination or harassment.

For instance, depending on the circumstances, an employer risks a retaliation claim by engaging in any of the following actions in response to an employee's protected activity:

- Reprimanding the employee or giving a performance evaluation that is lower than it should be;
- Transferring the employee to a less desirable position;
- Verbally or physically abusing the employee;
- Threatening to make, or actually making reports to authorities (such as reporting immigration status or contacting the police);
- Stigmatizing the employee by excluding him/her from meetings, projects, or social events like lunches or golf outings;
- Increasing scrutiny of an employee's performance or conduct;
- Spreading false rumors or treating a family member negatively (for example, canceling a contract with the person's spouse); or
- Making the employee's work more difficult (for example, punishing an employee for an EEO complaint by purposefully changing the employee's work schedule to conflict with family responsibilities).

Engaging in protected activities, however, does not shield an employee from all discipline or discharge. Employers may discipline or discharge employees for *non-retaliatory* and *non-discriminatory* reasons such as unsatisfactory job performance, policy violations, and insubordination.

If you believe that you have been discriminated against, harassed, or retaliated against because of an unlawful reason, you should file a complaint with the EEOC at their local offices in Greenville, Charlotte, or Savannah. Alternatively, you also may file a complaint with the SCHAC office in Columbia. Your complaint will be investigated by a specialist, who will try to resolve the problem. If that is not possible, the EEOC or SCHAC may begin court action. Few complaints are pursued in court by the EEOC or SCHAC, however. In most instances, you will have to take your own case to court with your own lawyer after the EEOC or SCHAC conclude their investigation.

**The forgoing discussion of age discrimination is general in nature and any individual questions should be directed to a lawyer, the EEOC, or SCHAC.**

#### **The Americans With Disabilities Act:**

The Americans with Disabilities Act ("ADA") gives civil rights protection to individuals with disabilities by providing equal opportunity for individuals with disabilities in employment, public accommodations, transportation, public services, state and local government services, and communications.

Under the ADA, a private employer, state or local government, employment agencies, and labor unions may not discriminate against qualified individuals because of a disability. A qualified individual with a disability is an individual with a disability who, "with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires."

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

Employers also must reasonably accommodate the known disability of a qualified applicant or employee if doing so would not impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined

as an “action requiring significant difficulty or expense” when considered in light of a number of factors.

Reasonable accommodations may include, but are not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, and reassignment to a vacant position;
- Providing an employee with an unpaid leave of absence; and
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, or providing qualified readers or interpreters.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids. An employer also does not have to accommodate a disabled individual unless s/he requests a reasonable accommodation.

Just as with the ADEA (see above), the ADA also prohibits harassment and retaliation. Aggrieved employees and job applicants should file a complaint with the EEOC at their local offices in Greenville, Charlotte, or Savannah. Alternatively, you may file a complaint with the SCHAC office in Columbia. Again, just as with the ADEA, you may sue only after the EEOC or SCHAC concludes its investigation.

## **H. SMALL CLAIMS COURT**

Small Claims Courts are known as Magistrate’s Courts in South Carolina. (Larger cities also have Municipal Courts which handle a limited type of criminal and traffic offenses.)

These courts handle small claims in a quick, less formal manner than the Courts of Common Pleas (civil) and General Sessions (criminal). Their purpose is to allow citizens of the state prompt access to an adjudicating body so that claims and disputes that are not large enough to justify the time and expense required in the Courts of Common Pleas and General Sessions do not go unresolved.

Magistrate’s Courts are located throughout the state on a county-wide basis. The number of Magistrate Judges in each county varies with the population and the size of the county. To find the Magistrate’s Court in your county, look in your telephone directory under the county government section or on the South Carolina Judicial Department Website at: [www.sccourts.org/magistrateCourt/magistrateMap.cfm](http://www.sccourts.org/magistrateCourt/magistrateMap.cfm)

### **Magistrate’s Courts and Their Jurisdiction:**

The judge, or Magistrate, is appointed for a term by the Governor upon the advice and consent of the State Senate to be a magistrate for a particular district. Although his/her powers are somewhat limited due to the nature of the Magistrate’s Court, a Magistrate does have the right to hear and decide all cases over which he/she has jurisdiction, conduct certain preliminary hearings in criminal cases, make arrests in certain cases, compel witnesses to appear at trial for the purpose of giving testimony, and punish persons guilty of contempt in certain cases.

Magistrate’s Courts have county-wide personal jurisdiction but can handle only cases involving persons who live in the county where the court is located. They handle a number of different civil and criminal cases.

Magistrate’s Courts handle civil cases when the claim does not exceed \$7,500, including cases arising on contracts for the recovery of money, actions for damages for personal injury or property damage, claim and delivery actions to have specific property returned, and all landlord and tenant matters. You should also go to Magistrate’s Court if you need a restraining order to protect you from harassment or stalking.

Magistrate’s Courts have jurisdiction over criminal cases in which the punishment generally does not exceed a fine of \$500, or imprisonment for not more than 30 days, or both (However, they sometimes preside over cases with

higher fines and sentences).

Included in these offenses are crimes such as assault and battery, larceny, receiving stolen goods, or obtaining property under false pretenses. They also handle cases involving traffic offences such as speeding, driving under the influence (first offense), and driving without a license.

### **Magistrate's Court Process:**

All actions in Magistrate's Court are instituted by the filing and service of process. In a civil case, this process is a Summons and Complaint, which is filed with the court and served on the defendant. In a criminal action, this process is a warrant, which is issued by the Magistrate and served upon the alleged offending party.

A party who is served with either a warrant or Summons and Complaint has the opportunity to respond to the charges or claims made against him or her. However, there are time limits which have to be met so as to protect your rights in court. A failure to meet these time limits may result in the giving up of the right to contest the charge – civil or criminal – brought against you. If you ever receive a warrant or Summons and Complaint, you should take action immediately.

### **Taking Action:**

The action you need to take depends upon the nature of the charge or claim. In a criminal case, you have the right to appear at a certain time and answer the charge against you. In a civil case, you have the right to answer, either orally or in writing, the claim made against you. These rights are important and should never be voluntarily abandoned.

Following the filing of the appropriate legal documents, a trial date will be set. Prior to this trial, either party has the right to request that the trial be held before a jury rather than the magistrate. This request must be made at least five working days prior to the original date set for trial so that the court has ample opportunity to have the jury selected and notified. The six person jury is drawn from a pool of qualified electors (registered voters), who live in the area where the Magistrate's Court is located. If neither party requests a jury trial, the magistrate may hear and decide the case himself.

### **The Trial:**

At trial for either a civil or criminal case, each side has the opportunity to present evidence to the magistrate or jury concerning his or her position. This evidence may be in the form of witnesses who actually appear in court and testify. If you need help in compelling a witness to appear, you need to ask the magistrate to issue a subpoena so a person can be compelled to give testimony in your trial.

Evidence can also be in the form of documents that a party feels support his or her claim, which would include pictures of the dog that bit you or the coat with the holes in it from the dog bite. Demonstrative evidence would be a drum similar to the one the policeman took away from you in the middle of the night. Scientific evidence would be the result of an experiment showing that the policeman's radar was actually focused on a fast truck rather than your car when he gave you the speeding ticket.

Because the purpose of Magistrate's Court is to provide a streamlined, less expensive way to resolve small claims, the rules of evidence – although applicable – are generally not as strictly applied. Additionally, the Magistrate is willing to assist a party in presenting his or her claim. Thus, you should not hesitate to offer any evidence you have that supports your position.

### **The Right to Appeal:**

As with the Court of Common Pleas and General Sessions, you have a right to appeal from Magistrate's Court in both civil and criminal cases. A party who feels that a decision rendered against him/her was wrong may appeal to the Circuit Court and ask that its presiding judge review the case and decide whether the decision was correct.



There are certain time limits that must be followed in an appeal, and you should familiarize yourself with them, should you decide to appeal.

**If There is No Appeal:**

If no appeal is made following a decision of the Magistrate’s Court, that decision becomes final and enforceable. In a criminal matter, if you are found guilty and sentenced to pay a fine, you will have to do that.

There are equally serious results on the civil side of Magistrate’s Court. When a judgment is rendered against a party, the Magistrate, after a request from the winning party, is required to have a transcript, or record, filed in the office of the Clerk of the Circuit Court. Thereafter, a Writ of Execution may be issued on that judgment at any time within three years thereafter. “Execution” is a legal term which involves the levying of property for the purpose of satisfying a judgment. Such an execution could result in the taking of property from the person against whom the judgment is rendered for the purpose of having the property sold to satisfy the judgment.

**No Time to Go to Court:**

Although Magistrate’s Courts handle only relatively small claims, their impact can, nevertheless, be quite substantial. As mentioned, these courts have the authority and jurisdiction to hand down certain criminal sentences which include payment of a fine and/or imprisonment and also have jurisdiction to render judgments against parties in civil cases in amounts up to \$7,500. An unjustified failure to appear may result in a judgment against you by default. Therefore, if you are ever summoned to any court, no matter how small the claim, you should immediately contact the court, find out what is going on and take whatever action you need to take to protect your rights.

**Appearing Without a Lawyer:**

Magistrate’s Courts are meant to be informal and are designed to provide a process for resolving small claims in an informal and prompt manner. Additionally, Magistrates are charged with the responsibility of assisting persons who do not have lawyers to make sure that their rights are fully protected. Thus, it is possible to appear in Magistrate’s Court without a lawyer. Sample forms needed to pursue and respond to claims are available from the Magistrate’s Court.

The SC Bar publication, *Your Guide to Magistrate’s Court*, includes forms and instructions. The guide is available on the SC Bar’s website by going to the SC Bar home page at [www.sbar.org](http://www.sbar.org), clicking on the “For the Public,” then clicking on “get legal help,” and then scrolling down to “Free Forms and Publications”: <https://www.sbar.org/Public/get-legal-help/free-forms-and-publications/>

Nevertheless, it is not advisable to appear in Magistrate’s Court without a lawyer. A competent lawyer is trained to know the law and apply it to a particular situation. A lawyer’s expertise can be invaluable in any court proceeding.

If you don’t know of an attorney, call the Lawyer Referral Service of the South Carolina Bar at 1-800-868-2284 and ask for an attorney who handles your type of legal problem. A lawyer will meet with you to discuss your case and charge a consultation fee of \$50 for the first 30 minutes.

## PART THREE – VULNERABLE ADULTS

Adults with disabilities, including those with disabilities due to age, may need help meeting their everyday needs like food, shelter, and medical care. The help needed may range from needing to ask a friend to take them to the grocery store, to having another person become their Guardian in order to make decisions about where they will live and what medical procedures they will have. This Section provides an overview of abuse, neglect, and exploitation; systems to prevent abuse, neglect, and exploitation or to reduce the risk; and information on protective organizations and agencies.

### A. ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS

A major concern to many vulnerable adults and their families is the danger of abuse, neglect, or exploitation. This section provides a basic overview of adult protection.

#### **Who is a vulnerable adult?**

A vulnerable adult is anyone over age 18 who has a physical or mental condition that limits their ability to provide for their own care or protection. Anyone living in a facility is a vulnerable adult.<sup>1</sup> If someone is a vulnerable adult, then special protections and rules apply. What may be a lawful interaction with a non-vulnerable adult may be a crime if that same interaction occurs with a vulnerable adult.

#### **What is abuse, neglect, and exploitation?**

Recognizing abuse, neglect, and exploitation is not easy. The South Carolina Omnibus Adult Protection Act defines abuse, neglect, and exploitation. These definitions only apply to vulnerable adults. (Different definitions apply to incidents of alleged abuse or neglect of children).

**Abuse** can mean physical abuse or psychological abuse. Physical abuse includes:

- Slapping
- Hitting
- Kicking
- Biting
- Choking
- Pinching
- Burning
- Actual or attempted sexual assault
- Use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior (unjustifiably using drugs to limit someone's ability to move or to think)
- Unreasonable confinement
- Any restrictive or intrusive procedure to control behavior or for the purpose of punishment (unless prescribed by a physician)

Physical abuse can occur through an act or a failure to act.

Psychological abuse must be deliberate, and it includes subjecting a vulnerable adult to:

- Threats
- Harassment
- Intimidating behavior
- Causing fear
- Causing humiliation
- Causing degradation
- Causing agitation

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<sup>1</sup> S.C. Code § 43-35-10 (11). Title 43 of the South Carolina Code may be accessed at <http://www.scstatehouse.gov/code/title43.php>.

- Causing confusion
- Other forms of serious emotional distress

**Neglect** means any situation where a caregiver has failed to provide the medical care, goods, or services that are needed to ensure the vulnerable adult's health or safety. Sometimes neglect is deliberate, but sometimes it happens because caregivers don't know how to provide the care people need, don't know what care is appropriate, or are simply overwhelmed. Neglect can also include a transfer or discharge of a resident without arranging for appropriate follow-up care.

**Exploitation** means taking financial advantage of a vulnerable adult. It can include forced labor, theft of an individual's property, or misuse of their credit cards. Exploitation can take the form of a swindle aimed at the elderly or a family member coercing a vulnerable adult to loan them money.

### **Signs of abuse, neglect and exploitation:**

Some indicators that a vulnerable adult is being abused, neglected, or exploited include:

- The vulnerable adult says they are being abused or neglected. While a vulnerable adult may not use the exact words "abuse" or "neglect," they may say they are unhappy or that they do not like a certain staff member. They may say they are afraid. They may not want to return to a place where they have been abused. Take these signs seriously and ask more questions.
- The vulnerable adult describes a caregiver as "angry" or "having a temper."
- Unexplained bruises or injuries.
- Repeated falls or frequent injuries listed as "accidental." For an individual in a facility, their plan of care should be amended to address any recurring fall or accident to prevent the problem from continuing.
- Untreated sores or rashes.
- Inadequate or inappropriate clothing for the weather.
- An unkempt appearance or soiled or stained clothes.
- Not having adequate food, water, heat, or shelter.
- The presence of rotting or decaying food.
- The smell of urine or feces.
- Any significant decline in health or change in personality, values, or goals.
- The caregiver:
  - o Seems disinterested in the individual's care;
  - o Makes statements that understate or trivialize the individual's injuries;
  - o Will not allow you to talk to the individual alone;
  - o Answers questions before the individual can answer for themselves; or
  - o Focuses on the difficulty of caring for the vulnerable adult. For example, the caregiver may state, "I can't get him to do anything," "if she would only listen," or "this is all his fault."
- Excessive or unexplained activity in an individual's bank account.
- The isolation of the vulnerable adult from other family members or sources of support.
- Unexplained nonpayment of bills.
- A disparity between the individual's assets and their living conditions.
- Sudden changes in wills, powers of attorney, or guardianship status.

Abuse, neglect, and exploitation of adults can take many forms. The abusers may be family members or paid caregivers in a facility. Correcting the problem may be something as simple as a matter of education or it may involve bringing criminal charges against the offender. Any suspected abuse, neglect, or exploitation should not be ignored and allowed to continue.

### **What do I do if I suspect abuse, neglect or exploitation?**

If you know or suspect that abuse, neglect, or exploitation may be occurring, you should report it to the appropriate authorities. Do not be afraid to make a report. Let the experts decide if abuse, neglect, or exploitation

is occurring by making a report. Some individuals are “mandated reporters” who are legally required to make reports in certain situations. For more information on who is required to report, see S.C. Code § 43-35-25 available at <http://www.scstatehouse.gov/code/t43c035.php>.

**If the individual is in a facility**, you may contact the Vulnerable Adult Investigations Unit of the South Carolina State Law Enforcement Division (SLED) at **1-866-200-6066**. If the facility is operated by or contracted for operation by a state agency, namely the South Carolina Department of Mental Health (DMH) or the South Carolina Department of Disabilities and Special Needs (DDSN), then SLED will investigate any criminal allegations. If the facility is privately owned or operated, then SLED will refer any criminal matter to local law enforcement. SLED may also refer callers to the Long Term Care Ombudsman. More information on the Ombudsman program is below.

Examples of facilities that are operated by DMH or DDSN include:

- G. Werber Bryan Psychiatric Hospital
- Patrick C. Harris Psychiatric Hospital
- Morris Village Alcohol and Drug Addiction Treatment Facility
- CM Tucker Nursing Center
- Richard M. Campbell Veterans Nursing Home
- Veterans' Victory House
- Midlands Regional Center
- Pee Dee Center
- Whitten Center
- Coastal Regional Center
- Thad E. Saleeby Development Center

**If the individual is not in a facility**, you may contact the South Carolina Department of Social Services (DSS). The DSS website directs that reports of abuse of vulnerable adults are to be made to the county office. A list of contacts for each county is available at <https://dss.sc.gov/contact/>. If you do not have access to the internet, then call the general information line at the State Office of DSS at 803-898-7601.

Finally, in an emergency, you can call 911 or contact local law enforcement.

After you have reported the incident to the appropriate authority, you may want to also call South Carolina Protection & Advocacy for People with Disabilities, a private non-profit that provides legal and other assistance to individuals with disabilities. They can be reached via a toll-free hotline at 1-866-275-7273, or on the web at <http://www.pandasc.org/>.

The information in this section was gathered from the following sources, which you may want to consult for more detailed information:

The Omnibus Adult Protection Act, S.C. Code §43-35-5et. seq., which sets forth the definitions for criminal abuse, neglect, and exploitation and the various reporting requirements. The statute is available at <http://www.scstatehouse.gov/code/t43c035.php>.

Information on Adult Protective Services provided through the DSS Adult Advocacy Division can be found at <https://dss.sc.gov/abuseneglect/adult-protective-services/>.

For a concise flyer that summarizes the relevant law on abuse, neglect, and exploitation, visit [http://www.scdhc.state.sc.us/documents/SpotAbuseFinal\\_199.pdf](http://www.scdhc.state.sc.us/documents/SpotAbuseFinal_199.pdf).

For several fact sheets on abuse, neglect, and exploitation, visit <http://www.pandasc.org/resources/abuse-and->

neglect/.

## **B. SYSTEMS OF PROTECTION FOR VULNERABLE ADULTS TO PREVENT ABUSE, NEGLECT, AND EXPLOITATION**

Systems are in place or can be put in place to reduce the risk of abuse, neglect, and exploitation. These systems may be informal, like asking a family member to go to the doctor with you, or formal, like executing a power of attorney. They may be voluntary, like setting up a trust to manage a business, or involuntary, like a civil commitment to a psychiatric hospital. Less restrictive and voluntary means should be attempted prior to the use of more restrictive and involuntary means. Maintaining self-determination is a factor in improved quality of life for people with disabilities.<sup>2</sup>

### **1. Friends and family who support the vulnerable adult—Supported Decision Making**

Support from family and friends and involvement in the community help to minimize the risk of abuse, neglect, and exploitation. Vulnerable adults who are isolated are at a greater risk of abuse.

Support from family and friends can take many different forms. A friend who is a nurse may volunteer to help an elderly person manage their medications to ensure they are taking the right medication at the right time. A grandchild may be able to help set up their grandparent's computer to reduce the risk of being a victim of online scams. Face-time can be used by family members who live far away to look for any signs of unexpected or rapid deterioration. These informal supports serve as watchdogs and can also assist a vulnerable adult in making decisions helping to maintain self-determination. Using friends, families, and professionals to assist in decision making is called supported decision making, particularly when it is used as an alternative to surrogate decision making (having another person make a decision for you).

Resources on using informal supports to maintain health and self-determination include the following:

Information on the South Carolina Supported Decision Making Project is available at <http://scsupporteddecisionmaking.org/>.

For information on being a Caregiver, review Caregiving 101: On Being a Caregiver, available at <https://www.caregiver.org/caregiving-101-being-caregiver>.

For speaking up for individuals in nursing facilities, <https://www.ourmothersvoice.org/>.

For ideas on prevention, advocacy, and responses to abuse, neglect, and exploitation, visit <http://www.healthinaging.org/resources/resource:preventing-elder-abuse-and-neglect-in-older-adults/>.

### **2. Representative Payees**

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2 Wehmeyer, M., Schwartz, M. (1998). Self-determination and Mental Retardation. In L.M. Glidden (Ed.), *International review of research in mental retardation* (Vol. 24, pp. 1-48). San Diego, CA: Academic Press.

## What is a “representative payee”?

Sometimes people who are eligible for Social Security<sup>3</sup> benefits<sup>4</sup> – “beneficiaries” - need help managing those benefits. The person that the Social Security Administration (SSA) appoints to provide that help is called a “Representative Payee.” The SSA then sends the beneficiary’s monthly check to the representative payee, instead of directly to the beneficiary, and the representative payee is responsible for spending that money on behalf of the beneficiary, in the beneficiary’s best interest.

It is important to recognize that just because someone shares a bank account with you or has a power of attorney in your name that does *not* mean they are your representative payee for Social Security purposes. Similarly, the appointment of someone as your representative payee does not make them your legal Guardian or Conservator. Legal Guardianship or Conservatorship requires a court proceeding before a judge and is explained in more detail later in this Section.

## How can a “Representative Payee” provide protection?

A representative payee can make sure a beneficiary’s money is spent to provide food and shelter and other things the beneficiary needs. Presuming the representative payee is careful with the money and the beneficiary is not, having a representative payee may reduce the risk of the beneficiary being exploited. However, a representative payee who does not protect the beneficiary’s money or who does not spend money for the beneficiary’s care creates a problem. Below is an explanation of what to do if there is a problem with a representative payee.

## How does a representative payee get appointed?

The SSA may identify a representative payee for any individual who receives a social security benefit when:

- The beneficiary is a minor;
- The beneficiary is an adult who has been determined legally incompetent; or
- The SSA has information that indicates the individual needs help managing their money.

Adult beneficiaries are presumed capable of managing their benefits. Evidence must be shown to indicate a representative payee is needed.

If you feel that a friend or family member needs a representative payee, you can make that recommendation to your local SSA office.<sup>5</sup> You can also apply yourself to be a representative payee for someone else. Remember that representative payees have a long list of legal duties and cannot collect any fee from the beneficiary in exchange for serving as a representative payee.<sup>6</sup>

If you are a beneficiary and have been told that you need a representative payee, remember that you have some rights in the process. If the SSA decides that you need a representative payee, you have up to sixty days to appeal that determination and argue that you should retain control over your benefits. If you wish to appeal any decision made by SSA, you can get more information on how to appeal from your local SSA office or by calling 1-800-772-1213.

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3 Some organizations, apart from Social Security, may also appoint representatives that fill a similar role to a representative payee. For example, the Family Independence program of the South Carolina Department of Social Services provides for “protective payees.” Protective payees manage federal funding for the Temporary Assistance for Needy Families (TANF) Program. While some seniors who are caring for grandchildren may qualify for this funding, this article focuses on representative payees under Social Security. For more information on the TANF program, contact the Department of Social Services. A manual on the program is available at [https://dss.sc.gov/resource-library/manuals/fi\\_manual\\_v41.pdf](https://dss.sc.gov/resource-library/manuals/fi_manual_v41.pdf).

4 For purposes of this discussion “Social Security benefits” include retirement payments, survivor payments, social security disability insurance (SSDI) payments, and supplemental security income (SSI) payments.

5 In addition to making an inquiry at the local office, you can also contact the SSA by calling 1-800-772-1213 (TTY 1-800-325-0778).

6 The only exception to the “no fee” rule is organizations that are approved by SSA to be a Representative Payee and collect a small fee per month.

You also have some input into who will be your representative payee. If there is some particular person – a friend, family member, legal guardian, or attorney – who you trust and would prefer to have as your representative payee, you should let the SSA know. Alternatively, several independent private organizations in South Carolina will act as your representative payee in exchange for a small monthly fee.

### **Does the appointment of a Guardian mean a person is “legally incompetent” and must have a representative payee?**

The appointment of a Guardian does not necessarily mean that for purposes of the SSA an individual must have a representative payee to manage their Social Security benefits. The SSA uses a summary of each states’ Guardianship proceedings to analyze whether a determination of “incapacity,” as determined in Guardianship proceedings, is equivalent to a determination that the individual is “legally incompetent.” For example, if an individual has a limited Guardianship, then the SSA will make a case by case determination of whether a representative payee is required.<sup>7</sup>

### **I just became or want to become a Representative Payee. What do I have to do?**

Representative payees are responsible for everything, related to benefits, that the beneficiary would do for themselves if they could. As a representative payee, you must determine the beneficiary’s needs and use their payments to meet those needs, save money for them as appropriate,<sup>8</sup> report any changes or events which could affect the beneficiary’s eligibility, keep and maintain records of all payments received and money spent, help the beneficiary get medical treatment as necessary, provide information to organizations that serve the beneficiary, complete written reports accounting for the use of funds, and return any payments to which the beneficiary is not entitled. You must also notify the SSA of any changes in your circumstances that would make it difficult for you to perform your duties.

It is also important to be aware of what a Representative Payee cannot do. A Representative Payee does not have authority over income from sources other than Social Security. A Representative Payee also cannot use the beneficiary’s money for the Representative’s personal expenses, charge the beneficiary for services (unless specifically authorized as an organizational payee), put a beneficiary’s Social Security money in a bank account belonging to the Representative Payee or a third party, or keep money from the beneficiary’s account when no longer the representative.

As above, acting as Representative Payee is not the same thing as holding legal Guardianship, Conservatorship, or power of attorney. Unless the Representative Payee also falls into one of those categories, the Payee may not sign legal documents, other than Social Security documents, on behalf of a beneficiary.

If you are concerned about the complexity of the rules governing Representative Payees and feel it may be too much for you to handle, you may want to consider asking an organizational payee to step in and handle matters for the beneficiary. You can find out information about organizational Representative Payees in your area by asking at your local social security office.

### **I’m having problems with my Representative Payee.**

Your Representative Payee has to use your money to help you and pay for what you need. If you think your Representative Payee is not doing that, you should talk with them about it and ask them to explain where your money is going.

If you think your representative payee is taking advantage of you or stealing your money, you should call your local Social Security office and tell them. You can also call the SSA directly at 1-800-772-1213 (TTY 1-800-325-

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<sup>7</sup> SSA Program Operations Manual Systems (POMS) GN00502.300. Available at <https://secure.ssa.gov/poms.nsf/lnx/0200502300>.

<sup>8</sup> Be careful with saving money if your beneficiary receives Supplemental Security Income (SSI). SSI recipients cannot have more than \$2000 (\$3000 for a couple) in countable resources without risking loss of benefits. Savings could also affect whether the beneficiary will qualify for Medicaid.

0778).

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If you believe you no longer need a representative payee and can handle your own affairs, you can ask Social Security to re-evaluate you. If you are receiving Social Security Disability benefits, however, you may not want to do this. If the SSA determines that your condition has improved sufficiently, they may re-evaluate your eligibility for disability payments, and you could end up losing your benefits.

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**For more information:**

Most of the information in this chapter comes from the Social Security Administration's web page on the representative payee program, online at <http://www.ssa.gov/payee/>. If you have more questions, or want more detailed information, you may be able to find the answers there. You can also call the SSA at 1-800-772-1213.

For information about authorized representatives under SNAP, the form is available at [https://dss.sc.gov/resource-library/forms\\_brochures/files/16182.pdf](https://dss.sc.gov/resource-library/forms_brochures/files/16182.pdf). For more information on SNAP in general, <https://dss.sc.gov/assistance-programs/snap/>.

For information about "Protective Payees" under the South Carolina Family Independence Program, [https://dss.sc.gov/resource-library/manuals/fi\\_manual\\_v41.pdf](https://dss.sc.gov/resource-library/manuals/fi_manual_v41.pdf).

**Accessing the services of a professional and accessing assistive technology**

Sometimes professionals can help reduce the risk of abuse, neglect, and exploitation of vulnerable adults. For example, attorneys can assist with advance planning for disability or incapacity. Accountants and financial planners can make recommendations for ensuring assets are secure and ways to limit the risk of fraud. Professional care managers or case managers can make suggestions for services to put in place to help a vulnerable adult remain in his or her home safely. Assistive technology can also be used to increase independence and create a safe environment.

While access to some professionals may come at a financial cost, the money may be well spent — an investment in a secure future. For individuals who do not have resources to pay for services, help can be found through the following entities:

**The South Carolina Bar.** This organization made this publication possible, and, in addition, the Bar has resources available to the public, like free legal clinics. For more information on the services and assistance provided by the Bar, visit <https://www.sbar.org/>.

**South Carolina Legal Services** provides a wide variety of free legal services to eligible low-income residents of South Carolina. Call toll-free at 1-888-346-5592 or visit <http://www.sclegal.org/>.

Information on **Medicaid Targeted Case Management** is available at <https://www.scdhhs.gov/service/targeted-case-management>.

**Protection and Advocacy for People with Disabilities, Inc. (P&A)** provides free services for people with disabilities regardless of their income level. P&A can assist with accessing a service or with enforcing the rights of a person with disabilities. More information is available at <http://www.pandasc.org/>.

Access to assistive technology can also help reduce the risk of abuse, neglect, and exploitation. Examples include:

- Fraud alert technology/software;
- Medical alert devices (like Lifeline);



- Devices that monitor medication distribution and “pill packs” (like Medminder); and
- Smart home technologies and cameras.

For information on accessing technology to assist with safety and independence:

South Carolina Assistive Technology Program: <http://scatp.med.sc.edu/>.

The Medicaid Waiver Programs can provide funding for assistive technology for the individuals who are participating in those programs. An overview of all the services available through those programs is available at [https://www.scha.org/files/hcbs\\_waiver\\_summary\\_chart\\_march\\_31\\_2015\\_b.pdf](https://www.scha.org/files/hcbs_waiver_summary_chart_march_31_2015_b.pdf).

## Advance decision making

Planning for incapacity is more fully discussed in Part 4 of this handbook. However, making a plan in advance of an expected or unexpected decline can reduce the risk associated with being incapacitated. Planning can also assist with ensuring that your family knows what you want. Some advance planning devices include:

- A Power of Attorney;
- A Health Care Power of Attorney;
- A Living Will (or Declaration of Desire for Natural Death); and
- Trusts.

Seek legal advice prior to entering into the legal relationships listed here. Resources for legal help are listed in previous Sections.

## Adult Health Care Consent Act<sup>9</sup>

The Adult Health Care Consent Act determines who will make health care decisions for an individual who has been determined to be “unable to consent” to healthcare by two doctors. “Unable to consent” means that the patient cannot “appreciate the nature and implications of the patient’s condition and proposed health care, to make a reasoned decision concerning the proposed health care, or to communicate that decision in an unambiguous manner.” S.C. Code § 44-66-20 (6). If two doctors make such a determination, then decisions regarding that patient’s health care need to be made by another. Who will make such decisions is based upon a list of priorities starting with a Guardian, then an attorney-in-fact/agent appointed by the patient in a power of attorney, then in most cases the decision goes to the next of kin.

## Civil Commitments

Civil Commitment is the process by which treatment can be imposed upon an individual who does not consent voluntarily to treatment. The commitment process is typically conducted through the authority of the Probate Court. All of South Carolina’s 46 counties have a Probate Court. Some counties have information on the internet on the commitment process and how to initiate that process.<sup>10</sup> Typically the commitment process will begin by contacting your Community Mental Health Center.<sup>11</sup> If you know someone who has a mental illness or is addicted to drugs or alcohol and is endangering himself or others and is unwilling to voluntarily get help, contact your local Mental Health Center. If there is an emergency, contact 911.

<sup>9</sup> The Adult Health Care Consent Act, S.C. Code § 44-66-10. The Act can be found in Title 44 of the South Carolina Code, available at <http://www.scstatehouse.gov/code/title44.php>.

<sup>10</sup> For example: Lexington County: <http://www.lex-co.sc.gov/departments/DeptIQ/ProbateCourt/Pages/MentalHealthCommitmentProcedures.aspx>

Greenville County: <http://www.greenvillecounty.org/Probate/MentalHealth.aspx>

Richland County: <http://www.richlandonline.com/Government/CourtsandJudicialSystem/ProbateCourt/ProbateCourtDivisions/Commitment.aspx>. If you do not have access to the internet, try asking for help at your local library.

<sup>11</sup> A listing of community mental health centers is available at [http://www.state.sc.us/dmh/center\\_inpatient.htm](http://www.state.sc.us/dmh/center_inpatient.htm).

In addition to the Probate Court and mental health providers, civil commitment also frequently involves law enforcement. An individual who does not want to be committed or even to be examined for potential commitment may have to be picked up by law enforcement and transported to an examination. The individual is NOT under arrest, and only a medical doctor can determine whether someone meets the criteria for an emergency admission. Only a Judge can order someone to treatment.

In South Carolina there are four types of civil commitment:

- Commitment to mental health treatment for adults. S.C. Code §§ 44-17-410 through 900.<sup>12</sup>
- Commitment to mental health treatment for children. S.C. Code §§ 44-24-10 through 280.
- Commitment to drug and alcohol treatment for adults. S.C. Code §§ 44-52-5 through 280.
- Commitment (or involuntary admission) to facilities, programs, or services provided by SCDDSN. S.C. Code §§ 44-20-450 through 460.

All forms of commitment represent severe restrictions on an individual's liberty and should only be used as a last resort. Commitment involves a number of procedural protections, which are common to most forms of commitment.<sup>13</sup> Some of the protections include:

- Emergency admission requires both a sworn statement (an Application or an Affidavit) and a Certificate completed by a licensed medical doctor. These documents must show an immediate need for inpatient treatment to prevent "serious harm." S.C. Code §§ 44-17-410; 44-24-60; 44-52-50.
- An individual can only be admitted for emergency treatment (detained) for up to 24 hours without being seen by a medical doctor. S.C. Code §§ 44-17-430; 44-24-70; 44-52-50.
- If an individual remains detained after seeing a doctor, the Probate Court must review the Affidavit and the report of the examining doctor (Certificate) to see if there is probable cause to continue emergency detention of the individual. This review must be done within 48 hours (excluding Saturdays, Sundays, and Holidays) of receiving the documents. S.C. Code §§ 44-17-410; 44-24-60 (F); 44-52-60 (B).
- The right to notice of the hearing. S.C. Code §§ 44-17-420; 550; 44-24-100; 44-52-80.
- The right to an attorney. If an individual does not have an attorney, the Court will appoint an attorney. S.C. Code §§ 44-17-530; 44-24-90 (C)(D); 44-52-60 (E).
- An individual should only be committed if there is clear and convincing evidence that they meet the criteria for commitment. S.C. Code §§ 44-17-580 (A); 44-24-140 (B); 44-52-110.
- The right to further Court review or appeal. S.C. Code §§ 44-17-620; 44-24-180.

### **Mental Health Commitment – Adults**

Commitment to mental health treatment is the most common form of commitment. The law in South Carolina lays out two processes for mental health commitment: (1) emergency and (2) judicial. S.C. Code §§ 44-17-410 through 620. The law also creates a process for voluntary admission to a psychiatric hospital. S.C. Code §§ 44-17-310 through 340. If involuntarily committed, an individual may be committed to inpatient treatment or outpatient treatment or both. S.C. Code § 44-17-580 (A)(2). Inpatient treatment occurs in a psychiatric hospital, and outpatient treatment is with a mental health center or a private mental health professional.

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<sup>12</sup> You should be able to access the South Carolina Code of Laws at your local library or on-line at <http://www.scstatehouse.gov/code/title44.php>. The first number is the title number, the second number is the chapter number, and the final number is the section number.

<sup>13</sup> The various commitment laws in South Carolina mirror each other with the exception of involuntary admission to the Department of Disabilities and Special needs. Some of the procedural protections still apply, but that process varies greatly from the other commitment processes, as explained in this section.

### **Mental Health Commitment – Children**

A child, who is under the age of 16, can receive mental health treatment with the consent of the child’s parent or legal guardian. S.C. Code § 44-24-(A)(2). If a child will not cooperate with treatment, or the child is over 16, the law lays out a process for commitment of children. The process includes the same procedural protections for children as for adults.

### **Commitment to Drug and Alcohol Treatment**

Like adult mental health commitments, commitment to treatment for drug and alcohol abuse may be through an emergency process or a judicial process. In either case, the individual must be found, by clear and convincing evidence, to be “chemically dependent.” S.C. Code § 44-52-110. “Chemical dependency’ means a chronic disorder manifested by repeated use of alcohol or other drugs to an extent that it interferes with a person’s health, social, or economic functioning . . .” S.C. Code § 44-52-10 (1). An individual may be found to be in need of emergency commitment if she “poses a substantial risk of physical harm to [herself] or others if not immediately provided with emergency care and treatment.” S.C. Code § 44-52-10 (2). Involuntary commitment for either the judicial or emergency process is only appropriate when an individual is found chemically dependent and in need of involuntary commitment.

“Chemically dependent person in need of involuntary commitment” means a person who is suffering from chemical dependency as demonstrated by:

- (a) recent overt acts or recent expressed acts of violence;
- (b) episodes of recent serious physical problems related to the habitual and excessive use of drugs or alcohol, or both;
- (c) incapacitation by drugs or alcohol, or both, on a habitual and excessive basis as evidenced by numerous appearances before the court within the preceding twelve months, repeated incidences involving law enforcement, multiple prior treatment episodes, or testimony by family or by members of the community known to the person relating to a lifestyle adversely affected by alcohol or drugs, or both.

S.C. Code § 44-52-10 (11).

Again, an individual being committed to treatment for chemical dependency is entitled to most of the same protections as an individual being committed to treatment for mental illness.

### **Involuntary Admission (Commitment) to Programs or Services Operated by DDSN**

DDSN provides services to individuals with intellectual disabilities, related disabilities,<sup>14</sup> head injuries, and spinal cord injuries. S.C. Code § 44-20-240. Anyone can apply for services from DDSN. However, the Probate Court and the Family Court both have jurisdiction to conduct proceedings to involuntarily admit an individual to a facility, program, or services operated by or provided by DDSN. S.C. Code § 44-20-450. Involuntary admission is initiated by the filing of a verified petition. “Verified” means that the petition is signed under oath. Only certain interested parties may file a petition. For example, a relative may file a petition, but not a friend. Notice has to be sent to a list of various interested persons. Whether the individual must be notified is a matter the Judge gets to decide. However, the Judge must ensure the individual is represented by an attorney. A Guardian ad Litem may also have to be appointed in some cases. S.C. Code § 44-20-450. Whether an individual is involuntarily or voluntarily admitted to their programs, DDSN must evaluate all their clients and recommend and provide “the least restrictive level of care possible.” S.C. Code § 44-20-480.

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<sup>14</sup> “Related disability’ is a severe, chronic condition found to be closely related to [an intellectual disability] . . .” Examples of related disabilities are cerebral palsy, epilepsy, and autism. S.C. Code §44-20-30 (15).

### 3. Guardianship and Conservatorship

**IMPORTANT: The following discussion is very broad and should not be viewed as anything but a general overview of the Guardianships and Conservatorships. This discussion is not intended to replace advice from an attorney or other qualified professional when dealing with legal and other issues addressed. Sound legal advice should be sought when considering whether a Conservatorship and/or Guardianship is necessary for your impaired relative or friend.**

#### Alternatives to Guardianship and Conservatorship

Serious consideration should be given to the alternatives to Guardianship and Conservatorship. Some other approaches to assisting an impaired person are discussed in this handbook, like supported decision making, a trust, a durable and health care power of attorney, a representative payee, living will, in-home and community-based services available from local service providers, or the use of the range of other protective services available through the Department of Social Services. Whether planning for your own future that may include a period of incapacity or whether addressing concerns of a family member that may no longer be able to manage their own affairs, review these alternatives closely.

#### Changes to Article 5 of the Probate Code Concerning Guardianships and Conservatorships:

The Probate Code sections which apply to Guardianships and Conservatorships have been revised, and the changes went into effect on January 1, 2019.

#### Some Common Terms:

**Guardianship** – A court ordered legal relationship where a competent adult is appointed to care for and make personal decisions on behalf an incapacitated adult (the ward). Guardianship proceedings for incapacitated adults are in the Probate Court. (Only the Family Court has jurisdiction over guardianships of minors.)

**Guardian** - The competent adult appointed by the court to carry out the duties of a guardianship. The court order will determine the extent of those duties.

**Protected Person** – The minor or the incapacitated person for whom a protective order has been issued, like the appointment of a conservator.

**Allegedly Incapacitated Individual** – The person who is subject to a Guardianship or Conservatorship Action.

**Ward** – The incapacitated person for whom a guardian has been appointed.

**Conservatorship** – A court-ordered legal relationship wherein a competent adult or entity is appointed to make *financial* decisions for a minor or incapacitated adult (the protected person) and care for and manage the property or estate of the protected person. These financial decisions typically include all decisions regarding the protected person's property, bank accounts, and bills. Unless a Guardian has also been appointed, the protected person is otherwise free to make his or her own decisions concerning personal matters.

**Conservator** – A person appointed by the probate court to make financial decisions for and manage the property or estate of a protected person.

**Guardian *ad Litem*** – A Guardian *ad Litem* is not the same as a Guardian. The Guardian *ad Litem* investigates the Allegedly Incapacitated Individual, the Petitioner, and the overall Guardianship or Conservatorship case, and make recommendations to the Court as to what is in the best interest of the allegedly incapacitated individual.

### **Obtaining a Guardianship or Conservatorship:**

The Probate Court has authority to appoint a Conservator for a minor or an incapacitated adult, and the Probate Court also has authority to appoint a Guardian for an incapacitated adult. A Guardian for a minor is appointed by the Family Court.

An adult Guardianship proceeding concerning an incapacitated adult is started by filing the proper Summons and Petition in the Probate Court in the county in which the allegedly incapacitated individual is present or resides. The Petitioner (usually the proposed Guardian), the incapacitated individual, and any necessary interested parties must be served with the Summons and Petition. The Petitioner is responsible for such service.

Once a Petitioner has started the proceeding, the allegedly incapacitated individual has a number of very important due process rights, including:

- The right to have an attorney;
- The right to receive notice of the proceedings;
- The right to examine the witnesses; and
- The right to present evidence.

Only if the Petitioner can show by clear and convincing evidence that the Allegedly Incapacitated Individual is incapacitated will the Court appoint a Guardian or Conservator for an allegedly incapacitated adult.

At a minimum, a doctor's Affidavit is required to demonstrate incapacity.

Incapacity need not be proven if the action requests the appointment of a Conservator for a minor.

Adult Guardianship and Adult and minor Conservatorship proceedings are adjudicated by the Probate Judge; there is no jury.

Any person interested in the welfare of a person alleged to be incapacitated may file a Petition. Under some circumstances, a state agency or hospital may petition for the appointment of a guardian for someone in its care and custody if there is an immediate need, and no family member is available or willing to assist the allegedly incapacitated individual.

If the Probate Court determines that sufficient evidence has been presented to warrant the appointment of a Guardian and/or Conservator, the judge will appoint a Guardian and/or a Conservator. In most cases, the Court appoints the allegedly incapacitated person's parent, child, or other close relative, if such person is competent, available, and willing to serve. However, the Court may find that appointing a third party as Guardian and/or Conservator would better serve the Allegedly Incapacitated Individual's interest.

The appointment of a Conservator for an alleged incapacitated person is also started by filing the proper Summons and Petition with the Probate Court in the county where the incapacitated person resides or has property. The procedures for the appointment of a Conservator are very similar to those for the appointment of a Guardian. A Conservator will be appointed where the Court finds that the person to be protected is incapable of managing his or her property or financial affairs. Under the new version of the statute, the proof of incapacity must be based upon clear and convincing evidence for a protective order to be issued.

### **Conservator and Guardian Duties:**

The positions of Conservator and Guardian involve a fiduciary relationship. These are positions of the very highest trust and loyalty, and they involve obligations to act in good faith and solely in the best interest of the protected person or ward. The Conservator and Guardian are not permitted to gain any personal profit or advantage from dealings with the ward or the ward's property or estate.

A Conservator must file a bond with the Probate Court, unless the court for good cause shown waives the bond. For instance, a court might waive bond if the assets are held in an approved restricted account in a manner that prevents their unauthorized disposition.

The Conservator must report to the court, on an annual basis, all transactions affecting the protected person's estate. The Conservator can be held personally liable for improper expenditures, and a Conservator may be removed for cause if they fail to act in the best interest of the protected person. A Conservator may also be found in contempt of court for intentionally failing to properly account for the protected person's estate.

The Guardian must also report to the court on an annual basis. This report includes answers to questions concerning the ward's living arrangements, medical condition, and health care providers. Under the new statute, the reports that must be filed will be required to provide more detail, and the court can increase the frequency of when reports are required to be filed.

More information about guardianships, and alternatives to Guardianship is available at <http://www.sccourts.org/selfHelp/index.cfm>.

### **C. Protective Organizations and Agencies**

#### **SLED Vulnerable Adult Investigations Unit (VAIU)**

The VAIU is charged with receiving and coordinating the referral of all reports of alleged abuse, neglect, and exploitation of vulnerable adults in facilities operated or contracted for operation by DDSN and DMH. If you do not know whether a facility is operated by or contracted for operation by DDSN or DMH, then you may still contact the VAIU, and they can refer you to appropriate law enforcement agency or other appropriate agency.

#### **Local Law Enforcement**

Local law enforcement is responsible for investigating criminal allegations of abuse, neglect, and exploitation in privately owned and operated facilities as well as in private homes.

#### **State Long Term Care Ombudsman**

The South Carolina Long Term Care Ombudsman (LTCO) is made up of the State Long Term Care Ombudsman, located in the Lieutenant Governor's Office on Aging, and ten regional ombudsman programs located in the Aging and Disability Resource Center. The Ombudsman's Office serves as an advocate for residents in long term care facilities such as nursing homes and community residential care facilities (often referred to as "assisted living" facilities) and can help facility residents in a number of ways. The Ombudsman's Office does not charge for its services.

The Ombudsman's office can be a powerful resource for information about your rights as a facility resident. If you have a complaint about a facility, and have not been able to get the facility to listen to you, sometimes the facility will listen to the Ombudsman's Office. Try calling the Ombudsman's Office and asking them to investigate your complaint and advocate for you.

In addition to acting as an advocate for facility residents, the Ombudsman's Office is also the mandated investigator of reports of suspected abuse, neglect, or exploitation in private long-term care facilities. They can investigate alongside law enforcement, or they may address issues that law enforcement cannot because of the high standard of proof required to bring a criminal case. The LTCO addresses issues relating to:

- Violation of rights (for the Bill of Rights of Residents in Long Term Care, visit <https://www.scdhec.gov/Health/docs/hlboreng.pdf>);
- Improper transfer or discharge of a resident;
- Assistance with benefits;

- Dignity and respect; and
- Abuse, neglect, and exploitation.

To reach the LTCO call **1-800-868-9095** or visit <https://aging.sc.gov/programs-initiatives/long-term-care-ombudsman>.

The Ombudsman Program is not a regulatory agency and has no direct enforcement authority. If appropriate, however, the Ombudsman's Office can refer the results of their investigation to the appropriate regulatory, law enforcement, or other authorities.

The Ombudsman Program accepts help from volunteers. If you would like to volunteer with the Ombudsman, call the state office at 1-800-868-9095.

### **Protection & Advocacy For People with Disabilities, Inc.**

Protection and Advocacy for People with Disabilities, Inc., (P&A) is a private non-profit advocacy organization, designated as the official Protection and Advocacy System for South Carolina under S.C. Code Ann. § 43-33-310 to 33-400 and numerous federal statutes.

Any person with a disability, living anywhere in South Carolina, who feels that they have been discriminated against or denied a service to which they are entitled because of their disability, can call P&A's toll-free number 1-866-275-7273 and ask for help. Depending on the nature of your call, there may be a few different ways that P&A's social workers, advocates, and attorneys could help you. P&A does not charge for its services. P&A also has broad authority to conduct independent investigations of complaints made by or on behalf of any person with a disability, anywhere in South Carolina, including complaints of abuse, neglect, or exploitation. P&A is not affiliated with any state agency and receives funding from the federal government and private charitable donations only. Like the Ombudsman's Office, P&A has no direct enforcement authority, but P&A can refer the results of their investigations to the appropriate authorities. In addition, P&A has authority to protect and advocate for the rights of people with disabilities by pursuing legal, administrative, and other appropriate remedies. S.C. Code § 43-33-350.

More information on P&A may be found at <http://www.pandasc.org/> or by calling 1-866-275-7273.

### **DHEC Division of Health Licensing**

Most health care facilities in the state, including hospitals, nursing homes, and community residential care facilities are ultimately regulated by the Health Licensing Division of the South Carolina Department of Health and Environmental Control (DHEC). DHEC is responsible for publishing regulations that govern most facilities and for conducting regular inspections. You can find information about those regulations on DHEC's website at <http://www.scdhec.gov/regulatory.htm>.

If you believe that a health care facility is doing something that is or should be against the written regulations, you can make an anonymous complaint directly to DHEC Health Licensing. If your complaint makes "an allegation that relates to a condition, events relative to a licensed activity, or to an activity subject to licensure" – that is, if you are complaining about something that breaks a rule on the books – DHEC is required to investigate.

You can make a complaint either:

- On-line (the preferred method) at <http://www.scdhec.gov/Health/FindingQualityHealthcare/FileaComplaint/FileaComplaint-AllOtherHealthcareFacilities/>;
- By fax to 1-803-545-4212;
  - In writing to: DHEC Health Licensing  
2600 Bull Street  
Columbia, SC 29201; and
  - By telephone to 1-803-545-4370.

The Division of Health Licensing has authority over facility licensing and, if violations are found, can issue fines, require facilities to take corrective action, and even, in extreme cases, shut down facilities by revoking their license to operate.

Be aware that because it receive a very high volume of complaints, it can sometimes take a very long time for DHEC to respond and investigate, and if an investigation does find a regulatory violation, it can take yet more time for DHEC to address the issue with the facility.

In some situations, such as those where there is an immediate danger of criminal abuse, neglect, or exploitation, you may need to report problems directly to law enforcement rather than to DHEC (although reporting to DHEC also may be a good idea). For more information on reporting cases of abuse, neglect, or exploitation, refer to that section of this handbook.

### **Adult Protective Services through DSS**

As discussed earlier, Adult Protective Services (APS) provides protective services for individuals who have been abused, neglected, or exploited, and who live in a private home. APS does not criminally prosecute cases, but they can refer cases for criminal prosecution. APS provides services and advocates for the vulnerable adult to ensure that abuse, neglect, or exploitation does not continue. In extreme cases, APS may remove a person from a home where they are being abused and place them in a facility in order for the person to be protected. More information is available at <https://dss.sc.gov/abuseneglect/adult-protective-services/>.

### **Other Resources**

In addition to the entities listed above, other agencies and organizations have authority to review the quality of care being provided to individuals in facilities. These organizations and agencies include:

**South Carolina Department of Labor, Licensing, and Regulation (SCLLR):** Many caregivers of vulnerable adults have a license. In order to maintain the license, the licensee must meet certain qualifications. SCLLR can investigate allegations that someone has failed to comply with those qualifications and can institute enforcement actions, including the removal of the license. Licensees include nurses, doctors, long term health care administrators, and social workers. A complaint can be made to SCLLR online at <https://eservice.llr.sc.gov/Complaints/>.

**The Joint Commission** accredits hospitals, nursing care centers, and behavioral health care centers. If a facility is accredited by the Joint Commission, you can make a complaint about that facility to the Joint Commission and they may investigate to see if the facility is meeting the minimum obligations necessary to remain accredited. The threat of losing accreditation is significant because this accreditation is tied to the ability of the facility to get federal funding through Medicare and Medicaid. Information on how to report a patient safety event or concern about a health care organization can be found at [https://www.jointcommission.org/report\\_a\\_complaint.aspx](https://www.jointcommission.org/report_a_complaint.aspx).

**Centers for Medicaid and Medicare Services (CMS)** funds care for vulnerable adults through both the Medicaid and the Medicare program. CMS provides an opportunity for participants to file complaints or grievances against those providing care. Information on how to file a complaint or grievance is available at



**<https://www.medicare.gov/claims-and-appeals/file-a-complaint/complaint.html>**.

**United States Department of Justice** is the entity with enforcement powers under the Civil Rights of Institutionalized Persons Act (CRIPA). CRIPA is a federal law intended to protect the rights of people in institutions. More information on making a complaint may be found at **<https://www.justice.gov/crt/how-file-complaint>**.

## PART FOUR – FINANCIAL PLANNING:

**IMPORTANT: This publication is intended to provide only a general overview of issues raised and addressed herein, and is not intended to take the place of legal and financial advice from trained professionals, including attorneys, certified public accountants, and specialists certified in estate planning who are able to take into account federal and state tax issues and pertinent probate and estate laws and statutes.**

### A. ESTATE PLANNING

It is important for everyone to have an estate plan in place. In addition, there are certain reasons or changes in circumstances that should lead you to review or revise your current estate plan. Some of these reasons could be a change in marital status, retirement, the birth of a new grandchild, the death of persons named in your will, or a move to a new state. Such changes in your personal circumstances call for review of an existing will or estate plan or for making a will or estate plan. In addition, there are legal changes that would necessitate a review or update of your estate plan. For example, changes in the federal and state tax laws, as well as changes in the state inheritance and probate laws should remind you to review your estate plan, or to make one. Without a proper estate plan in place, you could be unable to make decisions yourself concerning your property, health care wishes or financial decision making.

Each estate plan should be tailored strictly for you and your particular circumstances. There are simple steps you can take in beginning to formulate an estate plan.

The first step is to gather information concerning your assets or property. It is a good idea to make a list of the following: family home or other real estate, bank accounts, certificates of deposit, stocks, bonds, business interests, life insurance (be sure to include group insurance), pension plan death benefits, IRAs or Keogh plans, profit sharing benefits, and other assets. This is important information to keep together and review regularly for necessary changes in the event something may happen to you.

Next, list and subtract from your assets your liabilities, such as mortgages, loans, and credit card debts. The result will be your “net estate.” Even if this figure is small or a negative number, you still need an estate plan. If the net estate exceeds a certain value set by the federal government, you may be subject to estate taxes.

As of 2019, the estate tax only affects estates that are valued over \$11.4 million dollars per person. This number is subject to change and in the past has ranged from \$600,000.00 to \$11.4 million. For couples, \$22.8 million is free from estate tax. However, unless Congress acts, beginning January 1, 2026, only \$5.0 million per person, and \$11 million per couple (using 2010 dollars, indexed to inflation), will be exempt from estate and gift tax. Elsewhere in this handbook is a section on estate and gift taxes that you should read carefully if your estate may be affected.

After you have listed your assets and liabilities, list your family members and their relationship to you. Do you want your family to inherit your property? Are there special circumstances such as the need for a special needs trust for a beneficiary? Is there a particular family member that would not be able to manage or own property if you left such property to that person outright? This could signal the need for a trust of some sort.

Next, consider if there is any favorite charity or organization to which you would like to contribute now or after your death.

It is important to think about who will be in charge of your estate to collect your assets, pay your debts, and make sure that the remaining property is distributed to those persons specified in your will. In South Carolina, the person in charge of your estate is called a Personal Representative. If you have a Will, you can choose your Personal Representatives, but if you do not have a will, the Probate Court will choose a Personal Representative based upon established priorities.

If you have children under the age of 18, you should consider what person you would like to nominate to have physical custody of your children until they attain the age of 18. This nominated individual is called a Testamentary Guardian. While you do not have absolute power to appoint a Guardian for your children under 18 in your Will, you can express a preference for a person to serve. The Family Courts of South Carolina have the power to appoint the Guardian and should give deference to your stated preference.

You should choose a means of disposing of your property, now and at your death, or both. The most common methods are: wills, joint ownership with survivorship, payable on death accounts, life insurance, and trusts.

## **B. WILLS**

In a will, you can: (1) dispose of your property as you see fit, subject to some exceptions; and (2) you can nominate a personal representative to administer your estate.

In your will, you can give everything you own, including land, automobiles, household items and money, to anyone you want. However, if you are married, your surviving spouse has a right to claim as much as one-third of the property disposed of by your will, whether the will contains any provisions for your spouse or not. This right of the spouse is called the Elective Share and must be affirmatively asserted by the spouse. If you leave less than one-third of your estate to your spouse, your spouse can claim additional property equal to the difference between one-third and the amount devised and bequeathed to the spouse in your will. If you leave more than one-third of your estate to your spouse, your spouse cannot claim any additional property.

However, the one-third Elective Share can be waived in writing by the beneficiary spouse after full disclosure of assets. This is a complicated process that requires an attorney represent both parties in preparing a pre or post nuptial agreement.

There are several parts to a will, but the primary sections that govern giving away your property are called specific bequests, general legacies, and the residuary. A specific bequest is a gift of a particular or specific thing, such as a lamp, table, ring or watch. A general legacy is a gift of a group of things that meet a particular description, such as a gift of all your stock. A cash legacy is a general legacy. A residue provision is a gift of all your remaining property not otherwise specifically disposed of in your will.

In addition, your Will can provide that in the future (after you sign your will), you may make a hand written or signed memorandum, in which you specify how certain kinds of personal property items such as household furniture, jewelry, personal effects, china, silver, tools, automobiles, etc. are to be distributed. The written memorandum must be signed and dated (the will can also refer to a written or signed memorandum already in existence before the will is signed). If the will contains such a statement, then later, you may write out and sign such a memo and it will be legally effective. This procedure may be used only for tangible personal property and not real estate, nor can it be used to give away money bequests, evidences of indebtedness, documents of title, stocks and bonds or other securities, or property used in a trade or business.

To make a will, you must be of “sound mind,” over age 18, and the will must be in writing, signed by you and witnessed by two witnesses. The witnesses should be persons who will not receive property under the will. Otherwise, they may forfeit their legacies under the will. The other provisions of the will remain valid, however, under such circumstances.

The exact procedure in South Carolina to sign and witness a Will is strict and a failure to follow the rules exactly can result in an invalid Will. Therefore, it is strongly suggested that you consult with an attorney. Simple Wills are not expensive, and it is easy to make mistakes or leave out important points in writing your own will.

You can change or revoke your will at any time before you die, so long as you are “of sound mind.” By making

a will, you do not lose the right to change your mind at a later time and to amend or revoke the Will and make another will.

If you have a will, **you should never write on the will**. Such writings in general cannot make a change in your will but the writing may revoke the entire will or parts of it without replacing the will or the revoked parts. The very best way to alter or cancel a will is by executing another will or codicil. A “codicil” is an amendment or change to a will that must be prepared and executed just like a will, and signed by you at a time when you are of “sound mind.”

A will can be revoked by you at any time by tearing it up or by making a new will that says it revokes the old. In addition, you can take certain actions, unrelated to your will, can revoke or change a part of your will. For example, if you obtain a divorce, South Carolina law automatically revokes those provisions in your old will relating to your divorced spouse. If you make a will and then get married, it is possible that your new spouse may be entitled to your entire estate, or half of your estate if you are survived by issue.

Do's and don'ts in making a will:

- **Do** choose witnesses who are younger than you and who are likely to remain in close physical proximity to you;
- **Do** have the witnesses provide their addresses for the estate plan file;
- If you leave specific items of property to anyone, **do** describe these items as clearly as possible;
- **Do** provide the full names and addresses of those persons to whom you leave anything so that your Personal Representative will be able to find those persons more easily;
- **Do not** choose as a witness anyone to whom you are leaving something in the will;
- **Do not** sign a will that contains erasures, insertions, or marked out words or that is torn or illegible;
- **Do not** hand write a will, make your own will, or download a will from the internet.

**You should consult with an attorney and other qualified professionals before creating and executing a Will. Any immediate savings obtained by drafting your own Will may be vastly outweighed by the financial harm an improperly drafted will can cause to your surviving family.**

### **Intestacy:**

If you die without a will, your estate will be distributed according to provisions set out in the South Carolina Probate Code known as the **Intestacy Statutes**. A person dying without a Will is said to die “**intestate.**” The intestacy distribution provisions are roughly as follows:

If there is a surviving spouse and no surviving children, then the spouse takes the entire estate. If there is a spouse and children, the spouse takes half and the children divide the other half among themselves. If there are children but no spouse, then the children divide the entire estate among themselves. If a child predeceased the deceased person but left children or other lineal descendants (or “issue:”) of the decedent, (the deceased person’s grandchildren, etc.) then the issue take their share. If there is neither spouse nor children or other issue, the estate passes to parents, and if none, then to issue of parents, and if none, then to grandparents, and if none, then to issue of grandparents, and if none, then to great-grandparents, and if none, then to issue of great-grandparents.

**Personal Representative:**

Another objective your will can accomplish is to nominate a person to serve as your Personal Representative. The work of the Personal Representative falls into three categories. The Personal Representative must (1) collect your assets, (2) pay your debts and funeral expenses, and (3) distribute your property as provided in your will, or if you have no will, then according to the intestacy scheme (see above).

To be appointed by the Probate Court, a personal representative must be over the age of 18 years at the time of appointment. With certain exceptions, all personal representatives of persons who die without a Will must post bond. If the Personal Representative of a person who dies without a will is also the sole heir of that person, or if all the heirs consent, no bond is required. You may waive the bond requirement in your will.

Frequently, a spouse is nominated as Personal Representative. Adult children are often the next choice. Banks having trust departments can serve as Personal Representative. Attorneys, accountants and other persons may be logical choices but you are free to nominate whomever you wish. You should not only name a primary Personal Representative, but also some alternatives to serve if the primary Personal Representative cannot serve or dies while serving.

**Joint Property Ownership:**

With or without a will, your family will be faced with a Probate Court delay before your property is legally distributed following your death. Real property held in as joint tenants with right of survivorship and financial assets held in joint accounts or in payable on death accounts do not pass through probate. Although jointly owned property with right of survivorship is not part of your probate estate, it is part of your taxable estate, and therefore cannot be ignored when making an estate plan. Because property held in joint ownership with survivorship does not pass through probate, you may be tempted to use joint ownership to distribute your estate instead of a will, with the idea of sparing your family the delay of probate court proceedings. This may or may not be prudent, depending on your personal circumstances. It may be better to set up a trust to handle the property and help avoid probate.

Joint ownership is a fixed and rigid system that does not allow for changes in circumstances. It may give another person equal control during your lifetime over whatever property you decide to place in joint ownership. For example, a joint owner of your bank account can write checks and use all the money in that account while you are still living without your permission, even though you may intend for that person to have the money in that account only after your death.

If you title real estate in a joint tenancy with the right of survivorship, you must do so by a deed, and South Carolina is very strict as to exactly what words must be used in making such a deed. Once the real estate is in joint tenancy with right of survivorship, if you ever decide to sell or mortgage the real estate, you must have the permission of the other person whose name you put on the survivorship deed.

Adding a name to a title or deed to create a joint ownership of real estate may negatively affect your Medicaid or other benefit eligibility, since the property will be treated as an asset for each owner.

A husband and wife who own everything jointly will still need a will in the event they die simultaneously or to dispose of assets on the survivor's death.

Additionally, if you use a will to leave your property to someone, you can always change the will or sell the property. Once you have deeded the property to be owned jointly with or without survivorship, you must have the consent of the joint owner to sell the property. Moreover, you cannot leave such property in your Will to anyone unless you survive the co-owner.

Keep in mind that using joint ownership as a means of helping your family avoid probate after your death may result in causing you considerable problems in your lifetime. Used in addition to a will, however, joint ownership

can be a useful device in helping distribute your estate after you die but be certain that you know the consequences of joint ownership.

**Again, as with any aspect of estate planning, you should consult with an attorney and other qualified professionals before making any final decisions.**

### **Life Insurance:**

Life Insurance benefits are payable to the beneficiary named in the policy. If on a life insurance beneficiary designation, you name a specific person or persons as your life insurance beneficiaries, then at your death the proceeds of the policy will be paid to that specific person or those persons (called the beneficiaries). If you later attempt to bequeath those same proceeds in your will to someone else, such a bequest may not be effective. To change the beneficiary of a life insurance policy, you should use the written form issued by the insurance company or you can make the insurance policy proceeds payable to your estate. If you do that, then you can specify in your will the beneficiary who is to receive those proceeds.

You should consult with an attorney before naming your estate as the primary beneficiary of life insurance proceeds as the funds in your estate will be subject to creditor claims against the estate.

If the beneficiary of one of your life insurance policies should die before you do, then in some cases, under the terms of the policy, the proceeds may be payable automatically to your estate. For that reason, you may wish to place an alternate beneficiary on the beneficiary designation form. In addition, you may also wish to provide in your will what is to happen to the insurance proceeds if all of the named beneficiaries of your policies die before you do.

In South Carolina, life insurance proceeds payable to someone other than your estate are not subject to probate costs or delays, although they must be reported to the probate court. However, all life insurance proceeds, no matter to whom payable, will be counted as part of your estate for tax purposes if you owned such policies at the time of your death.

### **Trusts:**

A trust is a flexible estate planning tool by which a person, bank, or trust company, called the “Trustee,” owns and manages the assets of one person (sometimes called the “Settlor” or “Grantor”) for the benefit of another person (the “Beneficiary”).

Trusts have a variety of purposes. In some cases, they are used to provide money management to a person unable to effectively manage finances. In other cases, the principal purpose of a trust may be to minimize estate or gift taxes. Common types of trust that are useful tools when planning for incapacity include testamentary living (or inter vivos), discretionary, luxury, sprinkling, and life insurance.

**Because the laws governing trusts are complex and require thorough investigation and careful drafting, you should consult with an attorney before establishing a trust.**

## **C. MEDICAL DECISION MAKING**

Recent advances in medical technology have presented patients and their families with numerous choices regarding the patient’s care. These choices are difficult enough to face when the patient is mentally alert and able to make, or at least participate in, these decisions. When the patient cannot make their own decisions or communicate their wishes, these decisions can be agonizing for remaining family members.

Individuals have the right to make all decisions about the health care they receive. At some point, patients may be unable to make or communicate those decisions. Patients can ensure that their wishes are followed by signing an advance directive, such as a living will or a health care power of attorney. Both are state forms that are available from

the Commission on Aging, Aging and Disability Resource Center, Local Service Providers, the Joint Legislative Committee on Aging, and the Long Term Care Ombudsman's Office and, in most cases, their websites. Hospitals and other health care institutions can usually provide these forms to patients.

### **Patient Self-Determination Act:**

The Patient Self-Determination Act requires all Medicare and Medicaid provider organizations (specifically hospitals, nursing facilities, home health agencies, hospices, and prepaid health care organizations) to:

1. Provide written information to patients at the time of admission concerning the right to formulate advance directives, right to refuse or accept medical or surgical treatment, and rights under South Carolina law.
2. Maintain written policies and procedures with respect to advance directives (living wills and health care powers of attorney) and provide written information to patients.
3. Document in the person's medical record whether the person has signed an advance directive.
4. Ensure compliance with the requirements of state law (whether statutory or as recognized by the South Carolina courts).
5. Provide for education for staff and for the community on issues concerning advance directives.
6. Never discriminate against a patient based on whether they have an advanced directive.

**Note:** While signing an advance directive is a good idea, the act does not require that you have an advance directive or that you sign one before being admitted.

### **Living Wills:**

Of concern to many people is the thought of being placed on life support systems and being kept alive only because of a machine. Some people feel this would be dehumanizing because it involves loss of dignity. In response, the South Carolina Legislature adopted the Death with Dignity Act permitting individuals to sign a *Declaration of Desire for Natural Death*, often known as a *Living Will*.

The Living Will is the most widely known advance directive. It permits an attending physician to withdraw life-sustaining treatment if a patient is terminally ill or permanently unconscious. Some trusted family member, friend, or even your doctor should be given custody of the declaration after a patient has signed it. When using the form set forth in the Death with Dignity Act, the signer must very carefully follow the instructions about the number of witnesses and who can serve as witnesses. The Living Will requires notarization. After signing, a patient can revoke the living will by tearing it up, by signing a written revocation, or by telling their attending physician.

### **Health Care Power of Attorney:**

A health care power of attorney gives an agent the power to make health care decisions when the principal is unable to make their own decisions. Such powers may be very broad, covering all medical decisions, or may be limited to specific medical matters.

A principal should discuss their expectations with their agent. It is usually a good idea name an alternate agent in case the primary agent is unavailable.

When using the state form, at least two persons must sign the document as witnesses. Like the living will, certain persons cannot serve as witnesses. A principal does not have to file a health care power of attorney in the public records for it to be valid.

## **Five Wishes Document**

A non-profit organization called Aging with Dignity introduced *Five Wishes* in 1997. Since then many people nationally have used the *Five Wishes* to express how they want to be treated if seriously ill and unable to speak for themselves. It addresses not only medical decisions, but also personal, emotional and spiritual wishes. *Five Wishes* is valid in South Carolina if it is notarized and if it meets the witnessing requirements of a health care power of attorney.

## **Adult Health Care Consent Act**

The Adult Health Care Consent Act provides a process for making health care decisions for a patient who is unable to consent, but who did not sign an advance directive. "Unable to consent" means the patient is unable to appreciate the nature and implications of their condition and proposed health care, to make a reasoned decision concerning the proposed health care, or to communicate that decision in an unambiguous manner. A patient's inability to consent usually must be certified by two licensed physicians.

The law establishes an order of priority for those who may make health care decisions for a patient who is unable to consent. Basically, the Adult Health Care Consent Act puts into law our ideas on "next of kin." The first priority is given to a court-appointed Guardian; second, to an agent under a durable health care power of attorney; third, to the person's spouse; fourth, to the person's parents and adult children; fifth, to the person's adult siblings, grandparents, and adult grandchildren; sixth, to any other relative by blood or marriage who reasonably is believed by the health care professional to have a close personal relationship with the patient. In addition, the Act provides for exceptions. For example, health care may be provided without consent where there is serious threat to the health of a patient or to relieve suffering.

## **D. PROBATE AND ADMINISTRATION:**

When a person dies, probate refers to the process for paying their debts and distributing the estate to the beneficiaries named in the will or, if there is no will, to the heirs. Probate is generally done through the probate court in the county in which the decedent was living at the time of death. Although the probate court supervises the administration of the estate, someone needs to be appointed to handle the process. That person, called a personal representative (in some states called an executor), has the duty to perform the work necessary to settle the estate.

When a decedent leaves a will, the original will must be presented to the probate court within 30 days of death to be proved or probated. In some cases, the probate court may require the testimony of a witness, but generally, if there is no will contest or dispute, such testimony is not required. In most cases, the will is proved, or probated, when the personal representative is appointed by the probate judge.

The personal representative is responsible for collecting any monies due the decedent or the estate and for collecting and valuing the assets the decedent owned at the time of death. The personal representative will report those assets, showing the fair market value as of the date of death, on an inventory form filed with the probate court within 90 days of their death.

The personal representative must also ensure that an advertisement or notice is published in the newspaper giving notice to any creditors of their opportunity to file claims against the estate. Creditors generally have up to one year from the date of death to file claims against the estate. If there is a question about the validity of a claim, there is a process in which either the creditor or the personal representative can ask the probate judge to determine if a claim is valid. The personal representative has a legal duty to pay all valid claims.

The personal representative also has obligations to taxing authorities. The personal representative must file income tax returns for any year for which the deceased person did not file these returns. If the value of the decedent's property that is counted for estate tax purposes is over the amount set for the year in which the decedent died, then a federal estate tax return must also be filed within nine months of death. If the estate earns income from



estate assets during the administration of the estate, the personal representative must also file income tax returns for the estate.

After all valid estate claims and all taxes have been paid, the personal representative can distribute the estate. If the deceased person left a valid will, then the remaining assets must be distributed as provided in the will. If there was no will, the remaining assets are distributed to the heirs according to the intestacy statutes. (See *Wills*, Section B above). The personal representative must also file an accounting showing the collection of estate assets and income, the payments made, and the distribution of the remaining assets.

When all of these responsibilities have been completed, the probate court will enter an order closing the estate and terminating the appointment of the personal representative. If there is a dispute between the personal representative and the beneficiaries or among the beneficiaries, a final hearing is sometimes required before the judge will enter the order closing the estate. However, in the majority of cases a final hearing is neither requested nor necessary.

In administering an estate, the personal representative may need to obtain help from a qualified attorney, accountant, and/or other professionals. This is advisable when the estate has complex issues, when it involves transfer of title to real estate, or when it is sizeable. The probate court will often let you know when the assistance of an attorney is needed.

## **E. POWERS OF ATTORNEY**

A power of attorney is a written document in which one person (called the “principal”) authorizes another person (called the “attorney-in-fact” or the “agent”) to act on their behalf. A power of attorney can be a useful tool in the event the principal becomes unable to conduct their own personal business, or it is difficult to conduct business because of physical illness, disability, or lack of adequate, convenient transportation.

Most principals do not name a lawyer as their agent, instead naming a friend or relative. Great care should be exercised in choosing the agent because the power of attorney can be misused or abused. In such cases, the principal may lose money and the only remedy might be a costly and difficult lawsuit against the agent.

A principal must be able to understand and execute a contract to sign a valid power of attorney. If the proposed principal is not competent to sign the power of attorney, the only alternative may be to have a Conservator appointed in the probate court. (See *Part 3, Section 7 - Guardianship and Conservatorship*).

Through the power of attorney, the principal can give the agent general power - the ability to conduct all the principal’s business, or special powers - the ability to transact only a particular type of business for the principal. Regardless of whether the power of attorney is general or special, it should specifically state the powers granted to the agent. If the language in the power of attorney is too vague, it may not be honored by banks or other institutions and could lead to abuse by the agent.

The acts of the agent are binding upon the principal so long as the power of attorney is effective. As long as the principal is competent, the principal can revoke the power of attorney at any time. The revocation should be in writing and communicated to the agent and to all persons or institutions who have been doing business with the agent. A power of attorney terminates upon the incapacity or death of the principal.

The term durable power of attorney means that the power of attorney is effective even in the event of a principal’s disability or incapacity. If the power of attorney is more than a couple of years old, it must contain the following language or similar words showing the principal’s intent that the agent’s authority is to continue even in the event of the principal’s disability or incompetence: “This power of attorney shall not be affected by physical disability or mental incompetence of the principal which renders the principal incapable of managing his own estate.” However, because of a change in the law, powers of attorney executed after January 2017, are presumed durable. A durable power of attorney is generally effective when it is executed. However, you can execute what is called a

“springing durable power of attorney.” This is a durable power of attorney that is effective only upon the disability or incompetence of the principal. If the power of attorney is springing, the document itself should specify how to determine if the agent’s authority has become effective. **Keep in mind that even a durable power of attorney terminates upon the death of the principal.**

The durable power of attorney must be executed and witnessed by two witnesses and must include an acknowledgement by a notary public. In addition, it must be recorded in the office where deeds are recorded in the county in which the principal resides. This will be either the Office of the Register of Deeds or with the Office of the Clerk of Court, depending on the county.

The durable power of attorney is an extremely useful document to deal with problems arising from possible future incapacity. A durable power provides instructions to an agent about the principal’s desires concerning the principal’s business affairs, finances, and health care at a time when the principal becomes mentally incapacitated. The durable power of attorney can serve as a guide for the agent and the family in making property, medical, financial, and personal decisions. A durable health care power of attorney (See *Medical Decision Making*, Part C above) can be used by the principal to indicate what medical treatment he or she wishes to receive if the principal is unable to make those decisions at that time.

**The advice and assistance of an attorney is recommended when preparing and executing any powers of attorney.**

## **F. EMPLOYMENT PAST RETIREMENT**

Driven by the aging of the “baby boom” generation and the tremendous popularity of our state as a retirement destination, South Carolina is at the leading edge of a nationwide trend towards an older workforce. South Carolina’s 60-and-over population is expected to double over the next two decades to over 1.3 million. Many of these people, either through necessity or by choice, may continue working well into their sixties, seventies or even longer.

There is no question that employers in South Carolina – as in the rest of the country - will need to begin implementing strategies to attract and retain older workers. By the year 2030, it’s estimated that 76 million baby boomers will have retired in the United States, but only 46 million new workers will enter the labor market. This should create opportunities for older workers who do want to continue working to supplement their retirement income. Currently, only one program in South Carolina– outlined below – is focused specifically on retraining older workers. Another potential avenue for older workers seeking job re-training is South Carolina’s public universities and technical colleges. Our state-supported institutions of higher education can offer free tuition to individuals over 60, as long as they are not employed full-time and meet other admission requirements.

## PART FIVE – FINANCIAL ASSISTANCE

### A. TAXES

This section will give you an overview of tax advantages available to senior citizens.

**Because tax laws are complicated and change frequently, consult with a professional tax advisor, such as a certified public accountant or a lawyer experienced with income tax or estate planning.**

The Tax Cuts and Jobs Act, which passed Congress in December 2017, has instituted major changes to the income tax brackets and other key areas. A limited list of the changes is below:

- Standard deduction rates;
- Mortgage interest deductions;
- State and local tax deductions;
- Charitable donation deductions;
- Eliminating personal exemptions; and
- Medical expense deductions.

These changes are scheduled to be effective for tax years 2018 – 2025 when they will terminate unless Congress takes additional action to extend them.

Throughout this Section, we have included the changes wherever they apply.

#### Federal Income Tax:

##### Who Must File an Income Tax Return:

The amount and source of income you receive will determine whether you must file an income tax return. The chart below shows the gross income.

The table below shows the same thresholds for 2018:

Filing Status	Age	2018 Gross Income
Single	Under Age 65	\$10,650
Single	Age 65 or Older	\$12,250
Married Filing Jointly	Under Age 65 (both spouses)	\$21,300
Married Filing Jointly	Age 65 or Older (one spouse)	\$22,600
Married Filing Jointly	Age 65 or Older (both spouses)	\$23,900
Married Filing Separately	Any Age	\$4,150
Head of Household	Under Age 65	\$13,700
Head of Household	Age 65 or Older	\$15,300
Qualifying Widow or Widower with Dependent Child	Under Age 65	\$17,150
Qualifying Widow or Widower with Dependent Child	Age 65 or Older	\$18,450

· If you qualify for an earned income tax credit (EIC) you must file a return to receive the credit.

· If you were self-employed and you earned at least \$400 from your work, then you must file a return to pay self-employment tax. You are self-employed if you carry on a trade or business as a sole proprietor, a member of a partnership, or an independent contractor. This includes certain part-time work you do at

home in addition to, or in lieu of, a regular job. This rule applies regardless of your age, whether you are receiving Social Security benefits, and even if you are otherwise not required to file a federal tax return.

Notably, if income tax over the amount of tax owed was withheld from your pay, then you should file a return, so that you can claim a refund of the tax withheld.

### **Exemptions from Federal Income Tax – Defining Income**

The term “Income” has a specific meaning to the IRS and it includes more items than just wages or earnings. However, certain types of income are taxed while others are not, and we only pay taxes on “taxable income” as defined by the IRS.

The IRS defines taxable income as including wages from a job, annuity payments from certain types of pension plans, tips, dividends, and interest paid to you. Under certain conditions, part of your Social Security benefits may be taxed.

Non-taxable sources of income include veterans’ benefits and certain insurance benefits. You do not have to pay federal income tax on money or property you receive as a gift or as inheritance, or as life insurance proceeds because of someone’s death.

### **Social Security Benefits**

Your Social Security benefits may be exempt from taxation depending on other income you received. If they are taxed, it is never greater than 85% of your Social Security benefits.

If your “provisional income” (modified adjusted gross income plus one-half of your social security benefits received) for the tax year exceeds either of the two-tiered threshold amounts, you are taxed on a portion of your social security benefits received in the tax year:

Tier I: If your provisional income exceeds a “base amount,” you must include in gross income is the *lesser* of:

- (1) 50% of the social security benefits received in the tax year; or
- (2) 50% of exceeding provisional income over the base amount.

Again, provisional income is your modified adjusted gross income, plus one-half of your Social Security benefits. The “base amount” varies depending on family and filing status:

- It is \$32,000 for married persons filing jointly;
- \$0.00 for a married person filing a separate return who doesn’t live with their spouse for the entire tax year; and
- \$25,000 for all other persons and filing statuses.

Tier II: If your provisional income exceeds an “adjusted base amount,” you must include in gross income the *lesser* of:

- (1) 85% of the social security benefits received in the tax year; or
- (2) the sum of:

(a) The amount under the above Tier I 50% rule or, if less, one-half of the difference between your “adjusted base amount” and “base amount,” plus

(b) 85% of exceeding provisional income over the “adjusted base amount.”

The “adjusted base amount” also varies depending on your family and filing status:

- \$44,000 for married persons filing jointly;
- \$0.00 for a married person filing a separate return who doesn't live with their spouse for the entire tax year; and
- \$34,000 for all other persons and filing statuses.

### **Pensions and Tax**

Pension income may be subject to federal tax. If the income is from a pension that is financed in part by contributions from workers, then it is not taxable.

Income from pensions funded totally by employers (as with most private pensions) is taxable.

If individuals contributed to the cost of their pension plan, they are not taxed on their pension income until they have received pension benefits equal to their individual contributions to the pension.

Payments under military and government disability pensions may be excludible from income.

### **Lump-Sum Distributions**

Some participants in qualified plans may take a lump-sum distribution of the balance remaining in their qualified plans. Special rules apply to these distributions, so it would be wise to consult a tax advisor if you are considering receiving a lump sum distribution, especially if you were born before 1936.

The Tax Reform Act of 1986 changed how lump-sum distributions are taxed and provided transition rules for those who turned age 50 before 1986. Specifically, someone who has attained age 50 before 1986 can elect to tax one lump sum distribution under ten-year averaging under rates in effect before the 1986 Act or under five-year averaging using rates in effect under the 1986 Act.

### **Personal Exemptions**

Under the federal tax code, all taxpayers and dependents receive a personal exemption. However, the Tax Reform Act sets this exemption at \$0.00, so it will not be available for tax returns filed in 2019 - 2025.

### **Standard Deduction**

The Tax reform act changed the standard deduction and tax brackets.

For a 2019 tax return, the standard deduction will be \$12,200 for an individual, \$24,400 for a married couple filing a joint return, and \$18,350 for someone filing as head of household.

In addition, the 2019 tax brackets will also change as follows:

- 10% (income up to \$9,700 for individuals; up to \$19,400 for married couples filing jointly)
- 12% (over \$9,700 to \$39,475; over \$19,400 to \$78,950 for couples)
- 22% (over \$39,475 to \$84,200; over \$78,950 to \$168,400 for couples)
- 24% (over \$84,200 to \$160,725; over \$168,400 to \$321,450.00 for couples)
- 32% (over \$160,725 to \$204,100; over \$321,450.00 to \$408,200 for couples)
- 35% (over \$204,100.00 to \$510,300.00; over \$408,200.00 to \$612,350 for couples)

The top rate is set at 37% for individuals with income over \$510,300; or married couples with over \$612,350.

### **Medical Expenses**

If you itemize your personal deductions, you will want to include medical expenses. These expenses, which are deductible, include:

- Doctor and hospital bills;

- Medical and hospital insurance costs;
- Medicines;
- Prescribed drugs and insulin;
- Hearing devices;
- Nursing expenses;
- Equipment such as home elevators for the physically disabled;
- Transportation costs to and from medical care;
- Nursing home expenses (if placement in the home is necessary for medical care);
- Lodging expenses incurred during specialized medical treatment away from home; and
- Transportation costs, if you drive your own car are deductible up to nine cents per mile. Parking and tolls may be added to the amount.

You may only deduct medical expense that exceed a floor amount, based upon your annual income. For 2019, you may only deduct medical expenses that exceed 10% of your annual income.

If Medicare or some other insurance program pays for a portion of your medical costs, you can only deduct that amount that you pay. You can deduct the amount you pay each month for your Medicare Part B coverage and other hospital or medical insurance you carry.

### **Sale of Your Personal Residence**

Generally, selling an asset that has increased in value since you bought it would produce gain, which would typically be subject to tax. However, you may exclude from your gross income some or all of your gain from the sale or exchange of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale or exchange.

You may exclude up to \$250,000 of gain (\$500,000.00 for joint filers) from the sale of your home if you owned and lived in it as your primary residence for two of the five years before the sale. For more detailed information, see IRS Publication 523, which describes the procedures and forms to be used in reporting the sale of your principal residence.

### **Individual Retirement Arrangements (IRAs)**

If you are not an active participant in an employer-maintained retirement plan, you may make annual deductible contributions of up to \$6,000 to an IRA, depending on your adjusted gross income (AGI). If you are 50 or over, you may deduct up to \$7,000. This applies even if you are married and file a joint return and if your spouse is not also covered under an employer's plan. If you file separate returns, one spouse's participation in the plan will not affect the other spouse.

If you participate in an employer-maintained retirement plan, or if you file a joint return and your spouse participates in an employer's retirement plan, the dollar limit on your IRA deduction may be reduced, depending on your adjusted gross income and whether that income falls within a "phase-out" level.

There is also a "savers" credit" available for certain Qualified Retirement Savings Contributions made in the tax year based on income and filing status. Ask your tax professional about this credit to determine if you qualify.

Rules about IRAs can be complicated, so consult a tax professional with questions. Also, there are many other retirement investment plans available and the rules regarding contribution limits vary based on age and income limits, so consult with a tax professional for information about your specific situation.

### **Earned Income Tax Credit**

The earned income tax credit (EITC) is a tax credit for people who work and have earned income within a certain range, based on whether they claim a deduction for qualifying children (up to three total). The EITC is a

refundable credit, so it can cause a refund to you if the credit amount exceeds your tax liability. For 2019, the EITC credit amounts, depending upon the number of children you have, are:

- \$6,557 with three or more qualifying children
- \$5,828 with two qualifying children
- \$3,526 with one qualifying child
- \$529 with no qualifying children

To claim the EITC on your tax return, you must have earned income from employment or from self-employment and must meet other requirements. You must be a U.S. citizen or resident alien all year, or a nonresident alien married to a U.S. citizen or resident alien and filing a joint return, and you must have a valid Social Security Number. In addition, your filing status cannot be married, filing separately.

If you have no qualifying child, you must be age 25 but under 65 at the end of the year, live in the United States for more than half the year, and not qualify as a dependent of another person. If you are married filing a joint return, either you or your spouse must be at least age 25 but under age 65 at the end of 2019.

### **Child Tax Credit**

To take this credit of up to \$2,000 per child in 2019, you must be caring for a “qualifying child” which means the child must fit these criteria:

- Age Test – Must be under age 17 at the end of the year when seeking the credit.
- Relationship Test – Must be your child, foster child, brother, sister, step-brother, step-sister, or a descendent of these people. An adopted child is always treated as your child.
- Support Test – Child must not have provided for more than half of their financial support in the year when seeking the credit.
- Citizenship Test – The child must be a US Citizen, a US National, or a US Resident Alien.
- Residence Test – The child must have lived with you for at least half the year when seeking the credit.
- Income Limitations – Your modified gross income must fall below \$400,000 (joint return, \$200,000 (individual and married filing separately)).

### **Child and Dependent Care Tax Credit**

The child or dependent receiving care must be in the taxpayer’s home at least eight hours a day; and the caregivers must be working or seeking work.

The employment-related expenses that may be claimed is between 20% and 35%, depending on the taxpayer’s adjusted gross income with no limit. However, for two spouses filing jointly, the credit is based on the smaller of the two earned income amounts. For any taxpayer, this maximum non-refundable credit that may be claimed is \$3,000 for one qualifying individual and \$6,000 for two or more individuals. The credit is claimed on IRS Form 2441.

### **Elderly Disability Income Credit**

A tax credit is available to those who are age 65 at the end of the tax year, and those who are under 65 and (1) who are retired and were permanently and totally disabled when they retired. For IRS purposes, “Permanently and totally disabled” means the individual is prevented from engaging in any substantial gainful activity because of a medically determinable physical or mental impairment expected to result in death, or that has lasted, or is expected to last, for a continuous period of more than a year.

If you qualify, you may be able to reduce the tax you owe by taking the credit for the elderly or disabled which is figured on Schedule R of your Form 1040. If you are under age 65 you must have your physician complete a statement certifying that you were permanently and totally disabled on the date you retired. The credit amounts are up to 15% of the amounts shown below:

- \$5,000 – Single individual or married individuals filing a joint return, where one spouse is a qualified individual;
- \$7,500 – Married individuals filing a joint return where both are qualified individuals; or
- \$3,750 – Married individual filing a separate return.

These amounts are reduced by the amount of Social Security, Railroad Retirement, or other tax-exempt pension income received by the beneficiary and by one-half of the taxpayer's adjusted gross income over \$7,500 for individuals, \$10,000 for married couples filing a joint return, and \$5,000 for married couples filing separately.

### **South Carolina Income Taxes**

South Carolina taxes individual income at rates between 0% and 7%, depending on income level. The state's income tax structure generally conforms to the federal income tax laws. Your federal taxable income is the starting point in determining your state income tax liability. South Carolina accepts the adjustments, exemptions and deductions allowed on your federal return with few modifications.

### **Social Security Income**

Social Security income is not considered taxable income in South Carolina.

### **Retirement Income Deduction**

An individual taxpayer original owner of a qualified retirement account may deduct up to \$3,000 of retirement income from South Carolina taxable income until he or she reaches age 65. After reaching age 65, the taxpayer may deduct up to \$10,000 of retirement income annually.

A surviving spouse may deduct income received from his or her retirement plan, if any, and a second deduction for any retirement income attributed to the deceased spouse. Any permanent disability retirement income included on the federal tax return may be subtracted from South Carolina income for South Carolina residents.

### **Deduction for Taxpayers 65 and Older**

Residents who reach age 65 by the end of the tax year can claim a deduction of up to \$15,000 against any South Carolina income. This is reduced by any retirement income deduction (see previous section); however, amounts deducted as a surviving spouse do not reduce the deduction. Taxpayers filing a joint return are allowed a deduction of up to \$15,000 when only one spouse is 65 or over and up to \$30,000 when both spouses are 65 or older.

### **Credit for Nonresident Retirement Contributions**

South Carolina residents may receive a credit over their lifetimes for taxes paid on qualified retirement income contributions made while residing in a state other than South Carolina. The Department of Revenue will prescribe the amount of the annual credit based on the taxpayer's life expectancy when the taxpayer is allowed the South Carolina retirement income deduction discussed above.

The total credit allowed may not exceed the amount determined by multiplying the contributions taxed in each year by the marginal South Carolina individual income tax rate for that year. The credit is claimed on Form TC-29 - "Qualified Retirement Plan Contribution."



### **Disability Retirement Income Deduction**

If a person may not qualify for the homestead exemption because of total and permanent disability, they may deduct the amount of income received for disability retirement due to permanent and total disability.

### **Capital Gains Deduction**

Up to 44% of capital gain recognized is deductible from South Carolina taxable income. This includes capital gains and losses from partnerships and S corporations.

### **Credit for Dependent Care Expenses**

A taxpayer may claim a credit for expenses paid for household services and care of a disabled spouse or other person claimed as a dependent who is incapable of self-care. The expenses must be incurred while the taxpayer works or looks for work during the tax year. The credit is similar to the federal dependent care credit; however, the credit amount is seven percent. Only expenses directly attributable to items of South Carolina gross income qualify.

### **Credit for Nursing Facility or In-Home Care**

A taxpayer may claim an income tax credit equal to 20% of the expenses paid by the taxpayer for his own support or the support of another to an institution providing nursing facility level of care or paid to a provider for in-home or community care for persons determined to meet nursing facility level of care criteria as certified by a licensed physician.

The credit is limited to \$300 each taxable year. No credit is allowed for expenses paid from public source funds.

### **Credit for Married Wage Earners**

A two-wage earner credit allows married couples to take a credit if both spouses work. Married individuals filing a joint return a credit against South Carolina income tax equal to seven-tenths of 1% (.007) of the lesser of (1) \$30,000 or (2) the South Carolina qualified earned income of the spouse with the lower qualified earned income for the taxable year.

### **Credit for Income Taxes Paid to Another State**

South Carolina provides an income tax credit to residents for taxes paid to another state on income which also is subject to tax in South Carolina. The credit is allowed for taxes paid to the other state on income derived from sources within the state, which is taxed under the laws of that state irrespective of the residence of the taxpayer.

### **Property Tax**

Generally, all real property and personal property in South Carolina is subject to property taxes unless an exemption applies. For property tax purposes, real property means land and things attached to the land, also known as fixtures. For example, docks, greenhouses, mobile homes, and sprinkler systems are considered real property. Personal property consists of things other than real estate that have any monetary or pecuniary value, such as automobiles, boats, boat motors, and recreational vehicles.

### **Exemptions from Property Tax**

Some types of property exempt from South Carolina property taxes include intangible personal property, household goods and furniture used in the owner's home, apparel, and watercraft trailers.

### **Assessment and Collection of Property Taxes**

Property taxes are generally assessed and collected by local governments, and most property taxes are used to support public education. Property is taxed by the county where it is located. Also, municipalities and special purpose districts may levy property taxes on property located within their boundaries.

The amount of property tax due is based upon three elements: (1) the property value, (2) the assessment ratio

applicable to the property, and (3) the millage rate imposed by the taxing jurisdiction.

### **Valuation**

Most real property (other than agricultural use real property) is appraised at fair market value. Real property is typically reassessed every five years. Motor vehicles, boats, and airplanes are valued under nationally recognized publications (except that the value may not exceed 95% of the prior year's value). Discounts are allowed for motor vehicles with high mileage.

### **Assessment Ratios**

The assessment ratios range from 4% to 10.5%. A person's primary residence is assessed at 4%, other personal use real property is assessed at 6%, and personal motor vehicles (other than certain motor homes) are assessed at 6%. The value is multiplied by the ratio to produce the "assessed value" of the property.

### **Millage**

Annually, each taxing entity, including each county and municipality, determines the amount of money it requires to operate the following tax year. The total assessed value of property subject to tax within its jurisdiction is multiplied by the number of mills required to raise the money necessary to operate. (A "mill" is a unit of monetary value equal to one-thousandth of a dollar or .001).

### **Assessment of Residential Property**

A person's primary residence and up to five contiguous acres is taxed at an assessment of 4% of the fair market value. A person's second home or vacation home is taxed at an assessment ratio equal to 6%. A motor home may qualify as a primary or secondary residence for property tax purposes.

### **Exemptions for Residential Property**

There are several exemptions for real and personal property tax providing certain South Carolina homeowners and residents tax relief in various circumstances. They are listed below:

#### **Homestead Exemption for School Operating Costs**

Each homeowner is allowed an exemption of up to \$100,000 of the home's fair market value from property taxes for school operating costs. The savings vary depending upon the millage rate for school operating costs in the school district where you live. This exemption applies only to your legal residence and not to second homes, vacation homes or rental homes. You do not need to apply for this exemption. It will automatically be reflected in your tax bill.

#### **Homestead Exemption for Elderly, Blind, or Disabled**

If you are 65 or older, totally disabled, or legally blind, and have lived in South Carolina for at least one year, you may qualify for the homestead exemption. The homestead exemption excludes the first \$20,000 from the fair market value of your legal residence. Apply for the homestead exemption at the county auditor's office in the county of your residence and where the home is located.

#### **Exemption for Certain Military Veterans, Veterans Killed in the Line of Duty, Paraplegics, and Hemiplegics**

A house and up to one acre of land on which the house is located is exempt from property tax for: (1) veterans who are totally disabled from a service-related disability or the surviving spouse; (2) a surviving spouse of a military person killed in the line of duty; and (3) paraplegics, hemiplegics, or their surviving spouses. Apply for this exemption through the South Carolina Department of Revenue. Call (803) 898-5480 for more information.

### **Sales and Use Tax**

South Carolina imposes a sales and use tax of 5%, and proceeds are used exclusively to fund the public school system. The sales tax applies to the retail sale, lease, or rental of tangible personal property, and the use tax

applies to the storage, use, or consumption of tangible personal property purchased at retail in another state. A credit is given against the use tax due in South Carolina for any state and local sales or use tax due and paid in another state.

Exemptions include prescriptions, dental prosthetics, and hearing aids. Sales taxes for motor vehicles, including recreational vehicles, boats, motorcycles, and airplanes are capped at \$300. Generally, service labor charges are not subject to this tax, nor any unprepared foods that lawfully may be purchased using USDA Food Coupons or a SC EBT card.

Local governments in South Carolina may also levy local sales and use taxes, local accommodations taxes, or local hospitality taxes on sales of prepared meals. In certain counties, a local option sales and use tax of 1% is imposed besides the 5% state rate.

### **Estate Tax**

South Carolina's estate tax is calculated equal to this federal credit for state death taxes. Most other state estate tax laws follow the same structure, which allows the states to receive estate taxes that would have otherwise gone to the federal government. Federal estate tax laws are subject to change annually; consult with a tax professional for advice regarding your situation.

For 2019, an individual receives a Federal Estate and Gift Tax Exemption ("Exemption") of \$11.4 million, and through "portability," a surviving spouse is allowed to use his or her predeceased spouse's unused Exemption amount, making the total Exemption for a couple of \$22.8 million. The Exemption amount is indexed to inflation, and is set by the IRS each year. After tax year 2025, the Exemption amount will revert to \$5 million (\$10 million per couple) in 2010 dollars, indexed to inflation. Accordingly, the Federal Estate Tax will affect a limited number of South Carolina seniors, and any affected seniors should have ample resources to retain attorneys and/or accountants to provide tax advice.

### **Gift Tax**

The South Carolina gift tax was repealed effective December 31, 1991. Consult with a tax professional regarding federal taxation of gifts you may have made with a value of more than \$15,000 (the gift tax "Exclusion") (for the 2019 tax year), as these lifetime gifts in excess of the Exclusion are subject to the combined Estate and Gift Tax Exclusion as noted above.

### **Resources for Additional Tax Information**

#### **· Internal Revenue Service**

Free information is available from the Internal Revenue Service (IRS). The IRS maintains a toll-free tax assistance telephone number (1-800-829-1040), a website ([www.irs.gov](http://www.irs.gov)), and local offices to assist individuals with their taxes.

#### **· AARP**

The AARP also offers tax counseling for the elderly at over 10,000 sites nationwide each filing season through its Tax-Aide counseling program. The AARP phone number is 1-888-687-2277. The AARP Tax-Aide counseling program website is [https://www.aarp.org/money/taxes/aarp\\_taxaide/](https://www.aarp.org/money/taxes/aarp_taxaide/)

#### **· South Carolina Department of Revenue**

More detailed information on South Carolina Income Taxes may be found on the South Carolina Department of Revenue's website (<https://dor.sc.gov>). The Department of Revenue also maintains six offices to assist South Carolina taxpayers:

<b>Charleston</b>	Charleston Service Center: 2 Southpark Circle, Suite 100 Charleston, S.C. 29407 Phone: 843-852-3600
<b>Columbia</b>	Columbia Main Office: 300A Outlet Pointe Blvd. Columbia, S.C. 29210 Phone: 803-898-5000 Toll Free: 1-844-898-8542
<b>Florence</b>	Florence Service Center: 181 East Evans Street, Suite 5 Florence, S.C. 29506 Phone: 843-661-4850
<b>Greenville</b>	Greenville Service Center: 545 N. Pleasantburg Drive, Bldg. 2, Suite 300 Greenville, SC 29607 Phone: 864-241-1101
<b>Myrtle Beach</b>	Myrtle Beach Service Center 1350 Farrow Parkway, Suite 200 Myrtle Beach, S.C. 29577 Phone: 843-839-2960
<b>Rock Hill</b>	Rock Hill Service Center: 454 South Anderson Road S., Suite 202 Rock Hill, S.C. 29730 Phone: 803-324-7641

· **Volunteer Income Tax Assistance (VITA) Program**

Each year during tax season, low income, elderly and disabled taxpayers can receive free income tax return help through the IRS and South Carolina Department of Revenue's Volunteer Income Tax Assistance (VITA) services. This service is available at many locations throughout the state on a first-come, first-served basis, and runs from mid-January through mid-April. VITA volunteers receive training to help prepare basic tax returns for qualified taxpayers. While volunteers are available to prepare state and federal long and short forms, taxpayers with more complicated needs may be referred to a professional.

Taxpayers wishing to participate in the VITA program should bring the following:

1. Photo identification;
2. Social Security Numbers for you, your spouse, and your dependents;
3. Birth dates for primary, secondary, and dependents on your tax return;
4. Current year's tax package (if you received one);
5. Wage and earning statement(s) Form W-2, W-2G, 1099-R, from all employers;
6. Interest and dividend statements from banks (Forms 1099)
7. A copy of last year's Federal and State returns, if available
8. Bank routing numbers and account numbers for direct deposit;
9. Other relevant information about income and expenses;
10. Total paid for day care and the day care provider's identifying number;
11. To file taxes electronically on a married filing joint tax return, both spouses must be present to sign the required forms;

Additional VITA sites are throughout the state in malls, churches, libraries, and many other convenient locations. Many locations offer electronic filing, allowing taxpayers to receive a state or federal refund in about two weeks. To learn more about additional VITA sites throughout the state, please call the IRS at 1-800-829-1040.

## **B. SOCIAL SECURITY**

Social Security has been a basic part of American life since its inception in 1935. It is more than a retirement program. It is known as “America’s Family Protection Plan” for those who have paid for coverage through payroll deductions or self-employment taxes. It provides a base of economic security in today’s society through three basic categories of benefits: retirement, disability, and survivor benefits. Rules, payment schedules, and qualifications for each are distinct. The following are brief highlights of each type of benefit.

### **Retirement Benefits**

Individuals and their dependent family members are eligible for retirement benefits if the worker has earned enough work credits. When you work and pay Social Security taxes, you earn “credits” toward Social Security benefits. The number of credits needed to get retirement benefits depends on when you were born. If you were born in 1929 or later, you need 40 credits (10 years of work). No retirement benefits can be paid to the worker until he or she has the required number of credits. You may claim retirement benefits as early as age 62 if retiring before full retirement age, but benefits will be permanently reduced. The “full retirement age” is 65 for those who were born in 1937 or earlier. However, because of longer life expectancies, the Social Security laws have changed to gradually increase the full retirement age to age 67. This change affects people born in 1938 or later.

### **Disability Benefits**

Social Security pays benefits to individuals who cannot work because they have a medical condition that is expected to last at least one year or result in death. Federal law requires this strict definition of disability. Social Security must make a determination that the worker has a “qualifying disability” before benefits are paid. While some programs give money to people with partial disability or short-term disability, Social Security does not. Disability benefits are only payable to individuals and their family members when enough work credits have been earned to qualify. The number of work credits required generally depends on the worker’s age when the disability began. Two different earnings tests must be met:

1. A “recent work” test based on your age at the time you became disabled; and
2. A “duration of work” test to show that you worked long enough under Social Security.

### **Survivor’s Benefits**

Social Security not only provides benefits to the worker, but also to his or her family when the worker dies. The number of credits needed for a family to be eligible for survivor benefits depends on the age of the worker at death. However, not every surviving family member can collect these benefits. Among those eligible are:

- Widows or widowers can receive full benefits at their “full retirement age” or reduced benefits as early as age 60. Disabled widows or widowers can apply for benefits as early as age 50.
- Widows or widowers can receive benefits at any age if caring for the worker’s child who is younger than age 16 or disabled, and if entitled to receive benefits on the worker’s record.
- Unmarried children age 18 or younger (or up to age 19 if attending elementary or secondary school full time) can also get benefits. Disabled children can get benefits at any age if they become disabled before age 22 and they remain disabled. In some cases, benefits can be paid to stepchildren, grandchildren, or adopted children.
- Surviving divorced spouses age 60 or older (50-59 if disabled) can get benefits if the marriage lasted at least 10 years.
- Surviving divorced spouses at any age (and any length of marriage) can get benefits if caring for the worker’s child who is younger than age 16 or disabled and entitled to receive benefits on the worker’s record.

- Dependent parents age 62 or older can also get benefits. (For parents to qualify as dependents, the worker must have been providing at least one-half of their support before death.)

Note: Survivor's benefits paid to a divorced spouse will not affect the benefit rates for other survivors receiving benefits.

### **One-time death payment**

There is a one-time payment of \$255 that can be made when the worker dies if he or she has worked long enough. This payment can be made only to the worker's spouse or child if they meet certain requirements.

### **How much are benefits?**

The amount a family can receive from Social Security depends on the average lifetime earnings of the worker. That means the more an individual earned, the more their benefits will be. Social Security generates a "Social Security Statement" for each worker aged 25 or older on an annual basis. Statements are currently only mailed to workers age 60 or older who are not receiving Social Security benefits and do not yet have a "*my Social Security*" account. Statements are mailed three months prior to your birthday. Those workers who do not receive a Social Security Statement in the mail can review their Statement online by creating a "*my Social Security*" account. To create an account, go to [www.socialsecurity.gov/myaccount](http://www.socialsecurity.gov/myaccount). Your Social Security Statement can be a valuable tool to help plan a secure financial future. The Statement provides a record of your earnings and shows an estimate of your retirement and disability benefits. It also shows an estimate of survivor benefits that Social Security could pay to eligible family members at your death.

### **Medicare**

Medicare is our country's health insurance program for people age 65 or older. Certain people younger than age 65 can qualify for Medicare, too, including those who have disabilities and those who have permanent kidney failure or amyotrophic lateral sclerosis (Lou Gehrig's disease). The program helps with the cost of health care, but it does not cover all medical expenses or the cost of most long-term care.

Medicare is financed by a portion of the payroll taxes paid by workers and their employers. Medicare is also financed in part by monthly premiums deducted from Social Security checks.

The Centers for Medicare & Medicaid Services is the agency in charge of the Medicare Program.

You can get more detailed information about what Medicare covers by calling the Medicare toll free number, 1-800-MEDICARE (1-800-633-4227), or go to [www.medicare.gov](http://www.medicare.gov). If you are deaf or hard of hearing, you may call TTY 1-877-486-2048.

Note: You must apply for Medicare at Social Security. Even if your full retirement age for Social Security is older than age 65, you should sign up for Medicare in the "initial enrollment period" surrounding your 65<sup>th</sup> birthday. You may enroll up to three months before the month you turn 65 or up to three months after the month you turn 65. Failure to enroll during this time may result in penalties for late enrollment. You can apply for Medicare online at [www.socialsecurity.gov](http://www.socialsecurity.gov).

### **When and How To Apply For Benefits**

When you are thinking about retirement, talk to a Social Security representative in the year before planning to retire. It may be advantageous to begin receiving retirement benefits before you actually stop working. Apply for Social Security Disability SSI Disability benefits or SSI (see Part C below) if you become disabled to work. When filing for benefits, submit original or certified documents that show you are eligible, such as a birth certificate for each family member applying for benefits, a marriage certificate if your spouse is applying, and your most recent W-2 form (or tax return if you are self-employed).

### **Contacting Social Security**

For more information and to find publications online, visit [www.socialsecurity.gov](http://www.socialsecurity.gov) or call Social Security's toll free number, 1-800-772-1213. If you are deaf or hard of hearing, you may call TTY 1-800-325-0778. Some

specific questions and information can be provided by automated phone service 24 hours a day.

### **C. SUPPLEMENTAL SECURITY INCOME**

Supplemental Security Income (SSI) is a federal benefit program that provides monthly payments to individuals who have limited income and few resources. SSI is for individuals who are age 65 or older, as well as those of any age, including children, who are blind or who have disabilities.

Individuals who receive SSI are automatically eligible for Medicaid in South Carolina. SSI is paid to eligible individuals only, not to family members or survivors. Although operated by the Social Security Administration, SSI is very different from Social Security in that benefits are based on need rather than on the amount paid into the program. SSI payments are financed through general tax revenues, not through Social Security taxes. The amount of your SSI payment depends on your income and resources.

#### **Income**

Income includes money earned, Social Security benefits, pensions, and the value of items received from someone else, such as food and shelter.

The amount of income you can receive each month and still qualify for SSI depends partly on where you live. Different states have different rules.

#### **Resources**

You may be able to get SSI if your countable resources (the things you own) are worth no more than \$2,000 for an individual or no more than \$3,000 for a couple. Social Security does not count everything you own when deciding whether you have too many resources to qualify for SSI. For example, your home and car (usually) are not counted. Countable resources include bank accounts, cash, other real estate, stocks and bonds.

#### **You must be a U.S. resident**

To get SSI, you must live in the United States or Northern Mariana Islands and be a U.S. citizen or national. If you are not a U.S. citizen, but are a resident, you may be able to qualify for SSI.

Note: If you are eligible for Social Security or other benefits, you must apply for them. If eligible, you can get SSI and other benefits.

#### **How to apply**

To apply for SSI disability benefits online, visit [www.socialsecurity.gov/disability](http://www.socialsecurity.gov/disability). If you cannot apply for SSI online, you can call Social Security's toll free number, 1-800-772-1213 to set up and in-office of telephone appointment with a Social Security representative. If you are deaf or hard of hearing, you may call TTY 1-800-325-0778. Parents or guardians can apply for blind or disabled children age 18 or younger.

### **D. RAILROAD RETIREMENT**

The Railroad Retirement system provides railroad workers with retirement, disability, and survivor benefits under rules similar to Social Security. There may also be a supplemental retirement annuity and, for some people, the possibility of collecting both Railroad Retirement and Social Security benefits. Railroad Retirement annuities are reduced by the amount of the Social Security benefit that the beneficiary receives.

#### **Benefits and Eligibility Criteria:**

Under the Railroad Retirement Act (RRA), monthly cash retirement and disability benefits are paid to railroad workers with at least 10 years (120 months) of service. Retirement and certain disability benefits are also payable to workers with 5 years (60 months) of service if such service was performed after 1995.

Full-age benefits are payable at age 60 to workers with 30 years of service. For those with less than 30 years of service, reduced benefits are payable at age 62 and unreduced benefits are payable at full retirement age. Full

retirement age ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later.

**Disability:**

There are two types of disability benefits under the RRA. Both require a five-month waiting period before the benefits begin.

Occupational disability benefits are available at age 60 if the worker has at least 10 years of railroad service, or at any age if the worker has at least 20 years of service. An occupational disability is one that prevents a person from performing the job with the railroad. It does not necessarily prevent work of some other kind. It is required that the person must also have a current connection with the railroad industry for an occupational disability. The current connection requirement is generally met if the employee's last regular employment before retirement or death was in the railroad industry.

Total disability benefits are based on permanent disability for all employment and are payable at any age to employees with at least 10 years of railroad service, and under certain conditions to employees with 5 years of service after 1995.

**Survivor Benefits:**

Annuities are payable to widows, widowers, and unmarried children. In certain cases benefits are also payable to parents, remarried widow(er)s, grandchildren and surviving divorced spouses. Eligibility for survivor benefits depends on whether the railroad employee was "insured" under the RRA at the time of death. An employee is insured if he or she has at least 10 years of railroad service, or 5 years performed after 1995, and a "current connection" with the railroad industry.

**Applying for Benefits:**

For additional information and the application for benefits, you should contact the nearest Railroad Retirement Office.

**Appeals:**

Persons who believe that their claims have not been adjudicated correctly may ask for a reconsideration by the Board's Office of Programs. If not satisfied with that review, the applicant may appeal to the Board's Bureau of Hearings and Appeals. Further appeals can be carried to the three-member board itself, and beyond the Board to federal courts. The Board's district personnel will explain these appeals procedures and the time limits on filing appeals to those seeking reconsideration of their claims.

**E. VETERAN BENEFITS**

The Veterans Administration ("VA") operates a number of programs providing financial, medical, and other assistance to veterans.

**Disability Compensation:**

Disability compensation is a monthly benefit paid to veterans who are disabled by an injury or disease that was incurred or aggravated during active duty military service. These injuries or diseases are considered to be service connected and result in assignment of a disability rating between 0% and 100%. The rating is based on a VA schedule of disabilities and indicates the amount of the monthly benefit. For instance, for a single veteran without children, a 10% rating is equal to \$133.00 whereas a 100% rating is equal to \$2,915.00. Additional amounts may be available if the veteran is homebound or needs aid and attendance as a result of his service connected disabilities. The payment of military retirement pay, disability severance pay, and separation incentive payments may affect the amount of compensation paid.

Proving a service connected disability will usually require: 1) showing a current disability exists; 2) medical or lay evidence of an in-service occurrence or aggravation of a disease or injury; and 3) a medical link or nexus



between the current disability and the in-service occurrence. Some conditions carry a presumption of service connection.

The VA Regional Office in South Carolina is located in Columbia at 6437 Garners Ferry Road and can be reached by calling 1-800-827-1000. Additionally, the VA website, which can be found at <http://www.va.gov>, is a valuable resource for information. To apply for disability compensation, complete VA Form 21-526EZ, or file online through the VA's website at [www.ebenefits.com](http://www.ebenefits.com).

### **Retirement and Disability Compensation:**

You may be eligible to receive both military retirement and disability benefits through the Department of Veteran's Affairs. If you are rated at above 50% for a disability, you receive your full retirement and disability compensation from the VA without any offset. If you are rated below 50%, there is an onset whereby your military retirement is reduced.

### **Pension Benefits**

Pension benefits are available to veterans with limited income who had 90 days or more of active military service, at least one day of which was during wartime period. The veteran must also be either 65 years of age or permanently and totally disabled with a disability that is not from willful misconduct. A veteran may be entitled to a basic pension, housebound, or aid and attendance.

A basic pension is for a veteran without significant health problems and for a married veteran the benefit is \$16,902.00, but that benefit is reduced by any countable income. However, many forms of public assistance such as Supplemental Security Income are excluded as income. Additionally, unreimbursed medical expenses can reduce countable income.

Housebound is for veterans whose condition prevents them from leaving the house and for a married veteran the benefit is \$19,770.00. Aid and Attendance is for veterans whose condition requires someone to be with them at all times and for a married veteran the benefit is \$25,525.00. Again, these amounts are reduced by countable income. These pension benefits can be especially helpful when trying to secure funds for nursing homes.

To apply for pension benefits, complete VA Form 21-527EZ or apply online through the VA's website at [www.ebenefits.gov](http://www.ebenefits.gov). Due to questions about what is considered countable income, consider having assistance in completing your application.

### **Survivors and Dependents:**

#### *Dependency and Indemnity Compensation ("DIC")*

DIC is available to a survivor if the veteran's death resulted from: 1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training, 2) an injury, heart attack, cardiac arrest, or stroke incurred or aggravated in the line of duty while on inactive duty for training, or 3) a service-connected disability or condition directly related to a service-connected disability.

DIC may also be available if a veteran was totally disabled from service connected conditions at the time of death, even if the death was not caused by those disabilities. The survivor is eligible under this theory if the veteran was: 1) continuously rated totally disabled for a period of ten years immediately before death; 2) continuously rated totally disabled from the date of discharge and for a period of at least 5 years immediately before death; or 3) a former POW of who died after September 30, 1999 and who was continuously rated totally disabled for a period of at least one year immediately prior to death.

As of 2019, the basic monthly DIC rate is \$1,319.04. To apply for DIC, complete VA form 21-534EZ or file online through the VA's website at [www.ebenefits.com](http://www.ebenefits.com).

### *Death Pension*

A death pension is similar to the pension benefit available to veterans, but is available for low income surviving spouses and unmarried children. A death pension is available if the veteran had 90 days or more of active military service, at least one day of which was during wartime period. There is a basic death pension, housebound, and aid and attendance. To be eligible in 2019 for the basic death pension, the yearly income of a surviving spouse without children must be equal to or less than \$9,078. However, many forms of public assistance such as Supplemental Security Income are excluded as income. Additionally, unreimbursed medical expenses can reduce countable income.

Housebound is for surviving spouses whose condition prevents them from leaving the house, the benefit is \$11,095. Aid and Attendance is for surviving spouses whose condition requires someone to be with them at all times, the benefit is \$14,509. Again, these amounts are reduced by countable income.

These pension benefits can be especially helpful when trying to secure funds for nursing homes.

To apply for pension benefits, complete VA Form 21-534EZ or apply online through the VA's website at [www.ebenefits.gov](http://www.ebenefits.gov). If you have questions about what is considered countable income, you might consider having assistance in completing your application.

### *Educational Assistance*

The VA provides education assistance to spouses or children of a servicemember or veteran who died of a service-connected disability, or who has a permanent and total service-connected disability or who died while such disability existed. Educational assistance is also available to spouses and children of active duty servicemember in certain instances (those service members listed for more than 90 days as currently MIA or hospitalized for a total and permanently disabling disability). Contact the Regional Office for more information.

### *Medical Care*

Benefits are available through the Civilian Health and Medical Program of VA ("CHAMPVA") to a spouse or child of a veteran: 1) who is permanently and totally disabled due to a service connected disability; 2) who died from service-connected disability or at the time of death was rated permanently and totally disabled; or 3) who died in the line of duty not due to misconduct. However, to be eligible, an individual cannot be eligible for TRICARE. Most VA Medical Centers and clinics provide CHAMPVA care on a space-available basis. Contact your closest VA medical center or clinic for more information.

### **Health Care**

The VA maintains a system of hospitals and clinics that provide medical, psychiatric, and limited nursing home care. A veteran is eligible if they have active duty service and were discharged under conditions other than a dishonorable discharge. A recent change in policy means that the requirement of a servicemember having received an other than dishonorable discharge may not apply to some mental health and PTSD-related treatment. An additional eligibility criteria applies to veterans who enlisted after September 7, 1980 or officers who entered active duty after October 16, 1981. These veterans must have served for 24 continuous months or the full period for which they were called to active duty. Priority is given to veterans needing care because of service-connected disabilities. Other veterans are considered for treatment on a first-come, first-serves basis.

South Carolina has VA Medical Centers in Columbia and Charleston and outpatient clinics in Aiken, Anderson, Beaufort, Florence, Goose Creek, Greenville, Myrtle Beach, Orangeburg, Rock Hill, Spartanburg, and Sumter. Applying for health care benefits is done by completing VA Form 10-10EZ and obtaining a VA identification card. This can be done at any VA Medical Center or outpatient clinic.

### **Education Benefits and Home Guaranty**

A number of VA education plans cover veterans depending on when they served. They typically expire either 10 or 15 years after active duty service. In some instances, benefits can be used by a veteran's spouse or children. The

best way to apply for education benefits is online at [www.vets.gov/education/apply](http://www.vets.gov/education/apply).

The VA administers a home loan guarantee program for veterans and unmarried surviving spouses of veterans. This program does not charge private mortgage insurance, among other benefits. Most lenders can assist a veteran in obtaining a required certificate of eligibility. Alternatively, a veteran may obtain a certificate of eligibility by completing a VA Form 26-1880. A survivor obtains a loan guarantee eligibility by completing a VA Form 26-1817. Both forms can be completed online through the VA's website at [www.ebenefits.gov](http://www.ebenefits.gov).

### **Burial and Memorial Benefits**

A veteran may be eligible for burial benefits if they are on active duty and die while on active duty or are discharged under conditions other than dishonorable. If they enlisted after September 7, 1980 or entered as an officer after October 16, 1981, they also must have served for 24 continuous months or the full period for which they were called to active duty. A Reservist or National Guard member is eligible if they die while hospitalized for injury or disease related to service or if at the time of death they are entitled to retirement or would be if they were 60 years of age. Spouses and children may also be eligible.

Burial benefits may include a gravesite in a national cemetery subject to available space, opening and closing of the grave, perpetual care, a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate. Burial benefits available for Veterans buried in a private cemetery include a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate. A veteran's family may also be entitled to a one time burial allowance of either \$2,000.00 or \$300.00, depending on whether the veteran's death was service related or not.

The funeral home will be able to assist you with receiving burial benefits. The burial allowance may be applied for by completing VA Form 21-530.

Deceased members of the South Carolina National Guard are also eligible to receive a flag of the State of South Carolina and may be eligible to receive a military funeral. Contact 803-497-8364 or 803-360-2862 to contact the South Carolina National Guard personnel responsible for Military Funeral Honors.

### **State Property Tax Exemption**

#### *Property Tax Exemptions*

The following veterans and their surviving spouse are be entitled to a tax exemption for their residence: 1) veterans who are rated 100% permanently and totally disabled by the Department of Veterans Affairs due to the service connected disabilities; 2) ex-POWs; and 3) Medal of Honor recipients. To obtain this exemption, contact your county tax office.

### **Replacing Medals and Records**

A veteran or next of kin can request replacement medals, decorations and awards. Air Force and Army veterans should write to the National Personnel Records Center at 9700 Page Avenue, St. Louis, MO 63132-5100. Navy, Marine Corps, and Coast Guard veterans should write to the Navy Personnel Command at Liaison Office Room 5409, 9700 Page Avenue, St. Louis, MO 63132-5100. The veteran or family member should use a VA Form SF 180 or can apply online through the National Personnel Records Center webpage.

### **Representation Related to Your VA Benefits**

Veteran Service Organizations such as the Disabled American Veterans, American Legion, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of Foreign Wars have agents that can assist you in applying for most of the benefits outlined above. These veteran service organizations all have offices in the VA Regional Office in Columbia. All Counties in South Carolina also have a County Veterans' Affairs Service Officer. You can find yours by contacting your county government or calling the State Office at 803-734-0200 and telling them which county you live in.

If you need to appeal your claim, these same Veterans Service Organizations may be able to assist you or you may retain an attorney. A list of attorneys who work in this field can be found by visiting the on-line directory maintained by the National Organization of Veterans' Advocates.

## **F. OPTIONAL SUPPLEMENT PROGRAMS:**

### **Food Assistance Programs (Department of Social Services)**

A variety of programs is available through the Department of Social Services to assist residents with ensuring that they have nutritionally adequate diets. Information about all the programs is available on the DSS website at <https://dss.sc.gov/content/customers/food/index.aspx>.<sup>15</sup> Available programs include:

- Supplemental Nutrition Assistance Program (SNAP) - The Supplemental Nutrition Assistance Program, formerly known as the Food Stamp Program, serves as the foundation of America's national nutrition safety net, working to end hunger and improve the health of low-income people by helping families buy the food they need for a nutritionally adequate diet.
  - o Electronic Benefits Transfer (EBT) - EBT is the method South Carolina uses to issue SNAP benefits.
  - o South Carolina Combined Application Program (SCCAP) - SCCAP is a program that DSS provides in conjunction with Social Security Administration. Under SCCAP, if you are eligible for SSI, you are eligible to receive SNAP benefits without applying at the DSS office.
  - o Elderly Simplified Application Project (ESAP) - ESAP is designed to simplify the SNAP benefit application process for elderly households.
- Summer Food Service Program - This program was created to ensure that children in low-income areas could continue to receive nutritious meals during long school vacations, when they do not have access to school lunch or breakfast.
- After School Snack Program - This program provides reimbursement to after school care organizations to ensure that each child participating in their program receives a healthy, nutritious snack.
- Commodity Supplemental Food Program (CSFP) - The CSFP program works to improve the health of participants by supplementing their diets with nutritious USDA commodity foods.
- Emergency Shelters Food Program (ESP) - This program provides reimbursement to emergency and homeless shelters to ensure that each child participating in their program receives healthy, nutritious meals.
- The Emergency Food Assistance Program (TEFAP) - This program helps to supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost.
- Senior Farmers Market Nutrition Program (SFMNP) - This program provides fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands and community supported agriculture programs to low-income seniors.
- Child and Adult Care Food Program - This program is a federally funded program that gives meal reimbursements to childcare centers and adult day care centers for serving nutritious meals.

The information that follows discusses only those programs that are specific to senior citizens.

### **Program Information**

For over 30 years, the SNAP program has served as the foundation of America's national nutrition safety net, working to end hunger and improve the health of low-income people by helping families buy the food they need for a nutritionally adequate diet.

In South Carolina over 100,000 households depend on SNAP each month to get the food they need for good health.

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<sup>15</sup> The information contained in the section concerning SNAP and other related programs is from the Department of Social Services website. Please contact your local DSS office for questions and assistance with applications.

For children, a better diet means better learning in school. For adults, a better diet means better performance on the job or a better foundation for developing the job skill that can give them and their family's independence. For seniors, a better diet means access to a balanced diet vital to their nutritional well-being.

For everyone, participation in the SNAP Program can help stretch limited budgets, improve nutrition, and reduce the risk of diet-related health problems.

Families, people living alone, and people living with roommates use food stamps. People who are homeless can get food stamps, too. People of all ages use SNAP benefits

You do not need to be receiving Family Independence or to be out of work in order to get them. People who are working or have regular income from other sources than work, such as Social Security or a retirement pension, disability benefits, child support, or unemployment can often get food stamps.

If you are applying for SNAP, the amount of benefits you receive will depend upon the number of people in your food stamp "household", your "household's" total monthly income, and certain "household" monthly expenses.

You may complete an application form for SNAP at your local Department of Social Services (DSS) or you may use the application form found on the DSS web-site and deliver, mail or fax the application to your local DSS office.

SNAP benefits give a person or family more buying power at the grocery store. The benefits are not intended to cover all of a family's food costs but will lessen the amount of income that must be used toward groceries each month.

SNAP eligibility and benefits are based on several factors including:

- The number of people who live in a household and buy food and prepare meals together; and
- How much money your family has left from its monthly income after certain household expenses are subtracted.

Once household eligibility is determined, your approved food stamp benefits will be deposited into an account each month. The account is accessed by using an EBT card. The EBT card acts as a debit card. Each time you use your card, your account will be reduced by the cost of the groceries you buy.

For more information concerning the Food Stamp Program, contact your county DSS office.

### **The South Carolina Elderly Simplified Application Project (ESAP)**

ESAP is designed to reinvent the SNAP process for elderly households who have traditionally proven to be our most stable population, that is, those on fixed income, with few reportable changes in household composition or deductions. ESAP is handled by an Agency centralized eligibility unit at the DSS State Office who process all applications, continuing eligibility and maintenance functions for this caseload. The household does not have to complete an interview.

#### **You may be eligible for ESAP:**

- If all household members who purchase and prepare their food together are elderly (age 60 or older);
- These household members do not have earned income; and
- These household members do not receive SNAP benefits under the South Carolina Combined Application Project (SCCAP).

**To receive SNAP benefits under ESAP, you must:**

- Complete the DSS-16176, ESAP Application; and
- Mail it to ESAP, South Carolina Department of Social Services, PO Box 100229 Columbia, SC 29202.

If you are eligible, you will receive benefits beginning the date your application is received. You will be notified in writing of the decision on your case. Once on ESAP, you only need to report required changes to the ESAP office at the above address or toll-free telephone at 1-800-616-1309.

You are not required to pay tax on food purchased with SNAP benefits.

**The Emergency Food Assistance Program (TEFAP)**

TEFAP helps to supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost.

**Who can receive these services?**

In South Carolina, low-income residents with an income at or below 150% of the Federal Poverty Income guidelines can qualify to receive services under TEFAP.

**How are the services provided?**

USDA makes commodity foods available to State Distributing Agencies. The amount of food that each state receives out of the total amount of food that is provided nationally is based on the number of unemployed persons and the number of people with incomes below the poverty level in the state. The food is provided to local agencies usually food banks, which in turn, distribute the food to local organizations such as soup kitchens and food pantries that directly serve the public.

**What services are offered?**

Eligible recipients can benefit from the program through organizations like soup kitchens that provide prepared meals, or they may receive food from pantries that distribute commodities to individuals that may be taken home and prepared for consumption.

**How can you find a local distribution in your area?**

Contact the Local Agency listed below serving your county to locate the nearest distribution site. Proof of identity, is required to complete the eligibility determination process.

<b>Golden Harvest Food Bank</b>	Counties Served: Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Edgefield, Greenwood, McCormick, Oconee, Pickens	(803) 648-0752
<b>Harvest Hope Food Bank</b>	Counties Served: Chester, Chesterfield, Calhoun, Clarendon, Darlington, Dillon, Fairfield, Florence, Greenville, Kershaw, Orangeburg, Laurens, Lee, Lexington, Marlboro, Marion, Newberry, Richland, Saluda, Sumter	(803) 254-4432
<b>Lowcountry Food Bank</b>	Counties Served: Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry, Jasper, Williamsburg	(843) 747-8146
<b>Second Harvest Food Bank</b>	Counties Served: Cherokee, Lancaster, Spartanburg, Union, York	(704) 376-1785

**Seniors Farmer’s Market Nutrition Program (SFMNP)**

The SFMNP provides fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers’ markets, roadside stands, and community supported agriculture programs to low-income seniors. The program also seeks to increase the consumption of agricultural commodities by expanding, developing, or aiding in

the development and expansion of domestic farmers' markets, roadside stands, and community supported agriculture programs.

**Who can receive these services?**

Individuals who are at least 60 years old and who have household incomes of not more than 185% of the federal poverty income guidelines are eligible. The SFMNP is not available in all South Carolina counties.

**How are the services provided?**

SFMNP benefits are distributed locally through a network of community organizations, usually Council on Aging offices that have agreed to serve as local agencies in the SFMNP.

**What services are offered?**

Eligible recipients receive benefits that may be used to purchase fresh, nutritious, unprepared fruits and vegetables at authorized farmers markets and roadside stands.

**How to apply?**

Applicants must go to a Local Agency distribution site to apply and receive benefits. SFMNP benefits are distributed during the summer months on a first come first served basis until all benefits have been exhausted. Contact the South Carolina Department of Social Services Food Distribution Program at (803) 898-0973 for a listing of local agencies and participating counties.

**Additional information:**

Additional information on all programs is available from DSS. The SC SNAP Hotline is 1-800-768-5700. You may also access information on the DSS website at [www.dss.sc.gov](http://www.dss.sc.gov).

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

LIHEAP is a federally funded program that low-income households with their home energy bills. Your LIHEAP program may be able to offer you one or more of the following types of assistance:

- Bill payment assistance;
- Energy crisis assistance; and
- Weatherization and energy-related home repairs.

The federal government does not provide energy assistance directly to the public. Instead, LIHEAP operates in the fifty States, the District of Columbia, Indian tribes or tribal organizations, and the U.S. territories.

The LIHEAP Clearinghouse provides free telephone and e-mail referrals to people who want to know where to apply for low- income energy assistance. Those seeking help can call the National Energy Assistance Referral (NEAR) project toll-free at 1-866-674-6327 from 7 a.m. to 5 p.m. (Eastern Time) or email NEAR at [energyassistance@ncat.org](mailto:energyassistance@ncat.org). You may also contact the S.C. LIHEAP office at (803) 734-0662 or visit the website at: [www.oep.sc.gov/oeo/programs.htm](http://www.oep.sc.gov/oeo/programs.htm)

**LOCAL ENERGY AND UTILITY PROVIDERS**

Often, energy and utility service providers have programs in place to assist lower income families in times of need. Contact your local utility service provider or visit their website, to determine if the service provider participates in any community or need based assistance programs.

Additionally, the LIHEAP program referred to above may be able to refer you to a local need based assistance program or to another program in which your service provider participates.

# PART SIX – AGING SERVICES AND AGING ORGANIZATIONS

## A. STATE OFFICE ON AGING OVERVIEW

The South Carolina Department on Aging (Department on Aging) is South Carolina’s “State Unit on Aging.” This office administers the federal funds received through the Older Americans Act.

The Department on Aging was previously housed under the Lieutenant Governor of South Carolina since July 1, 2004. It officially became the Department on Aging on January 1, 2019. The agency works with a network of organizations throughout the state to create and manage programs and services designed to improve the quality of life of South Carolina’s older citizens and help them remain independent in their homes and communities.

The Mission of the State Unit on Aging is to adhere to the mandates of the federal Older Americans Act (OAA) in order to meet the present and future needs of South Carolina’s older adults and individuals with disabilities. Through its programs and services, the agency enhances the quality of life for seniors through advocating, planning, and developing resources in partnership with federal, state, and local governments, nonprofits, the private sector and individuals.

The **goals** of the Department on Aging are to improve the quality and length of healthy life for South Carolina’s senior population and to improve protections for South Carolina’s adults

### **Divisions:**

#### **· Policy and Planning Division**

This Division is responsible for state planning activities including the various area plans and the State Plan on Aging. The division collects, analyzes, and publishes statistical data on older citizens of South Carolina. This Division also develops and implements statewide education and information for the public, program administrators, and regional sub-grantees/contractors.

#### **· Community Resources Division**

This Division is responsible for many program services designed to enhance the quality of life for older persons and their caregivers. It also assists the Area Agencies on Aging (AAAs) in carrying out their responsibilities. Services include nutrition/meals, consulting services in nutrition, evidence-based programs, home and community-based services, health and wellness, employment, housing and transportation. It is also responsible for the statewide Senior Medicare Fraud Patrol project, the Medicare insurance counseling program (I-CARE), and the Family Caregiver Support Program.

The Community Resources Division is also responsible for obtaining and administering many federally funded grants such as Evidence Based Programs for Health and Wellness (Better Choice, Better Health, Matter of Balance, Arthritis Self-Help and Arthritis Exercise programs), Lifespan Respite, Alzheimer’s Support Services and Community Living.

The Community Resources Division is also responsible for other State funded programs including Geriatric Loan Forgiveness, and ElderCare Trust Fund.

#### **· Elder Rights Division**

The State Long Term Care Ombudsman directs the activities of the Elder Rights Division. This division oversees the Long-Term Care Ombudsman Program at the Area Agencies on Aging throughout the state. Long Term Care Ombudsmen advocate for residents in nursing homes and assisted living facilities. They educate the residents



and the public about residents' rights and work to ensure residents receive quality care. LTC Ombudsmen work to resolve problems of individual residents and to bring about changes at the local, state and national levels that will improve residents' care and quality of life. It should be noted that the LTC Ombudsman does not have law enforcement jurisdiction and resolves complaints to the satisfaction of the resident or complainant; the office does not substantiate allegations of abuse, nor does the Ombudsman determine whether a law or regulation has been violated in order to enforce a penalty. Under SC law, this program also handles non-criminal abuse, neglect, and exploitation complaints from residents of Department of Mental Health facilities and residents of Department of Disabilities and Special Needs facilities.

The division is also responsible for the development of legal assistance services statewide. The Legal Assistance Developer provides state leadership in securing and maintaining the legal rights of older individuals and works to expand capacity for coordinating the provision of legal assistance. The legal services program provides education on legal issues, knowing their rights and exercising their choices.

### **B. Programs and Services of the Aging Network:**

The S.C. Department on Aging and the Regional AAAs coordinate and fund various other programs.

AAAs provide a single source for information and access to services for seniors, caregivers, and adults with disabilities who are seeking long term care. Their goal is to minimize confusion, improve individual choice, and help seniors get the information they need to make good decisions. AAAs make it easier for seniors and their families to learn about services and supports that are available in the community and to access those services.

County Councils on Aging and other agencies provide many services in local communities. Under contracts with the federal government, funding is provided for services through each of the Regional Area Agencies on Aging. The services that are funded with federal tax dollars must go through an open bidding process to ensure that taxpayer dollars are being spent efficiently.

For more information or help finding the services listed in this section of the handbook, call the Regional Information Referral and Assistance program at the AAA that serves your county. A directory with those telephone numbers can be found in the back of this guide. You can also call the Lieutenant Governor's Office on Aging at 1-800-868-9095.

- **The Alzheimer's Resource Coordination Center (ARCC)** is a state-funded program that provides seed grants to organizations to help them establish or expanded respite or education programs for caregivers of individuals with Alzheimer's or related dementia (ARD). More information on these grants can be obtained from the Lieutenant Governor's Office on Aging [www.aging.sc.gov](http://www.aging.sc.gov) ARCC provides information, training and technical assistance for individuals, caregivers and entities regarding ARD.

- **Disease Prevention and Health Promotion** - These activities help seniors maintain and/or improve their health status. The goals of the activities are 1) to reduce risk factors associated with illness, disability, or disease; 2) delay the onset of disease; 3) preserve functional ability, and 4) manage chronic disease. Activities include things like routine health screenings; nutritional assessment, counseling and follow-up; health promotion programs; physical fitness programs; and accident prevention activities. These activities occur in a variety of community settings, including senior centers.

- **Elder Abuse Prevention** - the Lieutenant Governor's Office on Aging works to improve understanding of factors related to abuse through training and public awareness and assists caregivers of seniors to prevent abuse.

- **Eldercare Trust Fund** - All gifts and contributions to the Fund are used to help older persons remain in their homes and communities for as long as possible. Seed grants are awarded to not-for-profit community organizations. New programs and innovative services are established to support the independence, dignity, and

vitality of our older citizens. Not-for-profit organizations can submit grant applications in early April each year.

- **Employment Services** - Title V of the Older Americans Act provides funds for the Senior Community Service Employment Program. This program offers training to low-income people who are 55 and over to help them in entering the job market or moving to other types of employment. Enrollees receive training and experience by working for nonprofit organizations.

- **Evidence Based Programs** are programs that use tested, proven methods to help people manage their conditions. Classes are held around the state for Chronic Disease Self-Management (Better Choices, Better Health), Matter of Balance (Falls Prevention), Arthritis Self-Help and Arthritis Exercise. Contact your local AAA or visit <http://www.scdhec.gov/health/chcdp/arthritis/contacts.htm> for class schedules.

- **Family Caregiver Support Program (FCSP):** The FCSP at each regional Aging and Disability Resource Center provides a specialist, the Family Caregiver Advocate, who assistance to caregivers. The FCSP exists to assist primary unpaid caregivers support and assistance in the care of those they love. By providing services for the caregiver, it increases the likelihood that an individual can continue to age in place. The FCSP offers support groups, classes, information, and other services designed to make caregiving a little easier, less stressful, and more rewarding. Respite is a key resource that will allow caregivers to take a temporary break from their caregiving duties. Caregivers can talk with the local FCSP Advocate to see if they are eligible for a respite voucher. Limited supplemental services may also be available. FCSP may be available to those unpaid family caregivers of frail or disabled adults age 60 and over; caregivers of adults with Alzheimer's disease; grandparents (55 or older) raising a grandchild under 19; and grandparents or relatives 55 and older caring for an adult with a disability.

- **Geriatric Loan Forgiveness program** provides limited funds to assist physicians in repaying student loans. In return, these doctors agree to remain in South Carolina for five years and care for the state's ever increasing senior population.

- **Group Dining** provides a nutritionally balanced meal five days a week to older adults at senior centers or other designated places. The program includes nutrition education and other activities designed to promote health and wellness.

- **Homebound Support** activities provide social contact for seniors who live alone or who are isolated. These activities provide seniors with an opportunity for socializing and are also a way of checking on their safety and well-being.

- **Home Care Services** include a broad range of activities. The services are based on the level of need of the individual and that individual's primary caregiver. Home care aides may provide services including: housekeeping, shopping, meal preparation, medication management, personal care assistance with activities of daily living (e.g., bathing, dressing, and toileting), and temporary respite for caregivers.

- **Home-Delivered Meals** ensure that seniors who are homebound receive at least one nutritionally balanced meal five days a week in their own homes so they can maintain a maximum level of health and independence, instead of moving to a care facility.

- **Information, Referral, and Assistance Specialists** provide information about resources and services that are available for older adults, adults with disabilities, and their caregivers. Each regional AAA in South Carolina has a certified IR&A Specialist on staff to help individuals locate and access needed services.

- **Insurance Counseling, Assistance and Referrals for Elders (I-CARE) and Senior Medicare Patrol** assists people with issues related to Medicare, Medicare Supplements, Medicare Savings programs, Medicare

Advantage Plans and Senior Medicare Fraud Programs. They also enroll individuals in Medicare Part D and train volunteers to provide free counseling related to health insurance and long term care insurance. The Senior Medicare Patrol program operates in partnership with the I-CARE program. I-CARE counselors are located in the 10 regional Aging and Disability Resource Centers around the state. Refer to the Aging and Disability Resource Center listings in the “Community Resources Directory” section of this handbook to locate the regional office that serves your county.

- **Legal Assistance Services** - These services are provided to low income seniors at no cost through the regional AAA when funding is available. The Legal Assistance Developer is responsible for ensuring that older adults have access to the legal assistance through advocacy, advice, representation, information, and education, with the goal of protecting the older person’s dignity, rights, autonomy, and financial security.
- **Long Term Care Ombudsman Program** - The Ombudsman program advocates for residents of nursing homes, board and care homes, assisted living facilities, and other similar adult care facilities. State Ombudsmen and their designated representatives work to resolve problems individual residents face and effect change at the local, state, and national levels to improve quality of care. Regional Long Term Care Ombudsmen are located in the 10 regional Area Agency on Aging (AAA) offices around the state. Listings of the AAAs can be found in the “Community Resource Directory” section of this handbook and provide the contact information for the regional offices for each county. You may also contact the State Long Term Care Ombudsman in Columbia at 1-800-868-9095 for assistance.
- **Respite Services** provide assistance and relief from caregiving responsibilities. Services may be provided for individual caregivers in the home, in group home settings or, for overnight or lengthier respite, in long term care facilities.
- **Senior Center Activities** include a broad range of group activities, designed to meet the social, recreational, physical fitness and educational needs of a diverse older population. These are activities go above and beyond the services specifically contracted by the AAAs.
- **GetCareSC:** GetCareSC is the Office on Aging’s online tool to assist seniors and their caregivers in obtaining information regarding available aging services.
- **Transportation:** Seniors who do not have transportation may still be able to travel to and from important activities such as medical appointments, educational and social activities, shopping, meal sites and social service agencies.
- **Healthy Connections Prime Ombudsman:** This is demonstration grant program that helps older adults age 65 and older who are enrolled in **Healthy Connections Prime** address concerns or conflicts that may interfere with navigating and coordinating their health coverage through Medicare and Medicaid.
- **SC Vulnerable Adult Guardian Ad Litem**  
The SC Vulnerable Adult Guardian ad Litem serves vulnerable adults who have been abused, neglected, or exploited.
- **Pet Programs for Seniors:** The pet programs provide assistance to seniors who cannot afford pet food, supplies, and services.

# PART SEVEN – COMMUNITY RESOURCE DIRECTORY

## UNITED STATES SENATORS FOR SOUTH CAROLINA

### **Lindsey Graham**

290 Russell Senate Office Building  
Washington, DC 20510  
(202) 224-5972

### **Tim Scott**

520 Hart Senate Office Building  
Washington, DC 20510  
(202) 224-5972

## UNITED STATES HOUSE OF REPRESENTATIVES

### **Joe Cunningham**

South Carolina-1<sup>st</sup>, Democrat  
423 Cannon House Office Building  
Washington, DC 20515  
Phone: (202) 225-3176

### **Joe Wilson**

South Carolina-2<sup>nd</sup>, Republican  
1436 Longworth House Office Building  
Washington, DC 20515  
Phone: (202) 225-2452  
Fax: (202) 225-2455

### **Jeff Duncan**

South Carolina-3<sup>rd</sup>, Republican  
2229 Rayburn House Office Building  
Washington, DC 20515  
Phone: (202) 225-5301  
Fax: (202) 225-3216

### **William Timmons**

South Carolina-4<sup>th</sup>, Republican  
313 Cannon HOB  
Washington, DC 20515  
Phone: (202) 225-6030

### **Ralph Norman**

South Carolina-5<sup>th</sup>, Republican  
319 Cannon HOB  
Washington, DC 20515  
Phone: (202) 225-5501  
Fax: (202) 225-0464

### **James E. Clyburn**

South Carolina-6<sup>th</sup>, Democrat  
200 Cannon House Office Building  
Washington, DC 20515  
Phone: (202)225-3315  
Fax: (202)225-2313

### **Tom Rice**

South Carolina-7<sup>th</sup>, Republican  
512 Cannon House Office Building  
Washington, DC 20515  
Phone: (202) 225-9895  
Fax: (202) 225-9690

## STATE GOVERNMENT

### **The Office of the Governor**

The Honorable Henry McMaster  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201  
Phone: (803) 734.2100  
Fax: (803) 734.5167

### **Office of the Lieutenant Governor**

The Honorable Pamela Evette  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201  
Phone: 803.734.2100  
Fax: 803.734.5167

### **S.C. Office of Ombudsman**

1205 Pendleton St.  
Columbia, SC 29201  
(803) 734-5049/ Fax: (803) 734-1428  
[governor@govoepp.state.sc.us](mailto:governor@govoepp.state.sc.us)

### **State Long Term Care Ombudsman**

1301 Gervais St., Ste. 350  
Columbia, SC 29201  
(803) 734-9900 or (800) 868-9095

### **Region 1 LTC Ombudsman**

*(Serving Anderson, Cherokee, Greenville, Oconee, Pickens & Spartanburg counties)*  
(864) 242-9733 or (800) 922-7729

Region 2 LTC Ombudsman  
(Serving Abbeville, Edgefield, Greenwood, Laurens,  
McCormick & Saluda counties)  
(864) 941-8070 or (800) 922-7729

Region 3 LTC Ombudsman  
(Serving Chester, Lancaster, York & Union counties)  
(803) 329-9670 or (800) 662-8330

Region 4 LTC Ombudsman  
(Serving Fairfield, Lexington, Newberry & Richland  
counties)  
(803) 376-5389 or (866) 394-4166

Region 5 LTC Ombudsman  
(Serving Aiken, Allendale, Bamberg, Barnwell, Calhoun  
& Orangeburg counties)  
(803) 649-7981 or (866) 845-1550

Region 6 LTC Ombudsman  
(Serving Clarendon, Kershaw, Lee & Sumter counties)  
(803) 775-7381 or (800) 948-1042

Region 7 LTC Ombudsman  
(Serving Chesterfield, Darlington, Dillon, Florence,  
Marion & Marlboro counties)  
(843) 383-8632 Ext: 167 or (866) 505-3331

Region 8 LTC Ombudsman  
(Serving Georgetown, Horry & Williamsburg counties)  
(843) 546-8502 or (888) 302-7550

Region 9 LTC Ombudsman  
(Serving Berkeley, Charleston & Dorchester counties)  
(843) 554-2280 or (800) 864-6446

Region 10 LTC Ombudsman  
(Serving Beaufort, Colleton, Hampton & Jasper  
counties)  
(843) 726-5536 or (877) 846-8148

**South Carolina Senate**  
**State House**  
Clerk of the Senate  
P.O. Box 142  
Columbia, SC 29202  
(803) 212-6200

**South Carolina House of Representatives**  
**State House**

Clerk of the House  
P.O. Box 11867  
Columbia, SC 29211  
(803) 734-2403

**S.C. Legislative Manual**

Clerk of the House  
Charles F. Reid  
Cost \$12.00  
View online: [http://www.scstatehouse.net/html-  
pages/publications.html](http://www.scstatehouse.net/html-pages/publications.html)

**Legislative Information Systems**

1105 Pendleton St.  
Blatt Building, Room 223  
Columbia, SC 29201  
(803) 734-3143 or (800) 922-1539

**HEALTH CARE**

**Alzheimer's Association**

National Headquarters  
225 North Michigan Ave., Fl. 17  
Chicago, IL 60601  
(800) 272-3900

**S.C. Alzheimer's Association**

P.O. Box 7044  
Columbia, SC 29202  
(800) 636-3346

Anderson (Main) Office  
4124 Clemson Blvd., Ste. L  
Anderson, SC 29621  
(864) 224-3045 or (800) 272-3900  
Fax: (864) 225-1387  
(Serving Anderson, Oconee, Greenwood, Abbeville,  
McCormick, Saluda & Edgefield counties)

Greenville Area Office  
301 University Ridge, Ste. 5000  
Greenville, SC 29601  
(864) 250-0029 or (800) 272-3900  
Fax: (864) 250-0807  
(Serving Greenville, Pickens & Laurens counties)

Lowcountry Area Office  
2090 Executive Hall Rd., Ste. 130  
Charleston, SC 29407  
(843) 571-2641 or (800) 272-3900  
Fax: (843) 571-6020  
*(Serving Charleston, Berkeley, Dorchester, Colleton,  
Hampton, Jasper & Beaufort counties)*

Midlands Area Office  
140 Stoneridge Dr., Ste. 210  
Columbia, SC 29210  
(803) 791-3430 or (800) 272-3900  
Fax: (803) 791-8388  
*(Serving Richland, Lexington, Newberry, Sumter,  
Clarendon, Calhoun, Orangeburg, Florence,  
Chesterfield, Marlboro, Darlington, Dillon, Bamberg,  
Allendale, Barnwell, Aiken, Kershaw & Lee counties)*

Myrtle Beach Area Office  
1105 48<sup>th</sup> Ave. North, Ste. 109  
Myrtle Beach, SC 29577  
(843) 213-1516 or (800) 272-3900  
Fax: (843) 213-1529  
*(Serving Horry, Georgetown, Marion & Williamsburg  
counties)*

Spartanburg Area Office  
901 South Pine St.  
Spartanburg, SC 29302  
(864) 542-9998 or (800) 272-3900  
Fax: (864) 542-0833  
*(Serving Spartanburg, Union, Cherokee, York, Chester,  
Lancaster & Fairfield counties)*

**Alzheimer's Dementia Registry**  
USC Arnold School of Public Health  
921 Assembly St.  
Columbia, SC 29208  
(803) 777-5337

**American Hospital Association**  
155 North Wacker Dr.  
Chicago, IL 60606  
(312) 422-3000

**James F. Byrnes Center for Geriatric Medicine**  
2100 Bull St.  
P.O. Box 119  
Columbia, SC 29203  
(803) 898-1935

**ACS Silvercard Hotline**  
(877) 239-5277  
silvercard.com@acs-inc.com

**S.C. Health Care Association**  
176 Laurelhurst Ave.  
Columbia, SC 29210  
(803) 772-7511/ Fax: (803) 772-7943

**Employee Retirement Income Security Act  
U.S. Department of Labor**  
Employee Benefits Security Administration  
200 Constitution Ave., NW  
Administration Room No. 5619  
Washington, DC 20210  
(866) 487-2365  
[www.dol.gov](http://www.dol.gov)

**S.C. Department of Labor, Licensing & Regulation**  
Synergy Center-Kingstree Building  
110 Center View Dr.  
P.O. Box 11329  
Columbia, SC 29211-1329  
(803) 896-4300/ Fax: (803) 896-4393

## MEDICARE

**Medicare Rights Center**  
266 West 37<sup>th</sup> St., 3<sup>rd</sup> Floor  
New York, NY 10018  
(212) 869-3850/ Fax: (212) 869-3532

**Medicare Rights Center**  
1444-I St. NW, Ste. 1105  
Washington, DC 20006  
(202) 637-0961/ Fax: (202) 637-0962  
[www.medicarerights.org](http://www.medicarerights.org)

**National Medicare Hotline**  
1-800-MEDICARE (800) 633-4227  
<http://www.medicare.gov/>  
To report Medicare Fraud: (800) 447-8477

**Nursing Home Compare**  
[www.medicare.gov/NHCompare/home.asp](http://www.medicare.gov/NHCompare/home.asp)

**Blue Cross Blue Shield of SC**

General Operator: (803) 788-0222  
Current Medicare Policy Holders:  
1 (800) 633-4227  
Interested in Purchasing a Policy:  
1 (800) 444-0030

**The Carolinas Center for Medical Excellence**

1320 Main St., Ste. 300  
Columbia, SC 29201  
(803) 212-7500 or (800) 922-3089

S.C. Department of Health & Human Services  
S.C. Medicaid Program  
1801 Main St.  
Columbia, SC 29202  
(888) 549-0820  
To Report Medicaid Fraud:  
(888) 364-3224

**COMMUNITY LONG TERM CARE**

**State Office:**

Community Long Term Care  
1801 Main St.  
P.O. Box 8206  
Columbia, SC 29202  
(803) 898-2590

**Local Offices:**

Area 1 – Greenville  
620 North Main St., Ste. 200  
Greenville, SC 29601  
(864) 242-2211 or (888) 535-8523  
**CLTCArea1@scdhhs.gov**  
(*Serving Greenville & Pickens counties*)

Area 2 – Spartanburg  
945 Bell Hill Cir.  
Spartanburg, SC 29302  
(864) 587-4707 or (888) 551-3864  
**CLTCArea2@scdhhs.gov**  
(*Serving Cherokee, Spartanburg & Union counties*)

Area 3 – Greenwood, IMS  
617 South Main St.  
P.O. Box 3088  
Greenwood, SC 29648  
(864) 223-8622 or (800) 628-3838  
**CLTCArea3@scdhhs.gov**  
(*Serving Abbeville, Edgefield, Greenwood, Laurens, McCormick & Saluda counties*)

Area 4 – Rock Hill  
454 South Anderson Rd, Ste. 100  
Rock Hill, SC 29730  
(803) 327-9061 or (888) 286-2078  
**CLTCArea4@scdhhs.gov**  
(*Serving Chester, Lancaster & York counties*)

Area 5 – Columbia  
7499 Parklane Rd., Ste. 164  
Columbia, SC 29223  
(803) 741-0826 or (888) 847-0908  
**CLTCArea5@scdhhs.gov**  
(*Serving Fairfield, Newberry, Lexington & Richland counties*)

Area 6 – Orangeburg  
191 Regional Pkwy., Building A  
Orangeburg, SC 29118  
(803) 536-0122 or (888) 218-4915  
**CLTCArea6@scdhhs.gov**  
(*Serving Allendale, Bamberg, Calhoun & Orangeburg counties*)

Area 6A – Aiken Satellite Office  
6170 Woodside Executive Center  
Aiken, SC 29803  
(803) 641-7680 or (888) 364-3310  
**CLTCArea6A@scdhhs.gov**  
(*Serving Aiken & Barnwell counties*)

Area 7 – Sumter  
30 Wesmark Ct.  
Sumter, SC 29150  
(803) 905-1980 or (888) 761-5991  
**CLTCArea7@scdhhs.gov**  
(*Serving Clarendon, Kershaw, Lee & Sumter counties*)

Area 8 – Florence  
201 Dozier Blvd.  
Florence, SC 29501  
(843) 667-8718 or (888) 798-8995

[CLTCArea8@scdhhs.gov](mailto:CLTCArea8@scdhhs.gov)

*(Serving Chesterfield, Darlington, Dillon, Florence & Marlboro counties)*

Area 9 – Conway  
1201 Creel St.  
Conway, SC 29527  
(843) 248-7249 or (888) 539-8796

[CLTCArea9@scdhhs.gov](mailto:CLTCArea9@scdhhs.gov)

*(Serving Georgetown, Horry, Marion & Williamsburg counties)*

Area 10 – Charleston  
4130 Faber Place Dr., Ste. 303  
N. Charleston, SC 29405  
(843) 529-0142 or (888) 805-4397

[CLTCArea10@scdhhs.gov](mailto:CLTCArea10@scdhhs.gov)

*(Serving Berkeley, Charleston & Dorchester counties)*

Area 10A – Ridgeland Satellite Office- IMS  
10175 South Jacob Smart Blvd.  
Ridgeland, SC 29936  
(843) 726-5353 or (800) 262-3329  
Beaufort Line: (843) 521-9191

[CLTCArea10A@scdhhs.gov](mailto:CLTCArea10A@scdhhs.gov)

*(Serving Beaufort, Colleton, Hampton & Jasper counties)*

Area 11- Anderson, IMS  
3215 Martin Luther King Jr. Blvd., Ste. H  
P.O. Box 5947 (29623-5947)  
Anderson, SC 29625  
(864) 224-9452 or (800) 713-8003

[CLTCArea11@scdhhs.gov](mailto:CLTCArea11@scdhhs.gov)

*(Serving Anderson & Oconee counties)*

## **SERVICES FOR PEOPLE WITH DISABILITIES**

### **S.C. Department of Mental Health**

Administration Building  
2414 Bull St.  
Columbia, SC 29202  
(803) 898-8581

### **S.C. Department of Disabilities and Special Needs**

3440 Harden Street Ext.  
P.O. Box 4706 (29240)  
Columbia, SC 29203  
(803) 898-9600 or (888) 376-4636  
Fax: 803-898-9653

### **S.C. Developmental Disabilities Council**

Office of the Governor  
1205 Pendleton St., Ste. 450  
Columbia, SC 29201  
(803) 734-0465 or (803) 734-1147 (TTY)

### **S.C. School for the Deaf and Blind**

Telephone Equipment Distribution Center  
Outreach Services  
101 Executive Dr., Ste. 120  
Columbia, SC 29210  
(803) 896-8337 Voice or (803) 896-8334 (TTY)

### **S.C. Commission for the Blind State Office**

1430 Confederate Ave.  
Columbia, SC 29202  
(803) 898-8731 or (800) 922-2222

Aiken District Office  
855 York St. NE  
Aiken, SC 29801  
(803) 641-7658

Charleston District Office  
Fairfield Office Park  
1064 Gardner Rd., Ste. 109  
Charleston, SC 29407  
(843) 852-4225

Columbia Complex District Office  
1430 Confederate Ave.  
P.O. Box 2467  
Columbia, SC 29202  
(803) 898-8731

Conway District Office  
1321-C Third Ave.  
Conway, SC 29526  
(843) 248-2017  
Florence District Office  
217 Dozier Blvd.  
Florence, SC 29501  
(843) 661-4788



Greenville District Office  
620 North Main St.  
Greenville, SC 29601  
(864) 241-1111

Greenwood District Office  
108B Bypass 225 S.  
Greenwood, SC 29646  
(864) 223-3334

Rock Hill District Office  
454 S. Anderson Rd., Ste. 210  
Rock Hill, SC 29730  
(803) 980-8140

Walterboro District Office  
2414 Jeffries Blvd.  
Walterboro, SC 29488  
(843) 539-1156

**S.C. State Library- Talking Books Services**  
1430 Senate St.  
Columbia, SC 29201  
(803) 734-4611, (800) 922-7817 or (803) 734-7298  
(TTY)

## **INSURANCE INFORMATION AND COMPLAINTS**

**S.C. Department of Insurance**  
1201 Main St., Ste. 1000  
Columbia, SC 29201  
(803) 737-6160

**Insurance Counseling Assistance and Referral for Elders (I-CARE)**  
Lt. Governor's Office on Aging  
(800) 868-9095

**Medicare Complaints**  
Federal Toll-Free Number:  
(800) 633-4227

**Dept. of Housing and Urban Development**  
Strom Thurmond Federal Building  
1835 Assembly St., 13<sup>th</sup> Floor  
Columbia, SC 29201  
(803) 765-5592/ Fax: (803) 253-3043

**S.C. State Housing Finance & Development Authority**  
300-C Outlet Pointe Blvd.  
Columbia, SC 29210  
(803) 896-9001/ Fax: (803) 896-8583

**LeadingAge South Carolina**  
2711 Middleburg Dr., Ste. 309-A  
Columbia, SC 29204  
(803) 988-0005

**S.C. Association of Residential Care Homes**  
4721-D Sunset Blvd.  
Lexington, SC 29072  
(803) 951-3296 or (800) 862-2908  
Fax: (803) 951-2136

## **CONSUMER ISSUES**

**S.C. Department of Consumer Affairs**  
2221 Devine St., Ste. 200  
P.O. Box 5757  
Columbia, SC 29250  
(803) 734-4200 or (800) 922-1594

**Federal Trade Commission**  
[www.ftc.gov](http://www.ftc.gov)

**About a Company, Organization or Business Practice:**  
(877) 382-4357

**About Identity Theft:**  
(877) 438-4338

**Better Business Bureau**  
*(Central South Carolina & Charleston)*  
2442 Devine St.  
Columbia, SC 29205  
(803) 254-2525/ Fax: (803) 779-3117

**Better Business Bureau**  
*(Coastal Carolina)*  
1121 Third Ave.  
Conway, SC 29526  
(843) 488-2227/ Fax: (843) 488-0998

**Better Business Bureau**

*(Upstate SC)*

408 North Church St., Ste. C  
Greenville, SC 29601-2164  
(864) 242-5052/ Fax: (864) 271-9802

**CREDIT/FINANCIAL COUNSELING****Consumer Credit Counseling Services - Trident Area**

4925 Lacross Rd., Ste. 215  
Charleston, SC 29406  
(843) 735-7802

**Consumer Credit Counseling Services - Beaufort Area**

69 Robert Smalls Pkwy., Ste. 2-B  
Beaufort, SC 29902  
(843) 379-2227

**Family Service Center of S.C.**

2712 Middleburg Dr., Ste. 207-A  
Columbia, SC 29204  
(803) 733-5450

**CRIME****S.C. Crime Victims' Ombudsman (CVO)**

Wade Hampton Building  
1200 Senate St.  
Columbia, SC 29201  
cvo@oepp.sc.gov  
(803) 734-0357 or (888) 238-0697

**S.C. Victim Assistance Network**

Columbia Office  
P.O. Box 212863  
Columbia, SC 29221  
(803) 750-1200 or (888) 852-1900

**U.S. Department of Justice**

Report a Crime:  
FBI Columbia  
151 Westpark Blvd.  
Columbia, SC 29210-3857  
(803) 551-4200/ Fax: (803) 551-4324

**DISCRIMINATION****S.C. Human Affairs Commission**

1026 Sumter St.  
Columbia, SC 29201  
(803) 737-7800 or (800) 521-0725

**S.C. Workers' Compensation Commission**

1333 Main St., Ste. 500  
P.O. Box 1715  
Columbia, SC 29201  
(803) 737-5700/ Fax: (803) 737-5768

***Americans with Disabilities Act*****S.C. Vocational Rehabilitation Department**

1410 Boston Ave.  
P.O. Box 15  
West Columbia, SC 29171  
(803) 896-6500

**Civil Rights Division**

Office of the Asst. Attorney General  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
(202) 514-4609 or (202) 514-0716 (TTY)

***Handicapped Discrimination*****Protection and Advocacy for People with Disabilities, Inc.**

3710 Landmark Dr., Ste. 208  
Columbia, SC 29204  
(803) 782-0639, (866) 275-7273 or (866) 232-4525  
(TTY)

**Low Country Office**

1569 Sam Rittenberg Blvd.  
Charleston, SC 29407

**Pee Dee Office**

1801 West Evans St., Ste. D-101  
Florence, SC 29501

**Piedmont Office**

545 N. Pleasantburg Dr., Ste. 106  
Edgefield Building, Park Central  
Greenville, SC 29607

***Discrimination/Civil Liberties***

**American Civil Liberties Union of South Carolina**

P.O. Box 20998  
Charleston, SC 29413-0998  
(843) 720-1423

**LEGAL AID/LEGAL SERVICES**

**Charleston Trident Urban League**

P.O. Box 20249  
Charleston, SC 29413-0249  
(843) 769-8173/ Fax: (843) 769-8193

**Columbia Urban League, Inc.**

1400 Barnwell St.  
Columbia, SC 29201  
(803) 799-8150/ Fax: (803) 254-6052

**Urban League of the Upstate**

15 Regency Hill Dr.  
Greenville, SC 29607  
(864) 244-3862/ Fax: (864) 244-6134

**Urban League Spartanburg Office**

210 Bomar Ave.  
Spartanburg, SC 29302  
(864) 562-4400/ Fax: (864) 562-4403

**Lower Savannah Council of Governments**

P.O. Box 850  
Aiken, SC 29802  
(803) 649-7981/ Fax: (803) 649-2248

**Trident Area Agency on Aging**

4500 Leeds Place W., Ste. B  
N. Charleston, SC 29405  
(843) 554-2275/Fax: (843) 555-2284

**Lowcountry Council of Governments**

634 Campground Rd.  
P.O. Box 98  
Yemassee, SC 29945  
(843) 473-3990/ Fax: (843) 726-5165

**South Carolina Legal Services**

Intake Office - Statewide  
(803) 744-9430 or (888) 346-5592

Charleston Office

2803 Carner Ave.  
Charleston, SC 29405  
(843) 720-7044 or (888) 720-2320  
*(Serving Beaufort, Berkeley, Charleston, Colleton,  
Dorchester, Hampton and Jasper counties)*

Columbia Office

2109 Bull St.  
P.O. Box 1445  
Columbia, SC 29201  
(803) 799-9668 or (888) 799-9668  
\*Open Monday through Friday from 8:30 a.m. until  
5:00 p.m.  
*(Serving Lee, Lexington, Kershaw, Richland and Sumter  
counties)*

Conway Office

1201 B Creel St., Wing A-1  
P.O. Box 1231  
Conway, SC 29526  
(866) 597-0100  
*(Serving Georgetown, Horry, Marion and Williamsburg  
counties)*

Florence Office

320 S. Coit St.  
Florence, SC 29501  
(843) 413-9500 or (877) 238-3418  
*(Serving Chesterfield, Clarendon, Darlington, Dillon,  
Florence & Marlboro counties)*

Greenville Office

701 S. Main St.  
Greenville, SC 29601  
(864) 679-3232 or (800) 763-4825  
*(Serving Anderson, Greenville, Oconee & Pickens  
counties)*

Greenwood Office

316 W. Cambridge Ave.  
Greenwood, SC 29646  
(864) 223-4879 or (800) 922-3114  
*(Serving Abbeville, Edgefield, Greenwood, Laurens,  
McCormick, Newberry & Saluda counties)*

Orangeburg Office  
126 Associate Pkwy.  
Orangeburg, SC 29118  
(803) 533-0116 or (800) 522-9354  
*(Serving Aiken, Allendale, Bamberg, Barnwell, Calhoun  
& Orangeburg counties)*

Aiken Satellite Office  
Aiken Center  
1105 Gregg Hwy.  
Aiken, SC 29801  
(803) 649-1900, Ext. 356  
\* by appointment only

Rock Hill Office  
214 Johnston St.  
Rock Hill, SC 29730  
(803) 327-9001 or (800) 922-3853  
*(Serving Chester, Fairfield, Lancaster & York counties)*

Spartanburg Office  
148 E. Main St.  
Spartanburg, SC 29306  
(864) 582-0369 or (800) 922-8176  
*(Serving Cherokee, Spartanburg & Union counties)*

Please visit [www.scej.org](http://www.scej.org) or [www.LAWHELP.org/sc](http://www.LAWHELP.org/sc)  
for additional information

**S.C. Bar Lawyer Referral Service**  
(800) 868-2284 or (803) 799- 7100 (for Richland and  
Lexington counties)

## **FINANCIAL PLANNING**

**Financial Issues/Taxes**  
**AARP Tax-Aide Program**  
(888) 687-2277 or [www.aarp.org](http://www.aarp.org)

**Internal Revenue Service**  
1835 Assembly St.  
Columbia, SC 29201  
(803) 765-5544 or (800) 829-1040

**Treasury Inspector General Tax**  
Administration Hotline  
P.O. Box 589  
Ben Franklin Station  
Washington, DC 20044  
(800) 366-4484

**S.C. Department of Revenue**  
300A Outlet Point Blvd.  
P.O. Box 125 (29214)  
Columbia, SC 29210  
(803) 898-5000 / Fax: (803) 898-5822

**S.C. Comptroller General**  
1200 Senate St.  
305 Wade Hampton Office Building  
Columbia, SC 29211  
(803) 734-2121

## **SOCIAL SECURITY**

### **Local Social Security Offices**

Aiken  
151 Corporate Pkwy.  
Aiken, SC 29803  
(803) 648-2356 or (800) 772-1213

Anderson  
4 Civic Center Blvd Ext.  
Anderson, SC 29625  
(864) 231-7057 or (800) 772-1213

Beaufort  
646 Robert Smalls Pkwy.  
Beaufort, SC 29906  
(843) 524-5795 or (800) 772-1213

Bennettsville  
1028 Cheraw St.  
Bennettsville, SC 29512  
(888) 810-7617 or (800) 772-1213

Charleston  
1463 Tobias Gadson Blvd.  
Charleston, SC 29407  
(843) 573-3600 or (800) 772-1213

Clinton  
292 Professional Park Rd.  
Clinton, SC 29325  
(866) 526-9854 or (800) 772-1213

Columbia  
Strom Thurmond Federal Bldg.  
1835 Assembly St.  
Columbia, SC 29201  
(866) 964-7594 or (800) 772-1213

Conway  
1316 3<sup>rd</sup> Ave.  
Conway, SC 29526  
(843) 248-4271 or (800) 772-1213

Florence  
181 Dozier Blvd.  
Florence, SC 29501  
(843) 662-4651 or (800) 772-1213

Georgetown  
413 King St.  
Georgetown, SC 29440  
(866) 593-1584 or (800) 772-1213

Greenville  
319 Pelham Rd.  
Greenville, SC 29615  
(864) 233-1116 or (800) 772-1213

Greenwood  
115 Enterprise Ct., Ste. C  
Greenwood, SC 29649  
(866) 739-4803 or (800) 772-1213

Orangeburg  
1379 Sims St.  
Orangeburg, SC 29115  
(803) 531-1568 or (800) 772-1213

Rock Hill  
498 Lakeshore Pkwy.  
Rock Hill, SC 29730  
(803) 328-6271 or (800) 772-1213

Spartanburg  
145 N. Church St.  
Spartanburg, SC 29306  
(866) 701-6620 or (800) 772-1213

Sumter  
240 Bultman Dr.  
Sumter, SC 29150  
(803) 775-9140 or (800) 772-1213

Walterboro  
502 Robertson Blvd.  
Walterboro, SC 29488  
(843) 549-2866 or (800) 772-1213

**Railroad Retirement**  
**U.S. Railroad Retirement Board**  
844 North Rush St.  
Chicago, IL 60611-2092  
(877) 772-5772 or (312) 751-4701 (TTY)

**ADULT PROTECTIVE SERVICES & FOOD**  
**STAMPS**

**Department of Public Safety**  
10311 Wilson Blvd.  
P.O. Box 1993  
Blythewood, SC 29016  
(803) 896-7920

**S.C. Department of Social Services**  
Adult Protective Services  
1535 Confederate Ave. Ext  
P.O. Box 1520  
Columbia, SC 29202-1520  
Elder Abuse: (803) 898-7318  
(Referral to a county/local number)

**DSS County Offices**

**Abbeville**  
Human Services Building  
909 W. Greenwood St.  
Abbeville, SC 29620  
(864) 366-5481/ Fax: (864) 366-0045

**Aiken**  
Aiken Office  
1410 Park Ave., SE.  
Aiken, SC 29802-1268  
(803) 649-1111

North August Office  
802 E. Martintown Rd., Ste. 183  
North Augusta, SC 29841  
(803) 202-3500

**Allendale**  
521 Barnwell Hwy.  
Allendale, SC 29810  
(803) 584-7048/ Fax: (803) 584-7049

**Anderson**

Anderson County Office Building  
224 McGee Rd.  
Anderson, SC 29625  
(864) 260-4100

**Bamberg**

Bamberg County Human Resource Center  
374 Log Branch Rd.  
Bamberg, SC 29003  
(803) 245-3930/ Fax: (803) 245-3935

**Barnwell**

T. Ed Richardson Building  
10913 Ellenton St.  
P.O. Box 1306  
Barnwell, SC 29812  
(803) 541-1220

**Beaufort**

1905 Duke St.  
P.O. Box 1065 (29901)  
Beaufort, SC 29902  
(843) 255-6080

**Berkeley**

2 Belt Dr.  
Moncks Corner, SC 23461  
(843) 761-8044/ Fax: (843) 761-2779

**Calhoun**

County DSS Building  
2831 Old Belleville Rd.  
P.O. Box 467  
St. Matthews, SC 29135-0467  
(803) 874-3384

**Charleston**

North Charleston  
3366 Rivers Ave.  
N. Charleston, SC 29405  
(843) 953-9400

**Cherokee**

1434 N. Limestone St.  
Gaffney, SC 29342  
(864) 487-2704

**Chester**

115 Reedy St.  
Chester, SC 29706  
(803) 377-8131

**Chesterfield**

203 Commerce Dr.  
Chesterfield, SC 29709  
(843) 623-2147/ Fax: (843) 623-2151

**Clarendon**

3 S. Church St.  
Manning, SC 29102  
(803) 435-4303/ Fax: (803) 435-2831

**Colleton**

Bernard Warshaw Complex  
215 S. Lemacks St.  
Walterboro, SC 29488  
(843) 549-1894/ Fax: (843) 549-2942

**Darlington**

Mozingo Building  
300 Russell St.  
Darlington, SC 29532  
(843) 398-4420/ Fax: (843) 383-6041

**Hartsville Office**

130 E. Camden Ave.  
P.O. Drawer 1377  
Hartsville, SC 29551  
(843) 332-2231/ Fax: (843) 383-6041

**Lamar Office**

528 Cartersville Hwy.  
Lamar, SC 29069  
(843) 326-5591/ Fax: (843) 383-6041

**Dillon**

1211 Hwy. 34 W.  
P.O. Box 1307  
Dillon, SC 29536  
(843) 774-8284/ Fax: (843) 841-0253

**Dorchester**

216 Orangeburg Rd.  
Summerville, SC 29483  
(843) 821-0444

**Dorchester**

St. George Office  
201 Johnston St.  
St. George, SC 29477  
(843) 563-9524

**Edgefield**

120 W.A. Reel Dr.  
P.O. Box 644  
Edgefield, SC 29824  
(803) 637-4040/ Fax: (803) 637-5230

**Fairfield**

Fairfield Health & Human Svcs. Ctr.  
1136 Kincaid Bridge Rd.  
P.O. Box 210  
Winnsboro, SC 29180  
(803) 635-5502/ Fax: (803) 635-2322

**Florence**

Florence Office  
2685 S. Irby St.  
Florence, SC 29505  
(843) 669-3354/ Fax: (843) 673-9247

**Lake City Office**

345 S. Ron McNair Blvd.  
Lake City, SC 29560  
(843) 394-8575/ Fax: (843) 673-9247

**Georgetown**

330 Dozier St.  
Georgetown, SC 29440  
(843) 546-5134/ Fax: (843) 546-0617

**Greenville**

Greenville County Square  
301 University Ridge, Ste. 6700  
Greenville, SC 29603  
(864) 467-7700

**Greer Office**

202 Victoria St.  
Greer, SC 29651  
(864) 848-5380

**Greenwood**

1118 Phoenix St.  
P.O. Box 1096  
Greenwood, SC 29648  
(864) 229-5258/ Fax: (864) 229-4613

**Hampton**

102 Ginn Altman Ave., Ste. A  
Hampton, SC 29924  
(803) 943-3641/ Fax: (803) 943-4879

**Horry**

Conway Office  
1951 Industrial Park Rd.  
Conway, SC 29526  
(843) 915-4700/ Fax: (843) 915-4820

**Loris Office**

3815 Walnut St.  
Loris, SC 29569  
(843) 915-4700/ Fax: (843) 915-4820

**Myrtle Beach Office**

1203 21<sup>st</sup> Ave. N.  
Myrtle Beach, SC 29577  
(843) 915-4700/ Fax: (843) 915-4820

**South Strand Office**

9360 Scipio Ln.  
Myrtle Beach, SC 29588  
(843) 915-8951/ Fax: (843) 915-4820

**Jasper**

10908 N. Jacob Smart Blvd.  
Ridgeland, SC 29936  
(843) 726-7747

**Kershaw**

110 E. Dekalb St.  
Camden, SC 29020  
(803) 432-7676/ Fax: (803) 425-7195

**Lancaster**

Human Services Complex  
1837 Pageland Hwy.  
P.O. Box 1719 (29720)  
Lancaster, SC 29721  
(803) 286-6914/ Fax: (803) 285-4480

**Laurens**

93 Human Services Rd.  
P.O. Box 409 (29360)  
Laurens, SC 29325  
(864) 833-0100/ Fax: (864) 833-1681

**Lee**

820 Brown St.  
P.O. Box 389  
Bishopville, SC 29010  
(803) 484-5376/ Fax: (803) 484-6435

**Lexington**

1070 South Lake Dr., Ste. A  
P.O. Box 84129  
Lexington, SC 29073  
(803) 785-7333/ Fax: (803) 785-7438

**Marion**

137 Airport Ct., Ste. A  
Mullins, SC 29574  
(843) 423-4623/ Fax: (843) 423-2419

**Marlboro**

713 S. Parsonage St. Ext.  
P.O. Drawer 120  
Bennettsville, SC 29512  
(843) 479-7181/ Fax: (843) 479-6254

**McCormick**

215 North Mine St., Hwy. 28 N.  
McCormick, SC 29835  
(864) 465-2140/ Fax: (864) 465-2125

**Newberry**

2107 Wilson Rd.  
P.O. Box 309  
Newberry, SC 29108  
(803) 321-2155/ Fax: (803) 321-2168

**Oconee**

223A Kenneth St.  
Walhalla, SC 29691  
(864) 638-4400/ Fax: (864) 638-4444

**Orangeburg**

2570 Old St. Matthews Rd., N.E.  
P.O. Box 1087 (29116)  
Orangeburg, SC 29118  
(803) 531-3101/ Fax: (803) 531-2045

**Pickens**

212 McDaniel Ave.  
Pickens, SC 29671  
(864) 898-5810/ Fax: (864) 898-5819

**Richland**

Columbia Office  
3220 Two Notch Rd.  
Columbia, SC 29204  
(803) 714-7300/Fax: (803) 714-7301

**Eastover Office**

120 Clarkson St.  
Eastover, SC 29044  
(803) 353-3295/ Fax: (803) 714-7301

**Saluda**

613 Newberry Hwy.  
P.O. Box 276  
Saluda, SC 29138  
(864) 445-2139/ Fax: (864) 445-7088

**Spartanburg**

630 Chesnee Hwy.  
Spartanburg, SC 29303  
(864) 596-3001/ Fax: (864) 596-3141

**Sumter**

105 N. Magnolia St.  
Sumter, SC 29151  
(803) 773-5531/ Fax: (803) 778-2058

**Union**

200 S. Mountain St.  
Union, SC 29379  
(864) 429-1660/ Fax: (864) 429-1664

**Williamsburg**

121 Hampton Ave.  
P.O. Drawer 389  
Kingstree, SC 29556  
(843) 355-5411/ Fax: (843) 355-0913

**York**

933 Heckle Blvd.  
Rock Hill, SC 29732  
(803) 684-2315/ Fax: (803) 684-8103

**OTHER ASSISTANCE PROGRAMS****Veterans Administration Regional Department**

6437 Garners Ferry Rd.  
Columbia, SC 29209  
(800) 827-1000



S.C. Office of Veterans' Affairs  
**1205 Pendleton St., Ste. 463**  
**Columbia, SC 29201**  
**(803) 734-0200/ Fax: 803-734-4014**

**Low Income Home Energy Assistance Program**  
Office of Economic Opportunity  
1205 Pendleton St.  
Columbia, SC 29201  
(803) 734-0662/ Fax: (803) 734-0356

Salvation Army  
3204 Farrow Rd.  
Columbia, SC 29203  
(803) 765-0260

### **LOCAL COMMUNITY ACTION AGENCIES**

**Aiken-Barnwell Counties Community Action Commission, Inc.**  
291 Beaufort St., NE.  
P.O. Box 2066 (29802)  
Aiken, SC 29801  
(803) 648-6836/ Fax: (803) 649-1588  
*(Serving Aiken, Barnwell & Lexington counties)*  
Satellite Office Locations:

Barnwell  
Litchfield Apartment Complex  
Litchfield St., Bldg. 1  
Barnwell, SC 29812  
(803) 259-3145

Lexington  
650 Knox Abbott Dr.  
Cayce, SC 29033  
(803) 794-6778

**Beaufort/Jasper Economic Opportunity Commission, Inc.**  
1905 Duke St., Ste. 250  
P.O. Drawer 9  
Beaufort, SC 29902-0009  
(843) 255-7220/ Fax: (843) 255-7231  
*(Serving Beaufort & Jasper counties)*

Satellite Office Location:

Jasper  
1506 Grays Hwy., Ste. D  
Ridgeland, SC 29936  
(843) 726-5586

**Carolina Community Actions, Inc.**  
138 S. Oakland Ave.  
P.O. Box 933  
Rock Hill, SC 29731-6933  
(803) 329-5195/ Fax: (803) 329-5198  
*(Serving Chester, Fairfield, Lancaster, Union & York counties)*

Satellite Office Locations:

Chester  
129 A Wylie St.  
Chester, SC 29706  
(803) 385-5205

Fairfield  
402 S. Congress St.  
Winnsboro, SC 29180  
(803) 635-3606

Lancaster  
101 Wylie St.  
Lancaster, SC 29720  
(803) 285-2034

Union  
201 E. Main St., Ste. A  
Union, SC 29379  
(864) 427-0336

York  
546 S. Cherry Rd.  
Rock Hill, SC 29730  
(803) 366-5537

**Chesterfield-Marlboro Economic Opportunity Council, Inc.**  
318 Front St.  
P.O. Box 877  
Cheraw, SC 29520  
(843) 320-9760/ Fax: (843) 320-9770  
*(Serving Chesterfield & Marlboro counties)*

Satellite Office Locations:

Chesterfield  
405 Gum St.  
Pageland, SC 29728  
(843) 672-6723

Marlboro  
205 E. Market St.  
Bennettsville, SC 29512  
(843) 479-2818

**Darlington County Community Action Agency**

904 S. Fourth St.  
Hartsville, SC 29550  
(843) 332-1135/ Fax: (843) 332-3971  
*(Serving Darlington County)*

Satellite Office Locations:

Darlington  
223 Law Plantation Rd.  
Darlington, SC 29540  
(843) 393-4049

Lamar  
Grooms Bldg.  
528 Cartersville Hwy.  
Lamar, SC 29069  
(843) 326-5430

Society Hill  
223 Hall St.  
Society Hill, SC 29593  
(843) 378-4571

**GLEAMNS Human Resources Commission, Inc.**

237 N. Hospital St.  
P.O. Box 1326  
Greenwood, SC 29648  
(864) 223-8434/ Fax: (864) 223-9456  
*(Serving Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry & Saluda counties)*

Satellite Office Locations:

Abbeville  
706 Carolina Cir.  
Abbeville, SC 29620  
(864) 459-2100

Edgefield  
400 Church St.  
Edgefield, SC 29824  
(864) 637-4030

Laurens  
221-A West Laurens Rd.  
Laurens, SC 29360  
(864) 984-5123 or (864) 681-1136

McCormick  
109 W. Augusta St.  
McCormick, SC 29835  
(864) 852-2662

Newberry  
833 Main St.  
Newberry, SC 29108  
(803) 276-2110

Saluda  
407 W. Butler Ave.  
Saluda, SC 29138  
(864) 445-2035

**Lowcountry Community Action Agency, Inc.**

319 Washington St.  
P.O. Box 1726  
Walterboro, SC 29488  
(843) 549-5576/ Fax: (843) 549-2190  
*(Serving Colleton & Hampton counties)*

Satellite Office Location:

Hampton  
102 Ginn Altman St.  
Hampton, SC 29924  
(803) 914-0601

**Orangeburg-Calhoun-Allendale-Bamberg Community Action**

1822 Joe Jeffords Hwy.  
P.O. Drawer 710  
Orangeburg, SC 29116-0710  
(803) 536-1027/ Fax: (803) 536-4657  
*(Serving Allendale, Bamberg, Calhoun & Orangeburg counties)*

Satellite Office Locations:

Allendale  
765 Bay St.  
Allendale, SC 29810  
(803) 584-3845

Bamberg  
122 E. Coker St.  
Denmark, SC 29042  
(803) 793-4373

Calhoun  
2381 Old Bellaville Rd.  
St. Matthews, SC 29135  
(803) 874-3382, Ext. 125

Orangeburg (3 office locations)  
6194 Neeses Hwy.  
Neeses, SC 29107  
(803) 247-2691

131 Poplar St.  
Bowman, SC 29018  
(803) 829-2701

1250 Unity Rd.  
Holly Hill, SC 29059  
(803) 496-5370

**Palmetto Community Action Partnership**  
1069 King St.  
P.O. Box 20968  
Charleston, SC 29412  
(843) 769-6448/ Fax: (843) 724-6787  
*Serving Berkeley, Charleston & Dorchester counties*

Satellite Office Locations:

Berkeley  
305 Heatley St.  
Moncks Corner, SC 29461  
(843) 761-6935 or (843) 761-6936

Upper Dorchester- St. George  
201 Johnston St.  
St. George, SC 29477  
(843) 636-9090 or (843) 636-9099

**Pee Dee Community Action Agency**  
2685 South Irby St.  
P.O. Drawer 12670  
Florence, SC 29505  
(843) 678-3400/ Fax: (843) 678-3404  
*Serving Dillon, Florence & Marion counties*

Satellite Office Locations:

Dillon  
126 N. MacArthur Ave.  
Dillon, SC 29536  
(843) 774-9038

Florence  
181 Brown St.  
Lake City, SC 29560  
(843) 394-7440

Marion  
201 Witcover St.  
Marion, SC 29571  
(843) 423-6711

**Piedmont Community Actions, Inc.**  
300-A S. Daniel Morgan Ave.  
P.O. Box 5374  
Spartanburg, SC 29304  
(864) 585-8183/ Fax: (864) 585-5152  
*Serving Cherokee & Spartanburg counties*

Satellite Office Locations:

Cherokee  
1004 Cherokee Ave.  
Gaffney, SC 29341  
(864) 489-3163

Spartanburg  
704 Howard St.  
Spartanburg, SC 29303  
(864) 585-8183

**Sunbelt Human Advancement Resources, Inc.**  
254 S. Pleasantburg Dr.  
P.O. Box 10204  
Greenville, SC 29603  
(864) 269-0700/ Fax: (864) 295-6151  
*Serving Anderson, Greenville, Oconee & Pickens counties*

Satellite Office Locations:

Anderson  
1704 E. Greenville St.  
Anderson, SC 29621  
(864) 224-7028

Oconee  
708 E. Main St.  
Seneca, SC 29678  
(864) 882-3495

Pickens  
1725 E. Main St.  
Easley, SC 29641  
(864) 859-2989

**Waccamaw Economic Opportunity Council, Inc.**

1261 Hwy. 501 East, Ste. B  
P.O. Box 1467  
Conway, SC 29526  
(843) 234-4100/ Fax: (843) 234-4111  
*Serving Georgetown, Horry & Williamsburg counties*

Satellite Office Locations:

Horry (3 locations)  
1261 Hwy. 501 East, Ste. D  
Conway, SC 29526  
(843) 234-4130

J.P. Stevens Bldg.  
3811 Walnut St.  
Loris, SC 29569  
(843) 756-6562

936 Broadway St.  
Myrtle Beach, SC 29577  
(843) 626-7270

Georgetown  
1837 N. Fraser St., Hwy. 701  
Georgetown, SC 29440  
(843) 546-6161

Williamsburg  
128 E. Mill St.  
Kingstree, SC 29556  
(843) 355-9922/ Fax: (843) 355-7084

**Wateree Community Actions, Inc.**

1915 Harden St.  
P.O. Box 8328 (29202)  
Columbia, SC 29204  
(803) 807-9811 or (803) 807-9812  
Fax: (803) 807-9810  
*Serving Clarendon, Kershaw, Lee, Richland & Sumter counties*

Satellite Office Locations:

Clarendon  
110 Breedin St.  
Manning, SC 29102  
(803) 435-4337

Kershaw  
710 W. Dekalb St.  
Camden, SC 29021  
(803) 432-7640

Lee  
1001 N. Main St.  
Bishopville, SC 29010  
(803) 484-5401

Richland (2 locations)  
3220 Two Notch Rd.  
P.O. Box 2688  
Columbia, SC 29204  
(803) 786-4250

117 Henry St.  
Eastover, SC 29044  
(803) 592-7000

Sumter  
115 N. Harvin St.  
Sumter, SC 29151  
(803) 773-6512

**AGING SERVICES IN SOUTH CAROLINA**

**Lieutenant Governor's Office on Aging**

1301 Gervais St., Ste. 350  
Columbia, SC 29201  
(803) 734-9900/ Fax: 803-734-9887

**Region I – Appalachian Area Agency on Aging**  
*(Serving Anderson, Cherokee, Greenville, Oconee, Pickens & Spartanburg counties)*

S.C. Appalachian Council of Governments  
30 Century Cir.  
P.O. Box 6668  
Greenville, SC 29606  
(864) 242-9733/ Fax (864) 242-6957

Senior Solutions  
*(Serving Anderson and Oconee Counties)*  
(864) 225-3370

Senior Centers of Cherokee, Inc.  
(864) 489-3868

Greenville Senior Action, Inc.  
(864) 467-3660

Pickens County Seniors Unlimited  
(864) 878-0172

Senior Centers of Spartanburg  
County, Inc.  
(864) 596-3910

**Region II – Upper Savannah Area Agency on Aging**  
*(Serving Abbeville, Edgefield, Greenwood, Laurens, McCormick & Saluda counties)*

Upper Savannah Council of Governments  
430 Helix Rd.  
Greenwood, SC 29646  
(864) 941-8050 or (800) 922-7729  
Fax: (864) 941-8090

Abbeville/Greenwood  
Piedmont Agency on Aging  
(864) 223-0164

Abbeville Senior Center  
(864) 459-9666

Edgefield  
Edgefield County Senior Citizens Council  
(803) 637-5326

Laurens  
Senior Options, Inc.  
(864) 938-0572

McCormick County Senior Center, Inc.  
(864) 465-2626

Saluda County Council on Aging  
(864) 445-2175

**Region III – Catawba Area Agency on Aging**  
*(Serving Chester, Lancaster, York & Union counties)*

Catawba Area Agency on Aging  
2051 Ebenezer Rd., Ste. B  
P.O. Box 4618  
Rock Hill, SC 29732  
(803) 329-9670/ Fax: (803) 329-6537

Chester  
Senior Services of Chester County  
(803) 385-3838

Lancaster  
Lancaster County Council on Aging  
(803) 285-6956

Union  
Union County Council on Aging  
(864) 429-1682

York  
York County Council on Aging  
(803) 328-0197

**Region IV– Central Midlands Area Agency on Aging**  
*(Serving Fairfield, Lexington, Newberry & Richland counties)*

Central Midlands Council of Governments  
236 Stoneridge Dr.  
Columbia, SC 29210  
(803) 376-5390/ Fax: 803-376-5394

Fairfield  
Fairfield County Council on Aging  
(803) 635-3015

Lexington  
Irmo/Chapin Recreation Commission  
(803) 345-6181 or (803) 772-3336

Lexington County Recreation Commission  
(803) 356-5111

Newberry  
Newberry County Council on Aging  
(803) 276-8266

Richland  
Senior Resources  
(803) 252-7734

**Region V – Lower Savannah Area Agency on Aging**  
*(Serving Aiken, Allendale, Bamberg, Barnwell, Calhoun  
& Orangeburg counties)*

Lower Savannah Council of Governments  
2748 Wagener Rd.  
P.O. Box 850  
Aiken, SC 29802  
(803) 649-7981/ Fax: (803) 649-2248

Aiken  
Aiken Area Council on Aging  
(803) 648-5447

Allendale  
Allendale County Council on Aging  
(803) 584-4350

Bamberg  
Bamberg County Office on Aging  
(803) 245-3021

Barnwell  
Generations Unlimited  
(803) 541-1249

Calhoun  
Calhoun County Council on Aging  
(803) 874-1270

Orangeburg  
Orangeburg County Council on Aging  
(803) 531-4663

**Region VI – Santee-Lynches Area Agency on Aging**  
*(Serving Clarendon, Kershaw, Lee & Sumter counties)*

Santee-Lynches Regional Council of Governments  
36 W. Liberty St.  
P.O. Box 1837  
Sumter, SC 29151  
(803) 775-7381/ Fax (803) 773-9903

Clarendon  
Clarendon County Council on Aging  
(803) 435-8593

Kershaw  
Kershaw County Council on Aging  
(803) 432-8173

Lee  
Lee County Council on Aging  
(803) 484-6212

Sumter  
Sumter Senior Services  
(803) 773-5508

**Region VII – Pee Dee Area Agency on Aging**  
**(Vantage Point)**  
*(Serving Chesterfield, Darlington, Dillon, Florence,  
Marion & Marlboro counties)*

Vantage Point  
Caresouth Carolina, Inc.  
216 South 2nd St.  
Hartsville, SC 29551  
(843) 383-8632/ Fax: (843) 383-8754

Chesterfield  
Chesterfield County Council on Aging  
(843) 623-2280

Darlington  
Darlington County Council on Aging  
(843) 393-8521

Dillon  
Dillon County Council for the Aging  
(843) 774-0089

Florence  
Senior Citizen's Association of Florence County  
(843) 669-6761

Marion  
Marion County Council on Aging  
(843) 423-4391

Marlboro  
Marlboro County Council on Aging  
(843) 479-9951

**Region VIII – Waccamaw Area Agency on Aging**  
(*Serving Georgetown, Horry & Williamsburg counties*)

Waccamaw Regional Council of Governments  
1230 Highmarket St.  
Georgetown, SC 29440  
(843) 546-4231/ Fax: (843) 520-0642

Georgetown  
Georgetown County Bureau of Aging Services  
(843) 546-8539

Horry  
Horry County Council on Aging  
(843) 248-5523

Williamsburg  
Vital Aging  
(843) 354-5496

**Region IX – Trident Area Agency on Aging**  
(*Serving Berkeley, Charleston & Dorchester counties*)

Trident Area Agency  
4450 Leeds Place West, Ste. B  
N. Charleston, SC 29405  
(843) 554-2275/ Fax: (843) 554-2284

Berkeley  
Berkeley Seniors, Inc.  
(843) 761-0390

Charleston  
Charleston Area Senior Citizens  
(843) 722-4127

Charleston  
South Santee Community Center  
(843) 546-2789

Dorchester  
Dorchester Seniors, Inc.  
(843) 871-5053

**Region X – Lowcountry Area Agency on Aging**  
(*Serving Beaufort, Colleton, Hampton & Jasper counties*)

Lowcountry Council of Governments  
634 Campground Rd.  
P.O. Box 98

Yemassee, SC 29945  
(843) 726-5536

Beaufort  
Beaufort County Council on Aging  
(843) 524-1787

Colleton  
Colleton County Council on Aging  
(843) 549-7642

Hampton  
Hampton County Council on Aging  
(803) 943-7555

Jasper  
Jasper County Council on Aging  
(843) 726-5601

**COUNTY HEALTH DEPARTMENTS**

**S.C. Department of Health and Environmental Control**

Visit [www.scdhec.gov](http://www.scdhec.gov) for hours and types of services available at health departments.

DHEC State Office  
2600 Bull St.  
Columbia, SC 29201  
(803) 898-3432

**Abbeville**  
Abbeville Public Health Office  
905 W. Greenwood St.  
P.O. Box 189  
Abbeville, SC 29620  
(864) 366-2131

**Aiken**  
Aiken County Health Department  
222 Beaufort St., NE  
Aiken, SC 29801  
(803) 642-1687

**Allendale**  
Allendale County Health Department  
571 Memorial Ave., North  
Allendale, SC 29810  
(803) 584-3818

**Anderson**

Anderson Public Health Office  
220 McGee Rd.  
Anderson, SC 29625  
(864) 260-5541

Westside Community Center  
1100 W. Franklin St.  
Anderson, SC 29624  
(864) 231-1791

**Bamberg**

Bamberg County Health Department  
370 Log Branch Rd.  
Bamberg, SC 29003  
(803) 245-5176

**Barnwell**

Barnwell County Health Department  
11015 Ellenton St.  
Barnwell, SC 29812  
(803) 541-1061

**Beaufort**

Beaufort County Health Department  
601 Wilmington St.  
Beaufort, SC 29902  
(843) 525-7615

**Berkeley**

Goose Creek Public Health Clinic  
106 Westview Blvd.  
Goose Creek, SC 29445  
(843) 572-3313, Ext. 7818  
Moncks Corner Public Health Clinic  
109 West Main St.  
Moncks Corner, SC 29461  
(843) 719-4600

**Calhoun**

Calhoun County Health Department  
2837 Old Belleville Rd.  
St. Matthews, SC 29135  
(803) 874-2037

**Charleston**

Charleston County Health Department  
3 Charleston Center Dr.  
Charleston, SC 29401  
(843) 579-4500

Mt. Pleasant Public Health Clinic  
1189 Sweetgrass Basket Pkwy. (Formerly Iron Bridge Rd.)  
Mt. Pleasant, SC 29464  
(843) 856-1210, Ext. 1211

North Area Public Health Clinic  
3963 Whipper Barony Ln.  
N. Charleston, SC 29405  
(843) 740-1580

Northwoods Public Health Clinic  
2070 Northbrook Blvd., Ste. A-20  
N. Charleston, SC 29406  
(843) 953-4300

**Cherokee**

Cherokee County Public Health and Home Health Services  
400 S. Logan St.  
P.O. Box 338  
Gaffney, SC 29342  
(864) 487-2705

**Chester**

Chester County Health Department  
129 Wylie St.  
Chester, SC 29706  
(803) 385-6152

**Chesterfield**

Chesterfield County Public Health  
203 North Page St.  
Chesterfield, SC 29709  
(843) 623-2117

**Clarendon**

Clarendon County Public Health  
110 East Boyce St.  
Manning, SC 29102  
(803) 435-8168, Ext. 8178

**Darlington**

Darlington County Public Health  
305 Russell St.  
Darlington, SC 29532  
(843) 398-4400



**Hartsville**  
Hartsville Public Health Department  
130 E. Camden Ave.  
Hartsville, SC 29550  
(843) 332-7303

**Dillon**  
Dillion Public Health Department  
201 W. Hampton St.  
Dillon, SC 29536  
(843) 774-5611

**Dorchester**  
Summerville Public Health Clinic  
500 N. Main St.  
Summerville, SC 29483  
(843) 832-0041

**Edgefield**  
Edgefield Public Health Office  
21 Star Rd.  
Edgefield, SC 29824  
(803) 637-4035

**Fairfield**  
Fairfield County Health Department  
1136 Kincaid Bridge Rd.  
Winnsboro, SC 29180  
(803) 635-6481

**Florence**  
Florence County Public Health Department  
145 E. Cheves St.  
Florence, SC 29506  
(843) 661-4835 or (843) 661-4830

Lake City Public Health Department  
137 N. Acline St.  
Lake City, SC 29560  
(843) 394-8822

**Georgetown**  
Georgetown County Public Health Department  
531 Lafayette Cir.  
Georgetown, SC 29440  
(843) 546-5593

**Greenville**  
Greenville County Public Health Department  
200 University Ridge  
Greenville, SC 29602  
(864) 282-4100

**Greenwood**  
Greenwood Public Health Office  
1736 South Main St.  
Greenwood, SC 29646  
(864) 942-3600

**Hampton**  
Hampton County Health Department  
531 Carolina Ave., West  
Varnville, SC 29944  
(803) 943-3878

**Horry**  
Conway Clinic  
1931 Industrial Park Road  
Conway, SC 29526  
(843) 915-8800

Stephen's Crossroad Clinic  
Ralph H. Ellis Building  
107 Highway 57 N.  
Little River, SC 29566  
(843) 399-5553/ Fax: (843) 399-5561

Myrtle Beach Health Department  
700 21<sup>st</sup> Ave., N.  
Myrtle Beach, SC 29577  
(843) 448-8407

**Jasper**  
Jasper County Health Department  
651 Grays Highway  
Ridgeland, SC 29936  
(843) 726-7788

**Kershaw**  
Kershaw County Public Health Department  
1116 Church St.  
Camden, SC 29020  
(803) 425-6012

**Lancaster**

Lancaster County Health Department  
1833 Pageland Hwy.  
P.O. Box 817  
Lancaster, SC 29721  
(803) 286-9948

**Laurens**

Laurens Public Health Office  
93 Human Services Rd.  
Laurens, SC 29360  
(864) 833-0000

**Lee**

Lee County Public Health Department  
810 Brown St.  
Bishopville, SC 29010  
(803) 484-6612

**Lexington**

Lexington County Health Department  
1070-B South Lake Dr.  
Lexington, SC 29073  
(803) 785-6550

Batesburg Health Clinic  
229 W. Church St.  
Batesburg, SC 29006  
(803) 332-6326

Swansea Health Clinic  
500 Charlie Rast Rd.  
Swansea, SC 29160  
(803) 785-3914

**Marion**

Marion County Public Health Department  
206 Airport Ct., Ste. B  
Mullins, SC 29574  
(843) 423-8295

**Marlboro**

Marlboro County Public Health Department  
711 Parsonage St. Extension  
Bennettsville, SC 29512  
(843) 479-6801

**McCormick**

McCormick Public Health Office  
204 Highway 28  
McCormick, SC 29835  
(864) 852-2511

**Newberry**

Newberry County Health Department  
2111 Wilson Rd.  
Newberry, SC 29108  
(803) 321-2170

**Oconee**

Walhalla Public Health Office  
200 Booker Dr.  
Walhalla, SC 29691  
(864) 638-4170

**Seneca Public Health Office**

609 N. Townville St.  
Seneca, SC 29679  
(864) 882-2245

**Orangeburg**

Orangeburg County Health Department  
1550 Carolina Ave.  
Orangeburg, SC 29115  
(803) 533-5480

**Holly Hill Health Department**

932 Holly St.  
Holly Hill, SC 29059  
(803) 496-3324

**Pickens**

Pickens County Public Health and Home Health  
Services  
200 McDaniel Ave.  
Pickens, SC 29671  
(864) 898-5965

**Richland**

Richland County Health Department  
2000 Hampton St.  
Columbia, SC 29204  
(803) 576-2980

**Saluda**

Saluda Public Health Office  
613 Newberry Hwy.  
Saluda, SC 29138  
(864) 445-2141

**Spartanburg**

Spartanburg County Public Health  
151 E. Wood St.  
Spartanburg, SC 29305  
(864) 596-2227

**Sumter**

Sumter County Public Health Department  
105 N. Magnolia St.  
Sumter, SC 29150  
(803) 773-5511

**Union**

Union County Public Health  
115 Thomas St.  
Union, SC 29379  
(864) 429-1690

**Williamsburg**

Williamsburg County Health Department  
520 Thurgood Marshall Blvd., Ste. A  
Kingstree, SC 29556  
(843) 355-6012

**York**

York County Health Department  
116 N. Congress St.  
York, SC 29745  
(803) 684-7004

Rock Hill Health Center  
1070 Heckle Blvd.  
Rock Hill, SC 29732  
(803) 909-7300

**COMMUNITY MENTAL HEALTH CENTERS****Department of Mental Health**

2414 Bull St.  
P.O. Box 485  
Columbia, SC 29202  
(803) 898-8581

**Aiken-Barnwell Mental Health Center**

*(Serving Aiken & Barnwell counties)*  
1135 Gregg Hwy.  
Aiken, SC 29801  
(803) 641-7700

**Anderson-Oconee-Pickens Mental Health Center**

*(Serving Anderson, Oconee & Pickens counties)*  
200 McGee Rd.  
Anderson, SC 29625  
(864) 260-2220

**Beckman Mental Health Center**

*(Serving Abbeville, Edgefield, Greenwood, Laurens, McCormick, Newberry & Saluda counties)*  
1547 Parkway  
Greenwood, SC 29646  
(864) 229-7120

**Berkeley County Mental Health Center**

*(Serving Berkeley County)*  
403 Stoney Landing Dr.  
Monks Corner, SC 29461  
(843) 761-8282

**Catawba Community Mental Health Center**

*(Serving Chester, Lancaster & York counties)*  
448 Lakeshore Pkwy., Ste. 205  
Rock Hill, SC 29730  
(803) 328-9600

**Charleston Area Mental Health Center**

*(Serving Charleston & Dorchester counties)*  
2100 Charlie Hall Blvd.  
Charleston, SC 29404  
(843) 852-4100

**Coastal Empire Mental Health Center**

*(Serving Allendale, Beaufort, Colleton, Hampton & Jasper counties)*  
1050 Ribaut Rd.  
Beaufort, SC 29902  
(843) 524-8899

**Columbia Area Mental Health Center**

*(Serving Fairfield & Richland counties)*  
2715 Colonial Dr., Ste. 100  
Columbia, SC 29203  
(803) 898-4800

**Greenville Mental Health Center**

*(Serving the City of Greenville)*

124 Mallard St.  
Greenville, SC 29601  
(864) 241-1040

**Lexington County Mental Health Center**

*(Serving Lexington County)*

301 Palmetto Park Blvd.  
Lexington, SC 29072  
(803) 359-3545

**Orangeburg Area Mental Health Center**

*(Serving Bamberg, Calhoun & Orangeburg counties)*

2319 St. Matthews Rd.  
Orangeburg, SC 29118  
(803) 536-1571

**Pee Dee Mental Health Center**

*(Serving Darlington, Florence & Marion counties)*

125 East Cheves St.  
Florence, SC 29056  
(843) 317-4089

**Piedmont Center for Mental Health Services**

*(Serving Greenville, not including City of Greenville)*

20 Powderhorn Rd.  
Simpsonville, SC 29681  
(864) 963-3421

**Santee-Wateree Mental Health Center**

*(Serving Clarendon, Kershaw, Lee & Sumter counties)*

215 N. Magnolia St.  
Sumter, SC 29151  
(803) 775-9364

**Spartanburg Area Mental Health Center**

*(Serving Cherokee, Spartanburg & Union counties)*

250 Dewey Ave.  
Spartanburg, SC 29303  
(864) 585-0366

**Tri-County Mental Health Center**

*(Serving Chesterfield, Dillon & Marlboro counties)*

1035 Cheraw Hwy.  
Bennettsville, SC 29512  
(843) 454-0442

**Waccamaw Center for Mental Health**

*(Serving Georgetown, Horry & Williamsburg counties)*

164 Waccamaw Medical Park Dr.  
Conway, SC 29526  
(843) 347-4888

**ADULT EDUCATION**

**S.C. Department of Education**

Office of Adult Education  
1429 Senate St.  
Columbia, SC 29201  
(803) 734-8500

**AGING ORGANIZATIONS**

**American Association of Retired Persons (AARP)**

1201 Main St., Ste. 1720  
Columbia, SC 29201  
(803) 765-7381 or (866) 389-5655

**S.C. Adult Day Services Association**

P.O. Box 1269  
Columbia, SC 29202  
(803) 808-2980

# APPENDIX A

## INVOLUNTARY MENTAL HEALTH COMMITMENTS

### What is an Involuntary Mental Health Commitment?

An involuntary mental health commitment is the way that a Probate Court Judge can order you to have mental health treatment, even if you do not want treatment. Although most adults have a right to refuse medical treatment, the commitment process creates an exception. The Probate Court may order treatment if you have a mental illness, you need treatment, and you meet the legal commitment standards.

There are two processes for adult mental health commitment: (1) emergency and (2) judicial.

The emergency process is used when you are an immediate harm to yourself or to others. In an emergency, you may be taken into custody immediately and admitted for treatment against your will.

The judicial process is used when there is not an emergency, but someone (usually a family member) believes you need mental health treatment even if you do not want treatment. You do not have to be detained while you wait on the Court to decide in a non-emergency situation.

In both emergency and non-emergency situations, the Court must hold a hearing before finding that you continue to need mental health treatment.

This fact sheet outlines both emergency and judicial mental health commitment procedures for adults. It does not talk about commitment for chemical dependency (alcohol or drug addiction) or commitment procedures for children.

### What Happens If You Have Immediate Need for Mental Health Treatment? (Emergency Process for Commitment)

#### *Who starts the process?*

Any person may file an “Affidavit,” a writing signed under oath, stating (1) that he or she believes you have a mental illness and are likely to cause serious harm to yourself or others if not immediately hospitalized, and (2) the specific reasons why he or she believes that about you. S.C. Code § 44-17-410. Usually, this person is a family member or an emergency responder such as Emergency Medical Service (EMS), who must have observed your actions first-hand.

Serious harm means a substantial risk of physical harm or injury to you or to others. S.C. Code § 44-23-10.

If you are not already in a medical facility, such as a mental health center or a hospital, you may be detained. Usually that means that a member of law enforcement will take to you a hospital emergency room where you will be examined by a physician (medical doctor). You are not under arrest, but you cannot leave until you are examined by the doctor, and the doctor determines that you do not meet the standard for commitment. The hospital will release you if you do not meet the standard.

#### *Is there anything else needed for Emergency Commitment?*

Yes. A medical doctor must examine you. The doctor must certify in writing:

1. You have a mental illness;
2. Because of the illness, you are likely to cause harm to yourself or others unless you get treatment in a hospital; and
3. The specific reasons why you are likely to cause harm if you do not get treatment.

If you were detained by law enforcement, the doctor must examine you within 24 hours of being taken into

custody. If the doctor finds all three criteria are met, the doctor must complete and sign a document called a "Certification." Note: The doctor who signs the Certification must be different from the individual who signed the Affidavit.

If both the Affidavit and the doctor's Certification are completed, they authorize you to be admitted involuntarily to a psychiatric hospital for further evaluation and possible treatment. In most cases, you will be transported to the psychiatric hospital from the emergency room by law enforcement. You are not under arrest, but cannot leave the hospital without permission. S.C. Code § 44-17-410(b) (2).

What if the doctor does not examine you within 24 hours or the doctor does not complete a Certification?

If the doctor does not examine you within 24 hours from the time you are taken into custody, you must be released. Even if it is a weekend or holiday, the doctor must examine you within 24 hours. If the doctor does examine you, but does not think you meet the standard, he or she will not fill out the Certification, and you must then be released. S.C. Code § 44-17-430.

### ***If I am admitted involuntarily to a hospital, how long must I stay there?***

Within 48 hours of your admission involuntarily to a psychiatric hospital, the Affidavit and Certification must be sent to the Probate Court. Within 48 hours of receiving these documents, the Court must review them to see if there is probable cause to continue your emergency involuntary hospitalization. (Saturdays, Sundays, and holidays do not count toward the 48 hours). Probable cause means there is a reasonable likelihood that the information in the Affidavit and the Certification is correct. In other words, the Affidavit and Certification must indicate that there are still good reasons for an emergency commitment. S.C. Code § 44-17-410.

### ***What happens if the Court finds there is "probable cause"?***

If the Court finds that there is probable cause, the Court will:

- Issue an order for your continued involuntary hospitalization (called the "Order for Continued Hospitalization," this order is valid only until you are examined or until a hearing is held); and
- Issue an order appointing two mental health care professionals as "Designated Examiners" to examine you. One must be a medical doctor. The other one is usually the social worker working with you in the hospital.

If the Court determines that there is not probable cause, then it issues an Order for your immediate release from the hospital and for your case to be dismissed.

### **What Do the Results From the Exam Mean?**

- The Designated Examiners (sometimes called "DEs") must decide if you meet the standard of having a mental illness and being likely to cause serious harm to yourself or others.
- If both DEs find you do not meet the standard, then you are released and the case is dismissed.
- If one DE finds you meet the standard and the other does not, the Court might dismiss the case, or the Court might ask a third examiner to examine you.
- If two DEs find you meet the standard, then the Probate Court must hold a commitment hearing within fifteen (15) days of the date of your admission to the hospital.

### ***Can I ask for an independent DE?***

Yes. If you cannot afford one, then the state will pay for the exam. S.C. Code § 44-17-530.

### ***If there is a hearing, will I have a lawyer?***

Yes. The Court will appoint an attorney to represent you, unless you have an attorney. Generally, the attorney appointed to represent you also serves as your Guardian ad Litem (GAL). As your attorney, he or she must

advocate for what you want. As your GAL, he or she must advocate for what is in your best interest. Because these two points of view may be different, you may want to find an attorney on your own, or you may want to ask the Court to appoint an attorney who is not also your GAL. If the Court denies your request, contact P&A. Keep in mind that trying to get a new attorney could delay your hearing and may mean a longer stay in the hospital. If you choose to find an attorney on your own, have your attorney contact the Probate Court prior to the hearing so that he or she can be included in the notice of the hearing.

## **The Full Probate Court Hearing:**

### ***What are my rights?***

- Before the hearing, your attorney should meet with you. Your attorney should explain your rights, review the DE reports with you, prepare to present any witnesses you have, and answer your questions.
- A full hearing must be held within 15 calendar days of your involuntary admission to the hospital. S.C. Code § 44-17-410.
- The Court must tell you the date and time of your hearing at least 5 business days before the hearing. S.C. Code § 44-17-420.
- You have a right to have an attorney with you. S.C. Code § 44-22-30.
- You have a right to be present at the hearing. S.C. Code § 44-17-570.
- You and your attorney have a right to bring witnesses and ask questions of them. S.C. Code § 44-17-570.
- You and your attorney can ask questions of any other witnesses. S.C. Code § 44-17-570.
- If you can, try to take notes during the hearing. If you want to appeal, an attorney is in a better position to help you if you have detailed notes of the hearing.

### ***How does the Court decide if I need treatment?***

- The Court can require treatment if you meet the following standard:
  - The Court must find you have a mental illness and you need treatment.
  - The Court must also find because of the mental illness either (1) you do not have the ability to make good choices about your treatment, or (2) you are likely to cause serious harm to self or others.
- The Court must have clear and convincing evidence (strong facts) to order treatment. S.C. Code § 44-17-580.

### ***Can I appeal the decision the Court makes?***

Yes. You have a right to appeal after the hearing. S.C. Code § 44-17-620.

- You may appeal any treatment or commitment order following the hearing. You appeal to the Circuit Court.
- You must tell both the Probate Court and the Circuit Court that you want to appeal and the reasons for the appeal within 15 calendar days of the date of the order. You must act quickly if you want to appeal.
- You must pay for filing the appeal, unless the Court finds that you cannot afford to.
- If you have questions about bringing an appeal, you may contact P&A. If you want to ask P&A to represent you in an appeal, you must contact P&A as soon as possible after the hearing.

## **What Happens After the Hearing?**

- If the Probate Court finds you do not meet the standard, the court will dismiss your case. If you are in a hospital, you will be able to leave.

- If the Probate Court finds you meet the standard, the Court can order:
  - o In-patient treatment at a public or private mental health hospital;
  - o Out-patient treatment at a public or private mental health facility; or
  - o Out-patient treatment following in-patient treatment.

## What Should I Do if I am Being Committed?

- Listen to your attorney and the health professionals around you. If you do not agree with them, explain why not.
- **Follow the Court’s order. If you do not agree with the Court order, your only option is to file an appeal or other motion with the Court.** If you are released from the hospital but have been ordered to receive out-patient treatment and do not attend that treatment, the facility must report you to the Court. The Court will have another hearing, and **you can be re-committed or even sent to jail for not following the Court order.**
- Learn about self-advocacy. P&A has brochures and is available to train individuals on how they can better advocate for their rights.

## What Are My Rights to Be Released After Commitment?

- The facility can discharge you whenever your condition has improved to the point that you no longer meet the standard. S.C. Code § 44-22-70.
- If you disagree with the facility about whether you continue to meet the standard, you or any “interested person” can ask the Court for a re-examination. S.C. Code § 44-17-630.
  - o An “interested person” is your parent, guardian, spouse, adult next of kin, or nearest friend. S.C. Code § 44-23-10(9).
- You can ask for re-examination every six months.
- The treatment facility must inform you and at least one other interested person of this right every six months. S.C. Code § 44-17-630.

## What Is the Difference Between the Emergency Commitment Process and Judicial Commitment Processes?

In an emergency admission, anyone can start the process (for example, an EMS worker who is called to the scene). A judicial commitment is different because only an “interested person” or a superintendent of a mental institution can start the process. S.C. Code § 44-17-510. An “interested person” is your parent, guardian, spouse, adult next of kin, or nearest friend (someone who helps you do things you could not do on your own, such as drive you to doctors’ appointments). S.C. Code § 44-23-10(9).

Also different from the emergency process, is that in a judicial commitment, an interested person can ask the Probate Court to order you to have mental health treatment because he or she thinks you do not have the ability to make responsible decisions about your treatment. The document that is completed is a “Petition for Judicial Commitment.” In most counties, this Petition is prepared with an intake staff person at the local mental health clinic. This process does NOT start at the Probate Court since it would create a conflict of interest if the Court later hears your case.

In an emergency admission you are taken into protective custody to have an exam. A judicial commitment is different in that before a judicial commitment process can start, a medical doctor must examine you and tell the Court if he or she thinks you have a mental illness and should be committed. If you do not want to have the exam, the interested person can give the Probate Court a statement saying you do not want the exam. Then, the Probate Court can order a law enforcement officer to take you into custody to have an exam. The difference is



that in a judicial commitment you can agree to have the exam in the community, instead of in a hospital.

Once you are judicially committed, it will be up to the doctor to determine if you should be released. You can ask the Court to be re-examined once every six months.

## **Where Can I Get Help?**

The Department of Mental Health Client Advocacy Program has advocates who can give you information and may be able to help you if you are in a DMH facility. You can contact the Client Advocacy Program at (803) 898-8569 or Toll Free at (866) 300-9330.

If you believe that you have been abused or neglected in a DMH facility, contact the State Law Enforcement Division (SLED). Their telephone number is (866) 200-6066. You may also contact the Client Advocacy Program or P&A. If you believe that you have been abused or neglected in a privately-operated facility, contact P&A.

The S.C. Code sections mentioned in this brochure can be found on-line at <http://www.scstatehouse.gov/code/title44.php>. If you do not have access to the internet, you can ask your social worker to print a copy of the relevant sections of the S.C. Code. If your social worker cannot help you or if you have trouble finding what you need, contact P&A for help.

## **How Do You Contact P&A?**

P&A's services are provided statewide and are NOT limited by age, race, sex, type of disability, income, residency, or religion. P&A does not charge for its services. For information or assistance, call the P&A Help Line:

Toll-free statewide  
(866) 275-7273 (Voice & TTY)

Columbia area  
(803) 782-0639 (Voice & TTY)

Website: [www.pandasc.org](http://www.pandasc.org)

Write:  
3710 Landmark Dr., Ste. 208  
Columbia, SC 29204

E-mail:  
[info@pandasc.org](mailto:info@pandasc.org)

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact the P&A Help Line for updates.

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# NOTES





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