

STATE OF SOUTH CAROLINA )  
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COUNTY OF \_\_\_\_\_ )  
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IN THE FAMILY COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

**MODEL ADMINISTRATIVE ORDER**

Pursuant to the authority vested in these courts, the following Administrative Order is hereby adopted in the \_\_\_\_\_ Judicial Circuit.

The Court hereby declares and orders that all cases arising after (\_\_\_\_\_, 2019) which involve both a Family Court child protection action and a Family Court juvenile delinquency proceeding shall be processed in a coordinated manner. The South Carolina Department of Social Services (DSS) and the South Carolina Department of Juvenile Justice (DJJ) will coordinate their efforts in order to improve the outcomes for youth involved with both agencies. Coordination is designed to minimize trauma to child victims, harmonize the goals of state intervention, and prevent the entry of inconsistent orders while ensuring procedural fairness to all involved. Confidential information shared by agencies or actors for the purposes of improved coordination and case planning must not be shared with any other individual or entity outside the confines of this order. The following rules are adopted to provide this coordination:

**I. Identification of Dual-Status Youth**

1. In accordance with the Memorandum of Understanding (hereafter MOU, Attachment A) entered into on 9/20/17 between DSS and DJJ, each local office shall designate a liaison to communicate with the other agency's local office.
2. As often as is practicable, the DJJ county liaison will review the new intake cases and enter each case name into the DJJ/DSS portal to determine whether the youth has involvement with DSS. This portal only provides limited information and does not reveal any additional information other than agency involvement. The DJJ county liaison will inform the DSS county liaison of the names of youth that have been flagged as being dually involved with both agencies. The liaisons for each agency will ensure the appropriate case managers are informed the case involves a dual-status youth. The DSS and DJJ county liaisons will maintain the confidentiality of this portal and will not share any information received from the other agency with any other person/entity except as outlined in this order.
3. The DSS county liaison will review the names that are flagged in the portal as being dually involved and provide the DJJ county liaison the following information within 48 hours of receiving the name: whether there is an active open case involving the juvenile, whether there is an active open case involving the juvenile's parent/guardian, whether there are any closed indicated cases involving the juvenile or the juvenile's parent/guardian, and the number of unfounded cases that exist involving the juvenile or the juvenile's parent/guardian.
4. Once the dually-involved youth has been identified, the DSS caseworker shall communicate with the local Children's Law Center Court Improvement Program's court liaison. The court liaison

will then forward their review sheet to the DSS caseworker. The DSS caseworker will forward the review sheet to the DJJ case manager who will then forward it to the solicitor and juvenile's attorney.

5. The DJJ caseworker shall forward the information provided by DSS to the solicitor to assist the solicitor in making a decision regarding diversion or prosecution for the delinquency case involving the dually-involved youth. Solicitors are encouraged to consider all available diversionary programs or alternatives to prosecution for dually-involved youth. Inability of a dually-involved youth or their caregiver to pay fees/costs associated with diversionary or alternative programs shall not be a barrier to the youth's ability to participate in such programs. DJJ should also share this information with the juvenile's attorney, upon request.
6. As often as is practicable, the DSS county liaison will review the new child welfare cases involving youth ten years of age or older and enter each case name into the DJJ/DSS portal to determine whether the youth has involvement with DJJ. This portal only provides limited information and does not reveal any additional information other than agency involvement. The DSS county liaison will inform the DJJ county liaison of the names of youth that have been flagged as being dually-involved with both agencies. The liaisons for each agency will ensure the appropriate case managers are informed that the case involves a dual-status youth. The DSS and DJJ county liaisons will maintain the confidentiality of this portal and will not share any information received from the other agency with any other person/entity except as outlined in this order.
7. The DJJ county liaison will provide any requested records for dually-involved youth within one week of the request.
8. When requested by a DSS representative or on their own initiative, a DJJ representative shall attend child welfare proceedings involving a juvenile under the supervision of DJJ. The representative that attends the child welfare proceeding should be familiar with the juvenile's case, progress, and current placement.
9. DSS and DJJ will coordinate their efforts in order to improve the outcomes for youth involved with both agencies.

## **II. Detention Hearings**

1. When a juvenile is detained, the DJJ county liaison shall enter the juvenile's name in the DJJ/DSS portal. If the juvenile is flagged for having involvement with DSS, the DJJ county liaison will immediately contact the DSS county liaison. The DSS county liaison shall immediately provide the DJJ county liaison the following information: whether there is an active open case involving the juvenile, whether there is an active open case involving the juvenile's parent/guardian, whether there are any closed indicated cases involving the juvenile or the juvenile's parent/guardian, and the number of unfounded cases that exist involving the juvenile or the juvenile's parent/guardian. DSS and DJJ county liaisons shall provide each other with the names of the respective caseworkers on open cases. The parties should know if the family has a history with DSS before the detention hearing.

2. The DJJ county liaison shall notify the clerk of court that the case includes a dually-involved youth. The clerk is to be notified of the parties' names in the child welfare case(s). Before the juvenile's detention hearing, the clerk of court should pull the clerk's copies of the DSS case files involving the juvenile. The clerk of court shall place these files with the juvenile delinquency file for review by the judge in conjunction with the current delinquency case.
3. The DJJ county liaison shall notify the DSS caseworker of the time and location of the detention hearing. Whenever possible, the pre-court conference described below should occur before the detention hearing. If the pre-court conference has not occurred before the detention hearing, the detention hearing should not be delayed for any reason.
4. A representative from DSS who is familiar with the case (preferably the caseworker assigned to the case) shall be present at the detention hearing.
5. A representative from DSS, preferably the child's caseworker, shall attempt to contact guardian ad litem staff before the detention hearing.
6. Where possible, prior to the detention hearing, the child's guardian ad litem, the attorney for the child's guardian ad litem, or staff for the guardian ad litem program shall provide the DSS caseworker their recommendation for what they believe is in the best interest of the juvenile, as it relates to the child welfare proceeding. If the guardian has not yet completed their investigation, then no recommendation is required. Any information contributed by the guardian ad litem, attorney for the guardian ad litem, or guardian ad litem staff must be kept confidential and not disclosed outside the confines of this order. Additionally, information relevant to the juvenile and the facts and circumstances that have given rise to the juvenile's dual-involvement given by the guardian ad litem or GAL program does not violate S.C. Code § 63-11-550. The dissemination of this information is necessary to give the Court a complete picture of the juvenile.
7. Failure of a DSS representative to appear at the hearing or turn over records shall only result in a continuance if it is requested by the juvenile's attorney.
8. A representative from DSS who is familiar with the case (preferably the caseworker assigned to the case) shall be present at each subsequent detention hearing.
9. The judge may elect to retain jurisdiction on cases involving dual-status youth.

### **III. Pre-court Conferencing**

1. A pre-court conference shall occur before the disposition of the juvenile delinquency portion of the case. It is preferable that this conference happen before the adjudicatory hearing, but this order recognizes that will not always be possible. Any information given by the youth or their family in this pre-court conference is protected and must not be used against them in subsequent judicial proceedings.

2. The pre-court conferencing can occur at the same time or apart from the interagency staffing required by the MOU.
3. The pre-court conferencing shall develop recommendations for the juvenile that address both the child welfare concerns and the juvenile delinquency concerns. The youth's permanent legal guardians shall be invited to participate in this conference. The youth may be invited to participate for all or a portion of this conference. If the juvenile's defense attorney objects to the youth participating in this conference, then the youth can be exempted from attending. No information given by the youth or their family can be used against them in court. The specifics of the current charge shall not be discussed and any information relating to guilt or innocence must not be used in any court against the youth or their parents.
4. A representative from DSS and a representative from DJJ, both of whom should be familiar with the case, must be present at the pre-court conferencing. Where circumstances permit, the following additional people should attend the pre-court conferencing: the juvenile's attorney, the solicitor, and the guardian ad litem or GAL Program staff from the child welfare proceeding. If a guardian has been appointed in the juvenile justice action, then they should also be invited to participate. If the guardian ad litem in the child welfare action is unable to attend, then they may submit a summary report similar to the one they submit to the Foster Care Review Board that incorporates their recommendations. The guardian ad litem is able to participate in this conference or send a report, and any relevant information disseminated by the guardian ad litem or GAL Program does not violate S.C. Code § 63-11-550, and the information is necessary to give the Court and participants a complete picture of the circumstances that led to the youth becoming involved with both DJJ and DSS.
5. The DJJ county liaison shall notify the DSS county liaison, the juvenile, the juvenile's parent/guardian (if other than DSS), the assistant solicitor, and the child's defense attorney of the time and location of the pre-court conferencing. If a guardian has been appointed in the juvenile justice case, then the DJJ county liaison should also notify the guardian of the time and location of the pre-court conference.
6. The DSS case worker shall notify the guardian ad litem, the GAL Program, the attorney for the guardian ad litem, and a representative from the juvenile's current placement of the time and location of the pre-court conferencing.
7. Representatives from the juvenile's current placement (foster home, therapeutic foster home, or group home) shall be given notice by DSS and an opportunity to attend. If they are unable or unwilling to attend, then they shall inform the DSS caseworker or the guardian ad litem how the juvenile is progressing and any recommendations that they have regarding the juvenile.
8. The DJJ caseworker must request a copy of the juvenile's current school records prior to the pre-court conferencing.
9. The DSS caseworker must provide a copy of the Children's Law Center Court Improvement Program's review sheet on the child welfare case to all parties at the pre-court conferencing.

**IV. Adjudicatory and Dispositional Hearings**

1. The assistant solicitor shall provide DJJ with a copy of the juvenile docket at least one week prior to the court date. The docket can be provided earlier. The DJJ county liaison shall notify the clerk of court of any case(s) on the docket that include a dually-involved youth. The clerk shall be notified of the parties' names in the corresponding child welfare case(s). Before the juvenile's adjudicatory or dispositional hearing, the clerk of court shall pull the clerk's copies of the DSS case files involving the juvenile or the juvenile's parent/guardian. The clerk of court shall place these files with the juvenile delinquency file for review by the judge in conjunction with the current delinquency case.
2. The DJJ county liaison is responsible for notifying the DSS county liaison of the time and location of the adjudicatory and dispositional hearings.
3. A representative from DSS who is familiar with the case (preferably the caseworker assigned to the case) shall be present for the adjudicatory and dispositional hearings.
4. The pre-court conferencing described above must occur before the dispositional hearing. If possible, the conference should occur before the adjudicatory hearing.
5. The presiding judge should inquire as to whether the conferencing has occurred. If the conferencing has not occurred, then the dispositional hearing may be continued until the conferencing has occurred.
6. The judge may elect to retain jurisdiction on cases involving dual-status youth.

**V. Quarterly Staffing**

1. Quarterly interagency staffings should be held in order to follow up on the juvenile and parent/guardian's progress with treatment, services, and placement, as well as the pending release or return home of the juvenile. These quarterly staffings should occur for the period of time that the youth is under DJJ supervision.
2. The quarterly staffing should monitor the progress of the juvenile, encourage future goals for the juvenile, and help to ensure compliance with any court orders.
3. If a juvenile appears to be at risk of violating a court order or reoffending, then a staffing should be held as soon as practicable to address any additional needs of the juvenile.

**AND SO IT IS ORDERED.**

\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, South Carolina

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Name, Chief Administrative Judge