

Children's Law Center
University of South Carolina School of Law

Recommended Court Practices for South Carolina's Dually-Involved Youth

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I. Introduction

Children who are involved with the child welfare system are more likely to become delinquent, be arrested, and advance deeper into the juvenile justice system. “Recent research has established a link between childhood maltreatment and later delinquent and criminal behavior. A well-known longitudinal study found that being abused or neglected as a child increased a person’s likelihood of arrest as a juvenile by 59 percent, as an adult by 28 percent, and for a violent crime by 30 percent.” Widom, C.S., & Maxfield, M.G. (2001, February), *An Update on the “Cycle of Violence.”* National Institute of Justice: Research in Brief. Available at <https://www.ncjrs.gov/pdffiles1/nij/184894.pdf>. In order to improve the outcomes for youth involved with both the South Carolina Department of Juvenile Justice (DJJ) and the South Carolina Department of Social Services (DSS), information needs to be shared between the two agencies. When possible, the two agencies need to work together to provide services for these youth. These agencies should also begin to work with other child-serving agencies that provide services for these youth. Outcomes will begin to improve when the agencies and individual caseworkers shift from looking at cases involving these youth as “their cases” to “our cases.” In order to produce this change in South Carolina, child-serving agencies and individuals must begin to collaborate.

The Children’s Law Center at the University of South Carolina School of Law (Children’s Law Center) received a grant from the Office of Juvenile Justice and Delinquency Prevention through the South Carolina Department of Public Safety to improve outcomes for dually-involved youth in this state. The Children’s Law Center formed an advisory group comprised of key stakeholders to help develop recommended court practices for dealing with these youth. Members of the advisory group included family court judges, a solicitor, a juvenile defense attorney, DSS attorneys, DJJ staff and management, DSS staff and management, parents, and others who play a pivotal role in the juvenile justice and child welfare systems. These stakeholders all have a vested interest in improving outcomes for these youth.

The Advisory Group understands that collaboration and the sharing of confidential information are central to improving outcomes for dually-involved youth. The information shared by DSS, DJJ, guardians ad litem, guardian staff, and others who participate in these recommended practices will not be disseminated to any individual or organization outside the confines of these practices. Guardians ad litem participating in the pre-court conference (discussed at length in the following pages) are authorized by S.C. Code § 63-11-530(B)(4) to participate on any multidisciplinary evaluation teams for cases on which they have been appointed. Additionally, the information shared between agencies must be afforded the highest level of protection by the receiving agency.

Under S.C. Code § 63-3-540, “The Court is authorized to seek the cooperation of all societies or organizations, public or private, having for their object the protection or aid of delinquent or neglected children.” Improving collaboration is going to involve a practice shift for agencies and individual workers; however, this shift is needed to secure better outcomes for these youths.

The following list provides a brief description of the key participants, their roles, and procedures. A more detailed description of the roles of participants will follow throughout this guide.

DJJ County Liaison: Each county is to designate a primary liaison who will serve as the point of first contact for dealing with DSS.

DSS County Liaison: Each county is to designate a primary liaison who will serve as the point of first contact for dealing with DJJ.

DJJ Caseworker: The caseworker assigned within DJJ that handles the individual case. This caseworker should have contact with the DSS caseworker and participate in the pre-court conference.

DSS Caseworker: The caseworker assigned within DSS that handles the individual case. This caseworker should have contact with the DJJ caseworker and participate in the pre-court conference.

Children’s Law Center Court Liaison: Each court liaison is assigned to a specific county/area. They will be responsible for transmitting the Children’s Law Center Court Improvement Program’s review sheet to the DSS caseworker. They will also place the information sheet in the delinquency court file.

Juvenile Defense Attorney: Will participate in the pre-court conferencing and advocate for the expressed wishes of the juvenile.

Solicitor: Will participate in the pre-court conferencing and balance the interests of justice with the best interests of the child.

Guardian ad Litem (GAL) in child welfare action: Will be invited to participate in the pre-court conferencing that occurs before a juvenile comes to family court for a dispositional hearing. If the guardian is unable to attend, they will be asked to generate a report similar to the report generated for the Foster Care Review Board. The guardian in the child welfare action will only address the child welfare concerns, and they cannot be appointed to the guardian in the juvenile justice action.

Guardian ad litem (GAL) in juvenile justice action: (Where applicable) If a guardian is appointed in the juvenile justice action, then they will also be invited to participate in the pre-court conference.

Family Court Judge: Will ensure that the pre-court conferencing has taken place and procedures have been followed before a dispositional hearing where a child is being sentenced.

Interagency Staffing: The staffing that is required by the Memorandum of Understanding between DJJ and DSS.

Pre-court Conferencing: A recommended conference that should take place before a juvenile comes to court. This conference can occur at the same time as the interagency staffing, but it is intended to include all relevant participants. The following people are recommended to participate in the pre-court conference: parent(s)/guardian(s), guardian ad litem, the juvenile's attorney, solicitor, DSS caseworker, DJJ case manager, and any other participant the parties believe will be able to give relevant information about the needs of the youth. Nationally a trend has developed to invite delinquent youth to participate in this conference. Youth are more likely to buy-in and be successful when they are able to participate in the formation of their case-management plan. This advisory group realizes that when dealing with youth, a "one size fits all" approach is not the best strategy. These practices allow for the youth to be invited to participate in the conference, if the participating caseworkers and the youth's attorney believe that the youth has the maturity to participate. Youth can also be invited in to participate in a portion of the conference. However, if the juvenile's defense attorney objects to the youth participating, then the youth shall not participate.

The goal of this conference is to develop a treatment plan and recommendations for the youth and family as a whole. Two different tracks have been developed for the pre-court conference. When a juvenile is detained, the pre-court conference can occur post-adjudication and pre-disposition. If possible, the conference can still occur pre-adjudication but nothing in these practices should delay a youth from coming into court for a detention hearing or adjudicatory hearing. For all non-detention cases, there is a strong preference for the pre-court conference to occur pre-adjudication. This will not always be possible; however, the parties and participating agencies should strive to have this conference pre-adjudication. Often, dually-involved youth are less likely to receive community based sanctions; these practices aim to keep more youth in the community and not housed at a secure DJJ facility.

Agency collaboration began to take place with the adoption of a Memorandum of Understanding (MOU) signed by DJJ and DSS on 9/20/17 (updated on 10/9/19). However, judicial oversight is required to ensure the agencies are complying with their

stated protocol. The Children’s Law Center formed an advisory group to develop the Recommended Legal Practices for improving the outcomes for these youth. The following document will lay out these recommended practices for ensuring better outcomes for dually-involved youth.

II. Identifying Dually-Involved Youth

In order to improve the outcomes for dually-involved youth, these youth need to be identified as early in the process as possible. Youth are better served when offered front-end services that allow the youth to remain in their community. The only way to offer these front-end services is to identify the at-risk youth as early in the process as possible. The MOU requires DJJ and DSS to share certain information and follow certain protocol when dealing with a dually-involved youth. However, identification of these youth is at times difficult. Families may not want to admit they are or have been involved with DSS, and many times, they do not volunteer this information willingly. DJJ and DSS have recently developed a portal that will allow staff from one agency to enter in a child’s identifying information and determine whether that child or family is involved with the other agency. This portal only provides limited information in order to identify these youth. The county liaisons and individual caseworkers for each agency will have to make contact with one another in order find out the specifics of each case.

According to the MOU, each county DJJ and DSS office is to appoint a primary and secondary liaison that will serve as the primary contact between the agencies. Their duties include providing verification if a youth is or has received case management, identifying the case managers, and maintaining a record of dually-involved youth. It is imperative that each county office appoint these liaisons and make sure they are in contact with their counterparts in the other agency.

The following guide offers recommendations for DSS staff, DJJ staff, defense attorneys, prosecutors, guardians ad litem, and judges. This guide will offer recommendations on how each individual can best help identify dually-involved youth early on in the process.

DSS Caseworker: When a DSS caseworker gains information that a child with an open case has become involved with or has a history with DJJ, the caseworker should immediately pass that information along to their county liaison. The DSS caseworker will communicate with the child’s DJJ caseworker when a child has dual-involvement. The DSS case manager should notify the DJJ case manager of any upcoming court dates.

Guardian ad Litem: When a GAL gains information that one of the children they represent has become involved with DJJ, the GAL should check with the DSS caseworker to ensure that the child’s name has been passed on to the county liaison.

DJJ Case Manager: When a DJJ case manager gains information that a child with an open case has become involved with or has a history with DSS, the case manager should immediately pass that information along to their county liaison. The DJJ case manager will communicate with the DSS case manager when a child is dually involved. The DJJ case manager should notify the DSS case manager of any upcoming court dates.

DJJ County Liaison: The DJJ county liaison will communicate regularly with the DSS county liaison. The DJJ county liaison will check the child's identifying information in the DJJ/DSS portal to see if the child or family has involvement with DSS. Upon identifying a child's involvement with both agencies, the DJJ county liaison should communicate the name of the child and the caseworker's name to the DSS county liaison. The DJJ county liaison should notify the DSS county liaison of any upcoming court dates for the juvenile.

DSS County Liaison: The DSS county liaison will communicate regularly with the DJJ county liaison. As often as is practicable, the DSS county liaison will check the names of new child welfare cases involving youth ten years of age or older in the DJJ/DSS portal to determine whether a youth has involvement with DJJ. 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 DSS county liaison will then review the names and provide the following information to the DJJ county liaison: if the juvenile or their parent/guardians are involved in an active open case, if the juvenile or their parent/guardians have been involved in a closed indicated case, and the number of unfounded cases involving the juvenile or their parent/guardian. The DSS county liaison will inform the DJJ county liaison of the names of any caseworkers involved with any open cases. If the DSS county liaison is informed that a DJJ juvenile is detained, then the DSS liaison will make diligent effort to provide the information to DJJ before the detention hearing. The DSS county liaison will notify the DJJ county liaison of any upcoming court dates involving the juvenile or their parent/guardians.

Juvenile's Defense Attorney: It is recommended that in the initial meeting with their client, the defense attorney inquire if the child/child's family has ever been involved with DSS. Youth may be reluctant to disclose the fact that their family has been involved with DSS. The attorney should also ask if the juvenile has ever lived outside their home. This question may provide another route to gain this information. The juvenile's defense attorney must receive the juvenile's permission before sharing this information. If the juvenile is reluctant to share this information, then the attorney should advise them that it will likely be discovered before court, and it may be beneficial to share the information earlier. However, if the juvenile still refuses to allow the attorney to disclose the information, then the attorney must abide by the juvenile's wishes.

Solicitor: It is recommended that, upon receiving a new case, the prosecutor contact DJJ and law enforcement to find out if the family has ever been involved with DSS. The DJJ caseworker will forward information provided by DSS to the solicitor in order to assist the solicitor in making a decision regarding diversion or prosecution for the delinquency case involving a dually-involved youth. Solicitors are encouraged to consider all available diversionary programs and 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 should not be a barrier to the youth's ability to participate in such programs.

Dually-involved youth are not always identified early in the process. Therefore, it is imperative that each individual do their part in helping to identify these youth. Identifying these youth as early in the process as possible allows the parties more time to work together to achieve better outcomes.

Identification of dually-involved youth is the first step in creating better outcomes for these juveniles. Little can be accomplished until these juveniles have been identified. The next step in the process is complying with the MOU and pre-court conferencing.

III. Complying with the MOU and Interagency Staffing/Pre-court Conferencing

The MOU between DJJ and DSS lays out protocol for each agency to follow when working with a dually-involved youth. In order to ensure better outcomes for these juveniles, staff for DJJ and DSS should comply with the protocol of the MOU.

DJJ County Liaison: Will be the contact point for the local DSS office. This person will provide verification that a juvenile is involved with the agency. The county liaison will identify the case manager, track communication on dually-involved youth, identify barriers to implementation of the MOU, and keep a record of dually-involved youth. The DJJ county liaison will also be responsible for notifying the DSS county liaison of any upcoming court dates involving the juvenile.

DSS County Liaison: Will be the contact point for the local DJJ office. This person will provide verification that a juvenile is involved with DSS. The county liaison will identify the case manager, track communication on dually-involved youth, identify any barriers to implementation of the MOU, and keep a record of dually-involved youth. The DSS county liaison will also be responsible for notifying the DJJ county liaison of any upcoming court dates involving the juvenile or the juvenile's parents/guardians.

DSS Caseworker: Within 24 hours, the DSS case manager or county liaison can share the existence of an indicated case history concerning the child, whether the case is

open or closed, the type of case, the names of the parties, whether the child is in placement and the type of placement, and the status of parental rights. Within 48 hours, the DSS case manager or county liaison can share the dates and types of services delivered to the family (excluding substance abuse treatment), identity of all involved parties, summaries of reported founded allegations, types of maltreatment, and summaries of the DSS actions and referrals. Any written records that are requested from DSS will require a written records request. The written records request should be made to the county managing attorney.

DJJ Caseworker: Will share information upon a written request from DSS concerning a treatment case or investigation. If the records concern an open case, the request for information can be made to any DJJ official. If the records concern a closed case, the request for information must be made to DJJ's record custodian. Identifying information of juveniles other than the child who is the subject of the request shall be redacted prior to production of the records.

When a juvenile is involved with both DSS and DJJ, the MOU requires a mandatory interagency staffing within 30 days of the youth becoming known to both agencies. All parties that participate in the interagency staffing should be familiar with the case. The interagency staffing described in the MOU only requires DJJ and DSS staff to be present. It is recommended that a larger pre-court conference, that can occur either at the same time or at a different time as the interagency staffing, take place. The goal of this conference is to develop recommendations for the juvenile and family as a whole. The following people should be present at the pre-court conference: representative from DJJ, representative from DSS, representative from the Solicitor's office, the juvenile's attorney, the guardian ad litem for the child welfare action, and the juvenile's parents/guardians. If a guardian ad litem has been appointed in the juvenile justice action, then the guardian in that case should also be invited to participate in the pre-court conference. Additionally, the guardian ad litem in the child welfare action cannot serve as the guardian ad litem in the juvenile justice action. DSS and DJJ staff that attend the conference should be familiar with the case. The juvenile may be invited to participate in this conference if their defense attorney believes that it would be appropriate. The decision about whether or not to invite the juvenile should be left to the participants; however, current best practices and national trends recommend getting input from the juvenile on which services would assist them from penetrating deeper into the juvenile justice system. Additionally, a youth is more likely to buy into and complete a treatment plan when their voice has been heard, and they have had input on the plan. If appropriate, the youth can attend all or a portion of the pre-court conference.

If the guardian ad litem is unable to participate, it is recommended that they submit a report containing their recommendations in the child welfare case. This report

will be similar to the report the guardian submits to the Foster Care Review Board. DJJ will obtain a copy of the juvenile's school records before the pre-court conference. If the juvenile is in foster care or a group home, then it is recommended that that the foster parents or a representative from the group home be given notice and an opportunity to attend if they are willing to participate. At the very least, the foster parents or group home should inform DSS of how the child is responding to being in placement and any recommendations that they have for the juvenile.

IV. Pre-Court Conferences

The pre-court conference should attempt to give all parties an understanding of the background and life circumstances of the child. This pre-court conference can occur at the same time as the interagency staffing that is required by the MOU. The goal of this conference is to help the parties decide what treatment options and services would best benefit the juvenile and family as a whole. The juvenile, his/her family, and placement should all provide input into what services they think the juvenile needs to succeed. This conference is not intended to be adversarial in nature, and it is important to the process for the juvenile and the family to feel comfortable sharing their needs. This conference is designed to assist in identifying the needs of the juvenile and the family and should not be used to try to build a legal case against them.

It is strongly recommended that the pre-court conference occur before a child's adjudication. Once again, the goal of this conference is to develop recommendations for a youth and their family as a whole. Many of these youth come from unstable situations, and this conference should help identify community-based services that increase the stability for the child. The conference can be held pre-adjudication or post-adjudication and predisposition; however, the conference will be most effective if held pre-adjudication. When a juvenile is detained, it may be impossible to have the pre-court conference before the initial detention hearing. In these cases, the conference can be held after the initial detention hearing or adjudicatory hearing if the detention hearing is waived. Nothing in these practices should delay a child from coming to court or postpone any juvenile justice hearings prior to disposition.

At this conference, DJJ should share the Form 5 on the juvenile with DSS. A copy of the court liaison information sheet from the clerks file should be shared with DJJ, the solicitor, and the defense attorney. A copy of the court liaison information sheet should also be placed in the clerk's file for the DJJ case. If a juvenile is slated to return to court for a probation violation, then another conference may need to be held before the parties return to court.

There is no exact formula for what has to happen at this conference; however, the goal should be for the agencies to determine what services can/should be offered to the juvenile. The agencies should also determine how they can work together to help the juvenile/family through the court system.

The juvenile's attorney should be present at this conference. Hopefully, the juvenile will have met with his/her attorney before this conference occurs. The juvenile's defense attorney's role is to advocate for the expressed interests of the juvenile. Information given by the juvenile and the parents shall not be used against them in future proceedings. The information should only be used to develop recommendations to meet the needs of the family and the youth. The youth does not need to admit guilt to participate in this conference. The treatment plan that is designed at this pre-court conference should be individually tailored to meet the juvenile's specific needs. Additionally, the parents are not required to comment on DSS charges or admit guilt at this conference. The attorney for the parents in the DSS action may also be present at this meeting.

V. Detention Hearings

If a dually-involved juvenile is detained, it is important that he/she is identified as a dually-involved youth before the detention hearing. When a juvenile is detained, the DJJ county liaison will check the juvenile's identifying information in the DJJ/DSS portal to determine if the youth or their family has involvement with DSS. If the detained juvenile is a dually-involved youth, then the DSS caseworker should endeavor to relay the information described in the MOU to DJJ before the detention hearing. The DJJ county liaison is responsible for notifying the DSS county liaison of the time and location of the detention hearing. The DSS caseworker is responsible for getting any input from the guardian ad litem before the detention hearing.

The DSS caseworker should attend the detention hearing. If the DSS caseworker is unable to attend the detention hearing, then a representative from DSS who is familiar with the case should attend. The DSS caseworker should also contact the guardian ad litem before the detention hearing to see if the guardian has any recommendations concerning the child welfare case. If appropriate, the judge may retain jurisdiction of the juvenile justice or child welfare case.

VI. Adjudicatory and Dispositional Hearings

The pre-court conference should take place before a juvenile appears in delinquency court for an adjudicatory hearing, or, at the latest, before the dispositional hearing. The parties may have different recommendations and may not have agreed on

a treatment plan, but it is important that there is collaboration before the juvenile appears at the dispositional hearing. Whenever possible, a representative from DSS familiar with the case should be at the adjudicatory and dispositional hearings. Many times, judges have questions that can only be answered by a DSS worker familiar with the case. Therefore, it is recommended that DSS send a representative to any delinquency proceeding involving a dually-involved youth.

Before the adjudicatory and dispositional hearings, the DJJ county liaison should inform the clerk of court that the case involves a dually-involved youth. They will inform the clerk of court of the existence of a child welfare case, and the clerk of court should pull the most recent indicated DSS cases and attach them to the delinquency case. The judge can then review the DSS cases for any additional facts that may be relevant to the proceeding. A copy of the Children's Law Center's court liaison review sheet should also be included in the delinquency file. This will alert the judge to DSS involvement before the delinquency hearing.

Each party at this proceeding will advocate for the interests of the party that they represent. The defense attorney must advocate for the child's expressed interests. The other parties should be advocating for the position that they feel is in the best interest of the child. The guardian should inform the DSS caseworker of any recommendations that they have concerning the child. The judge should ask specific questions, along with their normal plea colloquy, to ensure that the parties have collaborated ahead of time. The following will identify the roles of each party at this proceeding:

Solicitor: Advocates for the interest of justice and protection of the community balanced with the child's best interest.

Defense Attorney: Advocates for the child's expressed interest.

DJJ Representative: Advocates for the agency's position that should be formulated with the best interest of the child in mind.

DSS Representative: Should be present to answer any questions by the judge concerning the child welfare case.

Judge: Should ensure the protocol and pre-court conference took place. The following is a list of sample questions the judge can ask, in addition to their normal plea colloquy, to ensure the conference took place and all required parties participated in the conference:

- Has the youth been properly identified as a member of the target population?

- Was the cross-system identification made in a timely manner?
- Were the initial cross-system communications made in a timely manner?
- Have the relevant and lawful information and records been shared by the agencies in a timely manner?
- Where is the youth currently placed?
- How many placements has the youth had since he/she entered care?
- Is the youth currently enrolled in school?
- Did coming into care cause the youth to switch schools?
- Is the youth currently receiving any mental health or substance abuse treatment services?
- Is the youth currently taking any prescribed medication?
- Has the youth experienced a traumatic event?
- Is the youth experiencing trauma symptoms?
- Has a pre-court conference been held before the dispositional hearing?
- When was it held?
- Where was it held?
- Who was present at the conference and what party did they represent? (If one of the parties was not present, ask that party why they did not participate.)
- Did the parties develop recommendations taking into account both the child welfare and delinquency factors that are currently present?
- Were a set of recommendations collaboratively reached?
- Is there a party not in agreement with the recommendations? (There will be times when all parties do not agree on all the recommendations. Those parties should have the opportunity to state what their recommendations are and why.)

Where appropriate, the judge can retain jurisdiction on either the juvenile justice matter, child welfare matter, or both. Nothing contained in these recommended practices should delay a juvenile justice proceeding. If the pre-court conference has not occurred before the adjudicatory hearing, then it can be held before the dispositional hearing if an evaluation was ordered. When the pre-court conference has not occurred before the dispositional hearing, then the hearing should only be continued if requested by the defense attorney.

VII. Child Welfare Proceedings

When requested by a DSS representative or on their own initiative, a DJJ representative should be available to attend a child welfare proceeding 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.

When a child welfare proceeding involves a child also involved with the juvenile justice system, the DSS county liaison should inform the clerk of court. The clerk of court should pull the dually-involved youth's delinquency file(s) and place in with the child welfare file for review by the judge. The delinquency files of any siblings that are open or have been closed within the last five years should also be placed with the child welfare file for review by the judge.

VIII. Post Adjudication/Disposition Issues

Juveniles are often ordered to undergo either a community or secure evaluation after they are adjudicated delinquent, before they are sentenced. These thorough and comprehensive evaluations can help guide the recommendations made at the pre-court conference.

A quarterly interagency staffing should be held to monitor the juvenile's progress and to address any additional needs the juvenile may have while under supervision. Furthermore, if a juvenile appears to be at risk of reoffending, violating their supervision, or being dismissed from placement, then another interagency staffing should be held. The MOU also outlines additional circumstances for when an interagency staffing should occur.

IX. Conclusion

Creating better outcomes for dually-involved youth requires collaboration among all parties involved. This collaboration includes participation with pre-court conferencing and information sharing. The processes described in these recommended court practices will lead to increased collaboration and better outcomes for youth with multi-agency involvement.

STATE OF SOUTH CAROLINA)
)
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

Name, Chief Administrative Judge