



State of South Carolina

Department of Social Services

Policies and Procedures: Child Welfare Manual

Subject:	550.2 Juvenile Justice Involvement
Chapter:	Foster Care
Effective Date:	07/21/2016
Standards:	Guiding Principles and Standards (GPS) Practice Model
Application:	Child Welfare Services Staff

PURPOSE STATEMENT:

Children and youth involved with the child welfare system are more likely to interact with the juvenile and criminal justice systems than are youth without such involvement. Because of the unique needs of dually involved youth, it is important that caregivers, law enforcement officers, court officials, service providers, child welfare professionals, and juvenile justice professionals work closely together to ensure that the best interests of these children are served. This policy section lays out the policies and procedures to be followed so that this collaboration can be most effectively and efficiently facilitated.

As key agencies responsible for community safety and the health and well-being of dually involved children, SCDSS and SCDJJ are working to improve their sharing of information. SCDSS and SCDJJ have difficulty receiving timely and reliable information needed for decision making, coordination of services, case planning and case management for dually served children. The information sharing agreement is designed to improve practice and procedures among both agencies. This agreement has the following features:

1. A decision by both agencies to share information to best serve dually involved children.
2. A protocol for how both agencies will serve dually involved children, including requirements for interagency staffing.
3. Guidelines for sharing SCDJJ records with SCDSS staff.

POLICY:

- The agency shall coordinate with DJJ, law enforcement, children's attorneys, and the Family Court so that dually involved children's best interests may be served and services properly put in place.
- When a foster child is placed in a juvenile justice placement, the agency shall not recommend to the Family Court or DJJ that the child remain in the placement without a charge pending or beyond the term of their disposition for the sole reason that DSS cannot find an appropriate placement. The agency shall take immediate legal and physical custody once the need for juvenile justice placement ceases and shall

immediately provide appropriate placement. After the DJJ court hearing regarding a foster child's release from a DJJ facility, or when a child is brought into foster care as a result of a DJJ hearing, the case manager will complete the [DSS Form 37231: Report of Youth Exiting the Juvenile Justice System](#) and email the completed form to DJJCourt@dss.sc.gov within one business day of the hearing.

- The agency shall not seek to be relieved of custody when a child is in DJJ custody.
- The agency shall not provide funds to pay for a child's bond or attorney. Further, the agency shall not provide legal advice or representation to children involved with DJJ or those otherwise being investigated or charged with a crime.
- If an individual reports that a child under supervision by the Department of Juvenile Justice (DJJ) has been abused or neglected, the agency shall follow regular intake procedures (refer to [Chapter 2: Intake](#)). The agency shall not decline an investigation because a child is "temporarily safe" in a DJJ placement and shall not require that the child return to a dangerous environment prior to the agency investigating the report.
- If a child is ordered into DSS's custody as the result of a delinquency proceeding, the agency shall advocate for the inclusion of Title IV-E eligibility language (see [Special Considerations](#) below).

PROCEDURES:

Each county director will identify a primary and secondary liaison. The function of the liaison is as follows:

1. To serve as the first point of contact.
2. To provide verification to the referring source if the juvenile is actively involved with the agency.
3. To provide the name and contact information of the case manager.
4. To keep the County Director informed about implementation of the information sharing agreement.
5. To collect and report data regarding the impact of shared communication on repeat maltreatment and recidivism.

INFORMATION SHARING:

1. For notification purposes, information shall be exchanged between SCDSS and SCDJJ within 24 hours of the initial referral, excluding holidays and weekends.
2. Written records shall be provided within 48 hours of request excluding holidays and weekends.

3. In the event a case file is needed in its entirety, a request must be made to the legal department.
4. For informational purposes, SCDSS and SCDJJ will be required to make at least one contact per month (email, telephone, face-to-face or videoconferencing) by the assigned case manager on dually assigned cases.

INTERAGENCY CASE CONSULTATION:

1. A mandatory case consultation must be held within 30 days from the point of identification/verification of juveniles who are dually and actively involved with both SCDSS and SCDJJ unless extenuating circumstances occur. The interagency case consultation can be coordinated by the county case manager or the liaison. An interagency staffing must take place under the following circumstances:
 - a. An offense occurred while in SCDSS/SCDJJ placement
 - b. Juvenile is detained
 - c. Juvenile is at risk of reoffending
 - d. Custodian or parent in non-compliant or not in agreement with treatment and/or services
 - e. Child fatality
 - f. Runaway
 - g. Media involved event
 - h. Human trafficking
2. Conduct quarterly interagency case consultation on active dually involved cases to obtain status of treatment and/or services, placement and pending release.

MANAGEMENT EXPECTATIONS:

SCDSS and SCDJJ management shall maintain accurate information by ensuring the following:

1. Review protocol with all line staff.
2. Education and cross-training of staff to enhance understanding of intake/screening processes, supervision levels and judicial processes.
3. Ensure participation of staff in interagency case consultation.
4. County Directors in conjunction with liaisons will conduct meetings at a minimum of every six (6) months or when deemed necessary for the purpose of information sharing and addressing any challenges.

Initial Contacts

1. The child's placement shall notify the foster care case manager immediately if a foster child in the placement's care has been charged with an offense or if any involvement with law enforcement or DJJ staff has occurred. If the activities occur after business hours, the

placement shall notify the on- call worker that the child has been charged or had law enforcement contact.

2. The worker shall contact DJJ and/or law enforcement as soon as possible to determine the charges and, if the child has been detained, the child's current location.
 - i. The case manager shall inquire about any upcoming meetings/hearings regarding the child's case and shall offer to attend and provide ongoing input.
 - ii. The case manager shall request documentation about the child's case (e.g., police report, DJJ reports, etc.)
3. The case manager shall notify the child's biological family members (unless termination of parental rights (TPR) has taken place and such contact would be inappropriate) and the child's guardian ad litem as soon as possible regarding the child's charges and status.
 - a. If the child already has a juvenile defense attorney, the case manager shall contact the attorney regarding the child's status and shall offer to provide ongoing assistance and input.
 - b. If the child is not yet represented by an attorney or is being investigated for a crime prior to being charged, the case manager shall not offer legal advice and shall not consent to law enforcement interviews of the child.
 - c. The case manager shall document all contacts in CAPSS dictation and shall place all documentation (e.g., police reports) in the child's case file.

Coordination with DJJ, Child's Attorney, and/or Law Enforcement

1. The Foster Care case manager shall coordinate with DJJ staff to confirm that the child's best interests are served.\
2. The Foster Care case manager shall attend all meetings regarding the child's disposition and/or placement. In the worker's communications with DJJ staff, the worker shall confirm that he or she:
 - a. Involves the parents, guardian ad litem, and any other concerned parties in the planning process;
 - b. Coordinates permanent plans with both agencies and the family;
 - c. Coordinates resources to serve the child and family; and
 - d. Shares medical, psychological evaluations, court orders, and any other relevant information for DJJ to serve the youth (the case manager shall consult the DSS Attorney prior to sharing any medical records).
 - e. If DJJ is recommending that the child be committed to a DJJ facility, the Foster Care case manager shall coordinate a joint staffing to discuss the above issues. The parents, guardian ad litem, and any other concerned parties (including the child's case planning team) shall be included in the meeting.
 - f. The case manager shall also share information with the child's attorney to assist in the court proceedings.

- g. If a child is placed on probation, the Foster Care case manager shall continue providing foster care services as described in this manual.
 - a. The case manager shall facilitate at least quarterly case consultation (in person or by phone) with the child's probation officer to confirm proper service delivery, to determine the child's progress, and to ascertain whether the child's needs require an amendment of the child's case plan.
 - b. The case manager shall confirm that DJJ staff are invited to the child's Foster Care Review Board meetings and Permanency Planning Hearings.
 - c. If a child is placed in a detention facility, see [Special Considerations](#) below.
 - d. If a child reaches the age of 18 while in a DJJ facility, the case manager shall not seek to terminate foster care services unless emancipation has been stipulated in a prior court order. If the case is to be closed at this date, the worker shall facilitate a staffing with DJJ staff to confirm proper supports and shall follow the procedures set forth in [Section 560: Termination of Foster Care Services](#).

3. Court Proceedings

- a. The case manager shall attend all DJJ hearings related to the child's case.
- b. If requested by the court, the child's attorney, or the solicitor, the worker shall testify regarding the child's history, case plan, and current status.

Special Considerations:

Child in a Correctional Facility

- 1. If a child is placed in a correctional facility, the Foster Care case manager shall continue to provide all the case planning and management services described in this manual.
- 2. The case manager shall continue to make monthly contacts with the child.
- 3. The case manager shall continue to involve the child's family, support persons, guardian ad litem, and DJJ staff in all case planning decisions. This planning shall include an appropriate plan for permanency and placement upon the child's release from the facility.
- 4. The case manager shall continue to facilitate proper visitation with the parents, siblings, and other kin as described in [Section 510.3: Family Visitation Policy](#) and [Section 510.5: Preserving Sibling Connections](#).
- 5. The case manager shall maintain at least weekly contact with the facility staff if the child is in a DJJ Evaluation Center (with at least monthly face-to-face contact) or monthly face-to-face contact if the child is in a detention facility to obtain:
 - a. Current information regarding the child's progress in the facility, including projected discharge date, and

- b. Relevant information needed to coordinate appropriate alternate placement arrangements upon discharge, including progress reports, psychological evaluations, and medical exams.
6. The case manager shall immediately update the child's placement so that board payments cease while the child is detained.
7. If the child receives Social Security or SSI benefits, the case manager shall notify the Social Security Administration of the child's placement and release date.
8. The case manager shall document the child's placement changes (including between detention facilities) in CAPSS.

Child Charged as an Adult

1. If a youth is to be charged as an adult, the Foster Care case manager shall determine when the bond hearing will be held and the possible recommendation regarding bond.
2. If it appears that the child may be released on bond prior to the trial, the worker shall staff the case with Foster Care to determine a possible placement plan consistent with the conditions of the bond.
3. The case manager shall follow up with court officials and the solicitor to confirm that the child has been referred to the Public Defender's Office.
4. If the child is tried as an adult, convicted, and sentenced to jail time, the worker shall staff the case with all involved parties to assess what future services the agency might be able to offer, including assistance with post- incarceration living arrangements. Consideration should be given to the youth's age, the potential length of incarceration, and the nature of the charges for which the child was convicted.
5. If it is determined that foster care services are no longer appropriate for this child, the worker shall petition the Family Court for a Permanency Planning hearing to advise the court that the child is in the custody of the Department of Corrections, that it has been determined by the staffing that there is no permanent plan that the agency can offer and ask to be relieved of custody.
6. If it is determined that the child may benefit from continued foster care services or if the judge refuses to relieve the agency of custody, the case manager shall follow the same procedures for ongoing services and service planning that is required for all foster children.
7. If the child is not convicted, the case manager shall complete a case consultation with Foster Care, if needed, for placement options and shall continue providing foster care services.

Disputes Between DJJ and DSS Staff

1. When a dispute arises between DJJ and DSS staff, the Regional Director shall attempt to resolve the dispute with the appropriate regional representative at DJJ.
2. If the dispute cannot be resolved by the Regional Director, the Regional Director shall consult with the Child Welfare Director regarding next steps.
3. If resolution is not obtained, the Child Welfare Director may refer the matter to the Children's Case Resolution System after receiving written approval from the State Director.

Children Ordered into DSS Custody Through DJJ Proceedings

1. The Foster Care case manager shall coordinate with the DSS Attorney to cooperate with any requests (e.g., by DDJ, by the court, etc.) for participation in delinquency proceedings.
2. If the Family Court notifies the agency that it is considering placing a child involved in a DJJ proceeding in emergency protective custody, the case manager shall respond immediately and make themselves available to the court for the proceeding.
3. If a child is to be ordered into DSS's custody as the result of a delinquency proceeding, the Foster Care case manager and the DSS Attorney shall advocate for the inclusion of Title IV-E eligibility language in the court order requiring the child's placement into foster care. For the child to be considered for IV-E eligibility, the order must state that:
 - a. It was contrary to the welfare of the child to remain in his or her home; and,
 - b. That reasonable efforts to prevent the removal were either made or were not required (refer to [Section 510.9: Foster Care Title IV-E-Eligibility Policy](#) for circumstances in which such efforts are not required).
 - c. Once a child is placed into foster care, the worker shall otherwise abide by the policies and procedures set forth in this manual.

DOCUMENTATION:

- Contacts with child and family
- Correspondence with professionals and agency staff
- Copies of police report and/or DJJ reports
- Copies of court documents and orders
- Placement changes, service changes, and amendments to case plan

COLLABORATION:

- Foster Care Case Manager
- DJJ Staff
- Law Enforcement
- Guardian ad Litem
- Child's Attorney

- Family Court
- Solicitor's Office

REFERENCES:

Legal Citations: Tools:

Forms:

Practice Guidance:

REVISION COMMENTS: