

# **Diversion for Status Offenders: A Guidebook for South Carolina**

**Developed by the Children's Law Center**

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**UNIVERSITY OF  
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## **Introduction**

Diversion is an important option for family court professionals to have available when working with non-violent youth. This is especially true for youth alleged to have committed a status offense. Many youth who are referred for status offenses, which include incorrigibility, running away, and truancy, have been diagnosed with a mental health, learning, or substance abuse disorder; or have experienced trauma, abuse, neglect, and other hardships. These circumstances, without intervention, may result in youth displaying problematic behaviors or family dysfunction.

Research on status offenders indicates a recurring consensus: the juvenile justice system should be utilized as a last option for these youth who would often benefit more from treatment services than from the punitive approach of the court system. The National Standards for the Care of Youth Charged with Status Offenses, released in 2013 by the Coalition of Juvenile Justice in collaboration with the National Council of Juvenile and Family Court Judges and a team of experts, states that “education, social service, community-based, child welfare, runaway and homeless youth, mental health, law enforcement, and juvenile justice systems should aim to resolve all status offense matters through the provision of voluntary diversion services.”

Studies have shown diversion programs to be more effective in reducing recidivism than conventional judicially-imposed punitive methods. When measuring the effectiveness of diversion programs for the past forty years, researchers have found average recidivism rates to be around 31.5% for diverted youth in comparison with 41.5% for youth processed through the court system. Some individual diversion programs reported youth recidivism rates of as low as 2%.

Additionally, diverting status offenders will reduce the chance that the youth will be detained at some point during the juvenile justice process. Studies show that status offenders who spend time in secure facilities have more negative outcomes than offenders who remain in the community. These negative outcomes include increased recidivism rates, increased involvement with the system, disrupted development,

increased levels of mental illness, and greater risk of self-harm and suicide. Incarcerating these youth will expose them to more serious offenders and exacerbate problems within the family and community.

Diversion is also a more cost-effective response as it allows for services to be received in the community. Annually, the United States spends about \$5.7 billion on the incarceration of youth. In addition to being expensive, this punitive approach has been shown to increase the likelihood of negative consequences for the youth and their communities. In contrast, community-based programs have been shown to decrease recidivism rates and increase positive life outcomes for the youth and their families. In terms of cost, programs such as multi-systemic and family therapy have been shown to save systems \$13 for every \$1 invested into the treatment.

Despite this research, status offense cases in South Carolina are generally handled in the same manner delinquent cases, which often results in judicial oversight. Courts may have difficulty addressing the underlying causes of these behaviors and may not have resources at their disposal to address these behaviors. Additionally, youth who commit status offenses and their families often have time-sensitive needs and find themselves in crisis. Immediate interventions are often needed in order to stop this trajectory and de-escalate situations. The court, however, may not be able to hear a case for days or months, which increases the negative impacts on families causing further decline and deterioration.

## **South Carolina Laws**

### ***Status Offenses***

State law recognizes that status offending youth have complex needs different from those of criminal offenders, that the nature of these youths' conduct is different from that of criminal offenders, and that their interaction with the juvenile justice system should be limited. South Carolina's Juvenile Justice Code explains that a "status offense" means an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents, truancy, running away, playing or loitering in a billiard room, playing a pinball machine,

or gaining admission to a theater by false identification.” S.C. Code Ann. § 63-19-20(9). While all other juvenile delinquency offenses carry the possibility of incarceration for an indeterminate period not to exceed the child’s 21<sup>st</sup> birthday, status offenses carry a maximum sentence of 90 days in the custody of the Department of Juvenile Justice. S.C. Code Ann. § 63-19-1440(F). The law also states that if so sentenced, a status offender “may not be confined with a child who has been determined by the department to be violent.” S.C. Code Ann. § 63-19-1440(G).

### ***Truancy***

Truants have received additional protections by lawmakers. In explaining the role of courts for truants, S.C. Code Ann. Regs. 43-274(II) states that “[t]he State Board of Education recognizes that truancy is primarily an educational issue and that all reasonable, educationally sound, corrective actions should be undertaken by the school district prior to resorting to the juvenile justice system.” Additionally, only when “other community alternatives and referrals fail to remedy the attendance problem...” may a chronic truant be referred to family court for violation of the prior school attendance order. S.C. Code Regs. Ann. 43-274(II)(C). Moreover, “[t]he school and district must exhaust all reasonable alternatives prior to petitioning the Family Court to hold the student and/or the parent(s) or guardian(s) in contempt of court.” S.C. Code Regs. Ann. 43-274(IV)(B). Furthermore, the family court may only find a truant youth delinquent if the absences “occurred without the knowledge, consent or connivance of the responsible parent or guardian or that a bona fide attempt has been made to control and keep the child in school.” S.C. Code Ann. § 59-65-70. It is the parent or guardian’s responsibility to “require his child to attend regularly...” S.C. Code Ann. § 59-65-10. State law plainly directs agencies to use diversionary programs and practices for truant youth. “Each school district should coordinate with the local office of the South Carolina Department of Juvenile Justice to establish a system of graduated sanctions and alternatives to incarceration in truancy cases.” S.C. Code Regs. 43-274(V).

## ***Runaway***

There is a growing understanding that runaway children should be offered additional protections and that their needs and problems are complex. Recent attention to the problem of human trafficking has led the legislature to mandate the creation of an interagency task force to include members from “agencies devoted to child services and runaway services.” S.C. Code Ann. § 16-3-2050(B)(12).

### **Current Diversion Practices**

South Carolina law recognizes the usefulness of diversion programs for youth and encourages their use. The Juvenile Justice Code provides for the use of diversion programs for juveniles. DJJ’s community services division is tasked with “providing programs to divert juveniles, where proper and appropriate, from the juvenile justice system.” S.C. Code Ann. § 63-19-350(14).

In addition, the South Carolina Children’s Code has also called for the development of diversion programs. The Youth Mentor Act requires the Attorney General’s Office to establish a Youth Mentor Program, and allows a solicitor to require a child to participate in the program as a pretrial diversion option. S.C. Code Ann. § 63-19-1430. This diversion program, as described by statute, consists of a church and community mentor program to be completed by the child to reduce the likelihood of the continuation of formal court proceedings. More specifically, courts are restricted by law from detaining a child who has been diagnosed with a serious mental illness or intellectual disability. S.C. Code Ann. § 63-19-1450. Instead, courts are instructed to place the child within the proper mental health programming. While South Carolina policies infer producing outcomes to reduce the rate of juvenile incarceration, the state’s practices do not reflect this policy. Although the rates of incarceration of non-violent and status offenders have been declining, there is still a significant amount of these juveniles being detained. Much of this has to do with a lack of programming for juvenile offenders. For example, in South Carolina the majority of solicitors’ offices have utilized Juvenile Arbitration to divert young offenders who are charged with non-violent offenses. Through the use of arbitration conferences or hearings a juvenile is referred to the program and is given the opportunity to participate in counseling, complete

community service, write apology letters to victims, and take part in other restorative justice practices. Upon completion, the youth is successfully diverted from family court and adjudication. However, while all 16 judicial circuits' solicitors' offices are authorized to run the program, none currently accept status offenders as it is believed that status offense cases need a more in-depth assessment due to the complexity of the mitigating factors.

## **Best Practices and Options for Diverting Status Offenders**

### ***Informal Diversion Practices***

Families in crisis often turn to the legal system for help with disruptive youth as they are unaware of other sources of assistance. However, many of these families would benefit from counseling services, parenting assistance, support services, or other community-based services, thereby removing the need for juvenile justice involvement. Many offices from the Department of Juvenile Justice are able to provide supportive services without formal involvement in the court system, such as Family Solutions classes, Girls' Circle, and G.R.E.A.T. programs. These programs provide support for families and youth in a group setting, while teaching valuable skills such as communication skills, anger management, decision-making skills, and coping skills. (More information on these programs can be found at <http://www.state.sc.us/djj>.)

The Department of Mental Health is equipped to work with status offenders and their families, thereby preventing the need for court involvement. In addition to outpatient individual and family counseling, many local offices provide school-based counseling, intensive family services, and in-home family services. Families in crisis often benefit from services that are readily available in their communities, although they are often unaware of how to access these services. Providing families with resources can be a simple, yet effective way to divert status offenders. DJJ maintains a list of local resources by county on their website, which can be accessed at <http://www.state.sc.us/djj/countyoffices.php>.

When parents do seek an incorrigible petition, juvenile justice professionals should explain to them the negative effects of juvenile justice involvement and the

potential treatment needs of the youth and family, and ensure that referrals have been made to appropriate agencies. This type of informal diversion will prevent many youth from unnecessarily becoming involved with the court system. The Status Offense Task Force, coordinated by the Children's Law Center, has recommended that parents and guardians be required to demonstrate their own commitment to seeking assistance outside of family court, and show they have exhausted all possible resources prior to filing an incorrigibility petition. Documentation should be required which indicates that the family and child have made reasonable efforts to resolve the challenges confronting the family unit through participation in counseling services.

Runaway youth may be informally diverted by utilizing services provided by runaway shelters to reunify families. Bridge Over Troubled Water, located in Boston Massachusetts, has created a runaway program focused on reunifying runaways between the ages of 14 and 17 with their family through the use of counseling, transitional housing, and family services. Counselors have been successful in reunifying 60-70% of runaways with their family. Most of the remaining youth were placed in independent living programs. More information can be accessed at <http://www.bridgeotw.org/runaway-services.html>.

### ***Formal Diversion Practices for Incorrigible and Runaway Youth***

Formal diversion programs are effective with status offenders when they are specific to the needs of the child, address the underlying causes of the problematic behaviors, and encourage collaboration between the youth and guardian. Mediation programs, although traditionally used between an offender and a victim, are effective with incorrigible and runaway youth and their guardians as they encourage participants to take responsibility for their behaviors and identify possible solutions. Mentoring programs and programs that utilize the Positive Youth Development model have demonstrated success with youth who commit status offenses, as these programs provide a positive relationship with a caring adult and focus on the strengths of the youth. Successful participation in such programs can prevent the need for court involvement. Information on specific evidence-based programs can be accessed from

the website of the Office of Juvenile Justice Delinquency Prevention at <http://www.ojjdp.gov>.

The Kentucky Court of Justice Status Offense Program is aimed at keeping status offenders out of the court system by helping the juvenile address and overcome family and personal issues. The program contains two phases: pre-complaint and complaint. The first involves working with the Court Official to address personal problems. If the youth is unsuccessful in this phase, a complaint is filed. Using a Site Review Team consisting of counselors, social workers, school officials, and community resources, the Court Designated Worker Program facilitates the second phase of the diversion program. The team and family meet for an hour bi-weekly to assess the youth's progress based on the youth's defined problem areas and how much of the developed plan they have completed. The team is meant to provide support, incentive, and recognition of the youth's progress.

In Jefferson County, Alabama, court officials have formalized a diversion process for families who seek court-involvement for incorrigible youth. Officials have mandated that before parents may file a petition of incorrigibility, they must attend five counseling sessions with their child. If the child refuses to attend counseling, then a treatment plan is developed by the parent and the counselor. This program has been shown to decrease the number of incorrigible youth by about 40%.

### ***Formal Diversion Practices for Truant Youth***

Truancy diversion needs to address the reasons that students are missing school and recognizing these reasons will be unique to each child. Effective programs will increase the sense of connectedness between the youth and the school while rewarding improvements in attendance. They often offer tutoring or some type of credit recovery to offset the days the youth has been absent, which will provide an incentive to the student to return to school.

The CUTS program, based in Maricopa County, Arizona is aimed at combatting the problem of truancy. This program, which is a collaborative effort between the juvenile justice system and the school system, assists first and second truancy

offenders by educating the child and family and assessing their individual needs. A truancy team, which includes a probation officer and school officials meets with the child and family. Through these meetings, the student must be able to address the reason for missing school and identify how the problem can be resolved. The probation officer assists with providing consequences for the truancy which can include truancy education classes, community service hours, and tutoring. Juveniles who fail to comply are not introduced to the court system (unless requested or deemed necessary), but may have their license revoked until their 18<sup>th</sup> birthday.

The Mentoring-Based Truancy Reduction Program in Memphis, Tennessee is a mentoring-based program for middle school students who have been identified as truant. This program, which is run by the district attorney's office, provides students with a volunteer mentor who monitors the student's attendance, performance, and conduct. The mentors also meet with guardians to evaluate their home and community conduct. The volunteers commit to spending at least eight hours a month with the student and are trained to ensure their relationship with the student is productive and beneficial. The child's case is then reviewed by the district attorney, a school representative, and the child's mentor to determine if the child has been successful and should have their case diverted from the court system.

### **Implementing a Diversion Program**

Before implementing a diversion program, it is helpful to collect data to detect the problem areas and formulate the goals of the program. For example, it may be helpful to collect the number of youth referred for different offenses, the gender of youth referred, or the grade levels of truant youth. Interviews with youth and guardians can assist in determining gaps of service or resources still needed, and give insight on how to motivate youth and families for diversion programs.

After a need is identified, funding may present an obstacle for implementing a diversion program. Grant monies are often available for diversion programs through federal grants and private foundations. In South Carolina, federal grant money available from the Office of Juvenile Justice and Delinquency Prevention is funneled through the South Carolina Department of Public Safety. Information on obtaining these grants is

available on their website at [www.scdps.gov](http://www.scdps.gov). A federal database of available grants is easily accessible through [www.grants.gov](http://www.grants.gov). However, even if money is not readily available, many professionals may feel that the benefits of a diversion program outweigh the extra duties required. For example, facilitating a psychoeducational group on truancy may require an extra hour of work per week for a school social worker, but it would save much more time due to avoiding preparing for court and court appearances.

Due to the complexities of status offending youth, a multi-agency approach is often required for diversion programs. This allows for wrap-around programming that addresses multiple needs simultaneously and provides a larger support system for the youth and family. While many agencies often collaborate informally, it may be helpful to formalize the roles and responsibilities of each agency to assist with organization and accountability. A sample Memorandum of Agreement, which identifies the roles of each agency and agreed-upon actions is included in Appendix A of this guidebook.

Developing and implementing a diversion program can be a difficult process. However, with guidance, time, and proper planning, both professionals and the youth are rewarded for the efforts. The Models for Change works towards system reform in juvenile justice and focuses on diversion options for youth. In 2011, a diversion guidebook was released which identified sixteen steps that should be utilized when developing a program. These steps give a framework for professionals to assist with formalizing an idea into an effective program. See Appendix B for more information on the “Sixteen Steps for Planning a Diversion Program.”

### **Sample of a Successful Diversion Program: Truancy Alternative Program**

The complexity of truancy cases presents unique challenges to professionals working with students in the school, in the community, and within the family court system. Nationally, truancy cases make up the highest percentage of status offense cases that are referred to family court. This has also been a struggle in South Carolina, resulting in the development of diversion programs specifically for truancy intervention.

The Truancy Alternative Program (TAP) was developed by the 16<sup>th</sup> Circuit Solicitor’s Office in response to the high number of referrals for truancy and violation of

a school attendance order. The professionals involved in truancy cases recognized that bringing a child before a judge and placing them under a generic attendance order was not effective in addressing the underlying causes of the truant behavior. They recognized that a multi-agency collaboration, that involves identifying the needs of the youth and engaging the student and family as partners, would be a more effective response to truancy. Through TAP, resources are provided to the youth and family prior to court intervention, which allows services to make a meaningful difference and prevent the need for a formal court order.

TAP brings together professionals from family court, the schools, the Department of Juvenile Justice, and other child-serving agencies, as needed, to work with youth prior to a formal court referral. Once a child has been identified as truant, the child may be referred to TAP if it is their first referral for truancy, they are under the age of 16, and they do not have a lengthy history with DJJ. After being notified of the referral to TAP, the student and their guardian will attend an initial staffing with the members of the TAP intervention team, which always includes a representative from the solicitor's office, DJJ, and the school. At this meeting, the student is given the opportunity to discuss their truancy and the reasons for their absences. The student and family are invited to share any resources they believe are needed to improve attendance, and the respective agencies are able to share what programs or resources they have available that may benefit the student. The student and guardian then sign a contract that states what they agree to, what referrals have been made, and that they understand the consequences of not complying with TAP.

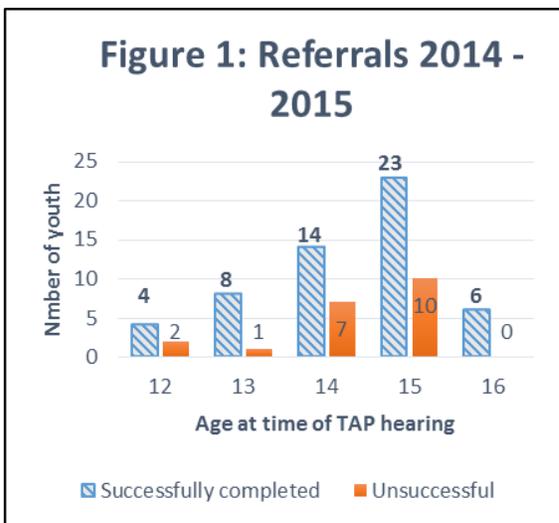
TAP youth are often referred for mental health or substance abuse counseling, mentor programs, and programs offered by DJJ, such as Family Solutions and Girls' Circle. Additionally, the TAP coordinators have partnered with community groups to provide educational and community involvement opportunities as a way of supporting the youth and family.

After a student is accepted into TAP, professionals from the involved agencies staff the case every Monday to determine if the student is complying with the program. Each representative shares information, such as if the student is attending school,

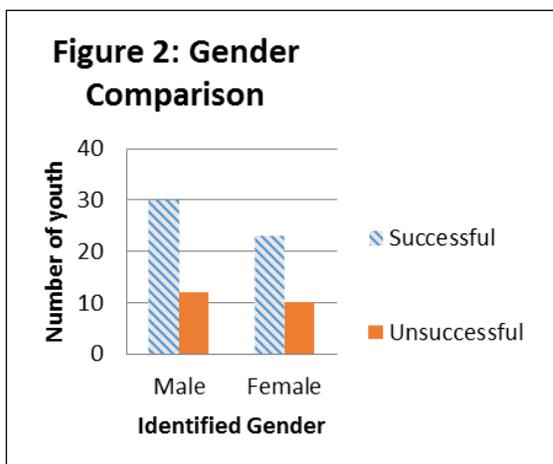
counseling, or a special program. While professionals are expected to attend this meeting weekly, individuals involved with the program have reported that this actually decreases the amount of time they spend on truancy cases, as they are able to efficiently and effectively share and gather necessary information with other agencies. If the student has been non-compliant, the group will then determine whether to terminate the youth from TAP. If terminated, the youth is then formally referred to family court.

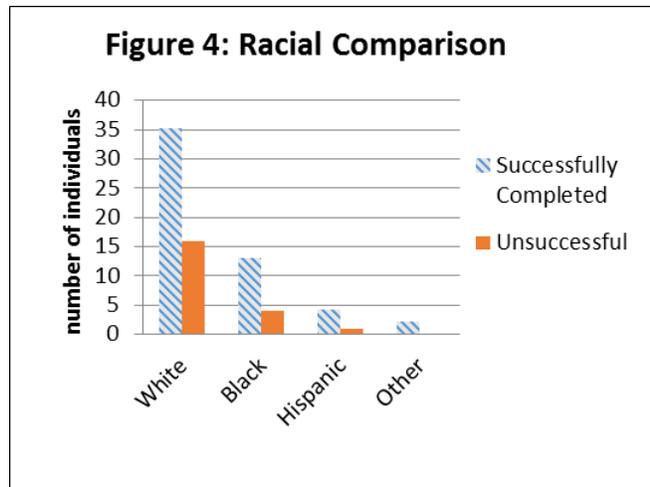
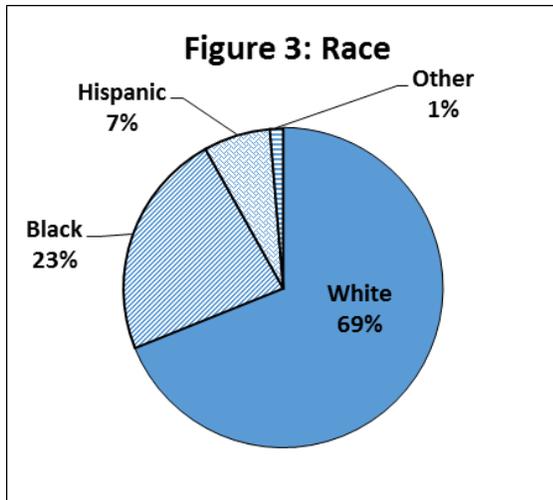
TAP staff reported that at times, the solution to truancy is as simple as arranging reliable transportation for the family or providing an alarm clock. This attests to the need for more diversion programs like TAP, as truancy and other status offenses often can be resolved without court involvement.

### **TAP Data**



TAP data collected from September 1, 2014 to May 29, 2015 (the 2014 – 2015 school year) indicated that 75 individuals (12-16 years of age) were referred to the program (Figure 1). Fifty-six percent of the participants identify as male and 44% identify as female. When comparing gender success rates, there was an equal percentage of each gender that were unsuccessful in the program and referred to court, indicating no gender differences (Figure 2). When looking at racial demographics, 69% identified as white, 23% identified as black, and 7% identified as Hispanic (Figure 3). Of those identified as white, 68% successfully completed the program. Of those identified as black, 76% successfully completed the program; and 80% of those who identified as Hispanic successfully completed the program (Figure 4).





The data was analyzed to determine the recidivism rates of those who participated in TAP by determining how many were subsequently charged with a delinquent offense. Data showed that those who successfully completed the program had less delinquent activity than those who did not complete the program and were referred to court: 6% of youth who completed the program were charged with a delinquent offense following the program, while 24% of those youth who were unsuccessful with completion of TAP were charged with a delinquent offense.

***Implementation***

To implement a TAP program, it is crucial to have multi-agency investment, as professionals from family court, the school district, and child-serving agencies must work together for success. It is also important to have open lines of communication, which are facilitated by having guardians sign release forms that allow for the sharing of information between agencies. While HIPAA and FERPA laws may prohibit the transmission of some information, it is possible to devise consent forms which will allow for the legal release of information between stakeholders. This union between the different partners reiterates to the student and family that they are being supported but also will be held accountable by a team of professionals.

One of the key elements of TAP is the commitment between agencies to provide the diversion program to truants. Each agency has very clearly defined roles within a shared vision of how to serve truant students most effectively. While TAP has operated without a formalized agreement, it may be helpful to have a memorandum of agreement signed by the different agencies collaborating on the diversion program.

A TAP needs strong community resources that students can be referred to and use to address their needs. Many of the resources are readily available in most communities and just need to be accessed. In addition to services provided by state agencies, such as the Department of Juvenile Justice, the Department of Mental Health, the Department of Social Services, and alcohol and drug treatment providers, non-profit organizations may be utilized to address gaps in services. Mentor or tutoring services would greatly benefit truant youth and may be accessed through Boys and Girls Club programs, Big Brothers Big Sisters programs, or faith partners. Stakeholders in the TAP program have cultivated other community relationships which are beneficial to the students, and for example, have brought in professional athletes to speak to the students on the importance of an education and encourage them to exhibit positive behaviors.

Sample forms utilized by the 16<sup>th</sup> Circuit Truancy Alternative Program are included in this guidebook and may be used and adapted as needed.

## Appendix A

### Using an MOA for Interagency Collaboration to Reduce Truancy

A Memorandum of Agreement (MOA) is a document that describes how two or more parties will work together to accomplish an agreed-upon goal or objective. The purpose of a MOA is to set forth a clear understanding of the parameters of the project and the responsibilities of each of the participating parties.

The attached sample can be used as a starting point for crafting an MOA between stakeholders in the truancy context. Because the MOA is a legally binding document, parties are encouraged to have their legal counsel review the final document before it is signed.

Some things you should consider when creating your MOA:

- **What is the purpose?**

Make sure everyone shares an understanding of the purpose of the agreement. Parties should be aware of what the best practices are in dealing with truancy. The purpose should be clearly stated, and all parties should understand each other's strategy or approach to meeting this purpose.

- **Who has the authority to bind each party to the MOA by signature?**

Does each party have the authority to agree to the MOA? The parties should run this up the chain of command for review and consult with their agency's legal counsel prior to signing.

- **Who are the parties?**

The sample lists several stakeholders in the truancy context: the applicable school district, county DJJ office, circuit solicitor's office, local mental health agency, and county DSS office. However, you may identify other stakeholders that are more appropriate for your area and purpose, such as substance abuse treatment providers, public defender offices, law enforcement agencies, civic organizations, or organizations serving people with disabilities.

- **What is the frequency of participation and what is the duration of the agreement?**

You should consider how often the parties are expected to perform their duties. It is also important to make sure everyone is in agreement about the size of the population they are expected to serve. The parties should also agree to the duration of the MOA- how long is it to last and will it automatically renew or will a new MOA need to be written at the end of the period.

- **What is the extent of each party's participation?**

Which parties are required vs. encouraged to attend meetings, staffings, etc. You may wish to address whether a party must designate a certain person to attend or if they may send different representatives each time.

You should also consider what level of familiarity each party should have with the case. Do they need to be the case manager, read the file and perform any work on the case prior to showing up to staffings, or just show up with the file?

# Memorandum of Agreement for Interagency Collaboration to Reduce Truancy

Identified Parties:

\_\_\_\_\_ School District  
\_\_\_\_\_ County Department of Juvenile Justice  
\_\_\_\_\_ Solicitor's Office  
\_\_\_\_\_ County Department of Social Services  
\_\_\_\_\_ Mental Health Center

## I. Introduction

### A. Purpose

Youth who exhibit truant behavior often have complex, unmet needs which contribute to absenteeism. It is in the best interest of the child for these needs to be identified by professionals and interventions to be put into place which keep the child in the community and avoid involvement with the family court and juvenile justice systems. Interagency collaboration is crucial for assisting with the sharing of resources and the expedited implementation of services, and for avoiding costly duplication of services.

The parties identified in this agreement recognize their individual roles in serving youth and families and agree that all obligations stated or implied shall be interpreted in light of and consistent with governing State and Federal laws.

This Memorandum of Agreement has been entered into by the \_\_\_\_\_ School District, the \_\_\_\_\_ County Department of Juvenile Justice (DJJ), the \_\_\_\_\_ Mental Health Center (DMH), the \_\_\_\_\_ Solicitor's Office, and the Department of Social Services (DSS) for the following purposes:

1. Establish lines of communication and expectations for information sharing.
2. Understand the roles of the parties and how the parties will work together to reduce the incidence of truancy.
3. Promote best-practices, to include the use of interagency staffings to reduce referrals to family court.

## B. Authority

Authority under § 59-65-90 is granted to the State Board of Education to “establish regulations defining lawful and unlawful absences... and additional regulations as necessary.” These regulations shall require interventions and developing plans to improve attendance.

Authority under § 63-3-610 is granted to the Solicitor to perform “all prosecutorial functions and duties in the family court.”

Authority under § 63-19-350 is granted to the Department of Juvenile Justice to “serve, advise and counsel children placed on probation by the family court,” and provide “programs to divert juveniles, where proper and appropriate, from the juvenile justice system.”

Authority under § 63-7-20 is granted to DSS to provide services to these families as “‘Child abuse or neglect’ or ‘harm’ occurs when the parent, guardian, or other person responsible for the child’s welfare... fails to supply the child with adequate... education.”

Authority under § 44-15-70 is granted to the community mental health boards to “promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies” for the purpose of improving mental health treatment.

## II. Each of the Parties agree to:

- A. Work together to develop clear forms that, when signed by a child’s legal guardian, allow for information sharing between agencies. Any information request received regarding a truancy case will be responded to within 72 hours (excluding weekends and holidays).
- B. Designate a representative to participate in a multi-agency staffing which must be held **prior** to a referral to family court for truancy and which would place this staffing prior to an initial hearing or use of a School Attendance Order. This staffing will be used to identify resources and interventions which may circumvent the need for court involvement.
- C. Collaborate on cross-training opportunities which will educate youth workers on best-practices and resources for working with truant youth and their families.

III. Respective Agencies agree as follows:

- A. The \_\_\_\_\_ County Department of Juvenile Justice agrees to:
- a. Provide diversion services, as available, for youth identified as truant.
  - b. Provide supervision and referral services for youth placed under a probation order.
  - c. Attend school-initiated conferences to develop Attendance Intervention Plans, which would allow DJJ to identify available services and discuss the implications of family court/ DJJ involvement with the child and guardian.
  - d. Communicate to the other parties any services available through DJJ which may address the needs of truants and their families.
  - e. Assist in the development and implementation of a diversion program for truants, such as Truancy Court.
- B. The \_\_\_\_\_ County School District agrees to:
- a. Provide free and appropriate public school education to all children who are residents of the district and are of the ages required for attendance in public schools.
  - b. Enforce the truancy regulations as stated in Chapter 43 of the Department of Education Regulations.
  - c. Provide training on and support with the implementation of the standards of the MOA in coordination with other participating agencies.
  - d. Identify evidence- and school-based diversion programs to address truancy, such as mentoring programs, tutoring programs, and counseling services which may be implemented as an effective intervention for truant students.
  - e. Provide other involved agencies, such as DSS, DMH, and DJJ, with advance notice of school conferences related to attendance matters to allow for multi-agency collaboration in addressing the student's needs.
  - f. Adhere to Department of Education regulations for processing truancy cases.
- C. The \_\_\_\_\_ Solicitor's Office agrees to:
- a. Schedule and conduct hearings.
  - b. Accept petitions for truancy or Contempt of Court only when all school-based and community resources have been exhausted.

- c. Accept petitions only when adequate time has been given for interventions to be implemented and effectively utilized.
- d. Ensure that juveniles are given representation at all hearings related to truancy cases.

D. The \_\_\_\_\_ County Department of Social Services agrees to:

- a. Follow policy procedures upon receipt of a report of educational neglect.
- b. Provide treatment and referral services to families identified through reports of educational neglect.
- c. Open an investigation on families identified in a truancy case involving children under the age of 12.
- d. Provide information on final dispositions for DSS cases, if applicable, for families identified in truancy cases. Policies, however, should ensure that information is disseminated to only necessary personnel.

E. The \_\_\_\_\_ Mental Health Center agrees to:

- a. Provide mental health counseling and treatment services to students and families as needed.
- b. Provide an assessment appointment to a student identified as truant within 10 business days of referral.
- c. Upon receiving written permission from the student's guardian, provide treatment updates once per month to the multi-agency treatment team.

#### IV. Terms of Agreement

This agreement shall be in effect as of the date of the signing by the initiating parties and shall renew automatically annually unless otherwise modified. Any party may terminate participation upon thirty-days notice to all other signed parties to the agreement.

Representatives will review this agreement annually and, if necessary, recommend any changes. Modifications shall be made only by consent of the majority of the initiating parties and shall include a written document setting forth the modifications, signed by all the consenting parties.

This agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this

agreement. This agreement does not remove any other obligations imposed by law.

V. Effective Date and Signatures

_____ Name	_____ Agency	_____ Date

## **Appendix B**

### **Sixteen Steps for Planning a Diversion Program**

#### **Section A: Purpose**

##### Step 1: Objectives

- Identify the main reasons for developing the program, objectives of the program, and stakeholders who will support the program.

##### Step 2: Referral Decision Points

- Decide at which point the juvenile will be referred to the program.

##### Step 3: Extent of Intervention

- Identify the type of intervention being given, and the extent to which it is implemented.
- Develop contracts for the juveniles to adhere to.

#### **Section B: Oversight**

##### Step 4: Operations

- Decide who will be implementing, operating and overseeing the program.

##### Step 5: Funding

- Create a plan for both short-term and long term funding sustainability.

#### **Section C: Intake Criteria**

##### Step 6: Referral and Eligibility

- Establish eligibility criteria for future clients.

##### Step 7: Screening and Assessment

- Develop evidence-based risks, needs, and behavioral assessments to analyze juvenile eligibility and programming needs.

#### **Section D: Operation Policies**

##### Step 8: Participant Requirements

- Establish rules and regulations for the juveniles to adhere to while in the program.

##### Step 9: Services

- Decide what services the program will offer the juveniles and how these services will be given, including referrals to other agencies.

#### Step 10: Incentives

- Create incentives for both the juveniles and the guardians to motivate positive behavior and treatment outcomes.

#### Step 11: Consequences of Failure to Comply

- Determine consequences at the beginning of the program to deal with issues of compliance with participation or program requirements.

#### Step 12: Program Completion/Exit Criteria

- Establish guidelines to establish when the juvenile has successfully completed the program, including means of measuring success and failure.

### **Section E: Legal Protections**

#### Step 13: Information Use

- Develop protocols and procedures for sharing and collecting sensitive information.

#### Step 14: Legal Counsel

- When there is no policy to dictate the actions of the program, the program should have roles and procedures ready for defense counsel. This section is also inclusive of deciding whether the program will provide counsel to the juveniles.

### **Section F: Quality**

#### Step 15: Program Integrity

- Proper development of the program is crucial to ensure program quality and reliability.

#### Step 16: Outcome Evaluation

- Develop a form of record keeping/data collection meant to evaluate whether the program is meeting goals and objectives.

*Adapted from the Juvenile Diversion Guidebook, available at <http://www.modelsforchange.net/publications/301>*

**Appendix C**

**TRUANCY ALTERNATIVE PROGRAM AGREEMENT**

In the interest of:

Juvenile: \_\_\_\_\_ DOB: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name of School: \_\_\_\_\_ Grade: \_\_\_\_\_

**The above named Juvenile was present for the Truancy Alternative Program hearing along with the following individuals:**

Parent(s)/Guardian(s): \_\_\_\_\_

School Representative(s): \_\_\_\_\_

Solicitor’s Office Employee(s): \_\_\_\_\_

Department of Juvenile Justice Employee(s): \_\_\_\_\_

Others present: \_\_\_\_\_

A Truancy Alternative Program hearing was held on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . The following requirements were agreed upon by the participants of the hearing. All parties agree to complete any and all tasks assigned to them below. The juvenile further understands that failure on his/her part to complete all requirements listed below shall result in the filing of a truancy petition with the York County Clerk of Court and that the juvenile and his/her parent(s)/guardian(s) will be required to appear in York County Family Court for the charge of Truancy.

Requirements	Assigned To	Method of Verification	Due Date	Date Completed
<b>1. Attend school with no unexcused absences or inappropriate behavior.</b>				

\_\_\_\_\_  
**Juvenile**

\_\_\_\_\_  
**Parent/Guardian**

\_\_\_\_\_  
**Solicitor’s Office Employee**

\_\_\_\_\_  
**Date**

**Appendix D**

**State of South Carolina  
Sixteenth Judicial Circuit  
Office of the Solicitor**

**Consent for Release of Confidential Information  
York County Truancy Alternative Program**

I, \_\_\_\_\_, authorize the Sixteenth Circuit Solicitor's Office Truancy Alternative Program to disclose confidential information to, and receive information from, Catawba Family Center, Keystone, Department of Juvenile Justice, my school district, law enforcement, community service sites and \_\_\_\_\_.

The purpose of this disclosure is to insure that appropriate services are rendered. Consent for the release of this information disclosure expires upon the completion of the Disposition Contract.

Date \_\_\_\_\_

Juvenile \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Solicitor's Office Staff \_\_\_\_\_

**SOLICITOR'S OFFICE NOTE:**

**This form must be completed if the juvenile is referred to, or working with any outside agency including possible community service sites.**

## References:

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