

STATUS OFFENSE CASES IN SOUTH CAROLINA: *A Review and Recommendations*

In 2014, the Children’s Law Center was awarded a Juvenile Justice Accountability Block Grant, distributed by the Department of Public Safety, to address the handling of status offense cases in South Carolina. The Statewide Initiative to Reduce the Institutionalization of Status Offenders sought to educate juvenile justice professionals and other stakeholders on the status offense system, the inappropriate use of detention for these youth, and best-practices for status offenders and their families. A major component of this grant was the formation of the Status Offense Task Force. The Children’s Law Center assembled this group of professionals who work with youth and youth-serving agencies throughout South Carolina to review policies, data, and best-practice information. Through this process, the Task Force was equipped with the necessary information to develop recommendations on how the current handling of status offenses could be improved in South Carolina. This report provides insight to the work of the Children’s Law Center through this initiative and the work of the Task Force.

Overview

South Carolina, like many jurisdictions in the United States, has struggled to find ways to work effectively with status offenders and process these cases through the juvenile justice system. A status offender, which is “a juvenile charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult,”¹ is a non-violent, non-criminal offender. In South Carolina, the most common status offenses a youth may be charged with are truancy, incorrigibility, and running away. Youth who commit these offenses are often living in dysfunctional family situations, which can have a direct impact on the youth’s behavior. These youth are also more likely to have experienced trauma, or be diagnosed with a mental health, substance abuse, or learning disorder.²

Despite these complex needs, many of these low-level offenders are held in secure confinement facilities. In a national study, nearly 10,400 youth spent time in secure confinement facilities due to status offenses in 2010.³ During a one-year period in South Carolina, 207 youth spent time in secure confinement facilities due to status offenses. Research continues to show that placing status offenders in detention facilities can have long-lasting consequences. Status offenders are often housed with delinquent youth who have committed violent crimes, which may increase the likelihood of future delinquent and criminal

¹ Coalition for Juvenile Justice: <http://www.juvjustice.org/federal-policy/juvenile-justice-and-delinquency-prevention-act>.

² Coalition for Juvenile Justice (2013). National Standards for the Care of Youth Charged with Status Offenses.

³ Salsich, A. & Trone, J. (2013). *From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses*. The Vera Institute of Justice’s Status Offense Reform Center.

behaviors. Increased chances of experiencing depression, self-harm, and negative peer involvement are additional risk factors that may occur as a result of secure confinement.⁴

In addition to employing best-practice measures, South Carolina would save a significant amount of money if community alternatives were utilized as opposed to pre-trial detention. It is estimated that the Department of Juvenile Justice (DJJ) spends \$308.00 per day for a youth to be in detention. A bed in a secure facility at a long-term institution costs approximately \$426.00 per day. However, maintaining a youth in the community through probation costs only \$5.90 per day and Intensive Supervision in the community costs only \$12.70 per day.⁵

The Juvenile Justice Delinquency Prevention Act (JJDP) of 1974 includes the deinstitutionalization of status offenders as one of its four core requirements. However, South Carolina law currently allows for the secure confinement of these youth. S.C. Code of Laws § 63-19-820 allows for youth to be held in detention for up to 24 hours for a status offense and 72 hours for a related violation of a valid court order. Section 63-19-1440 allows for the use of a determinate commitment for up to 90 days in a secure facility or residential facility, regardless of whether it is a status offense or a violation of a valid court order. While South Carolina statute allows for the secure confinement of status offenders, nearly 20 states across the country have revised their statutes and policies to follow JJDP and provide better outcomes for status offenders. Fellow southern states Georgia and Kentucky have also dramatically altered their systems for working with status offenders. Both states are using community approaches for working with status offenders and greatly limiting the use of confinement. Analyses that were conducted prior to the implementation of these new systems indicated that the states would save money by utilizing community-based services instead of secure confinement. Without a statewide effort to find more constructive alternatives to secure confinement, the safety and well-being of South Carolina's youth will continue to be jeopardized.

Data Analysis

The Children's Law Center (the Center) analyzed 12 months of data (April 1, 2013 to March 31, 2014) provided by the Department of Juvenile Justice (DJJ) Office of Research and Statistics in conjunction with additional information from DJJ's Juvenile Justice Management System (JJMS). The Center also conducted six county visits to review case files of youth detained or committed for status offenses and conduct staff interviews regarding the dynamics, challenges, and solutions related to status offenders.

12-Month Data Analysis

DJJ's Office of Research and Statistics provided the Center with information on all juveniles held in pre-trial detention or committed for status offenses. The Center removed from the list all those youth with any criminal adjudication or who had been concurrently detained for a criminal offense in an effort to analyze data of youth who were purely status offenders. The

⁴ Coalition for Juvenile Justice (2013). National Standards for the Care of Youth Charged with Status Offenses.

⁵ DJJ Fact Sheet.

Center determined there were 84 detentions and 123 commitments of status offenders during the identified 12-month period.

- Pre-adjudicatory Secure Detention

A significant number of youth were detained prior to any court hearing for truancy, running away, incorrigibility, or violation of a court order related to a status offense adjudication. Most detentions (76%) were for incorrigibility, runaway, or a violation of a court order for either or both of those two offenses. More than half of those detained for status offenses (64%) were adolescent females, and African American females accounted for over one-third (35%) of all status offense detentions. The average length of detention was 9 days. Seventeen counties detained at least one status offender during the identified time period, though 11 of the 17 detained only one or two. A majority of all detentions (76%) came from 4 counties: Charleston, Berkeley, Richland, and Greenville. Almost half of the youth (49%) returned home upon release from detention. The remaining were either placed in a residential therapeutic setting (21%), sent for a secure evaluation (19%), or committed to DJJ (9%).

- Commitment to DJJ

A significant number of youth were committed solely for the non-criminal offenses of truancy, runaway, incorrigibility, or a violation of court order related to a status offense adjudication, despite the non-violent nature of these offenses. Twenty-one counties committed at least one status offender during the identified time period, though 15 of the 21 counties detained only one or two. A majority of all commitments (65%) came from 3 counties: Richland, Lexington, and Horry. Most commitments (61%) were for a violation related to a truancy adjudication. A majority of those committed to DJJ (66%) were females, and African-American females accounted for almost one-third of all status offense commitments.

Most of the status offenders who were committed (55%) completed their sentence at DJJ's Orientation and Assessment (O&A) Center. The "O&A status offenders" had an average determinate sentence length of 6 days, and nearly all of them (81%) were committed for a violation of a court order related to a truancy adjudication.

County Visits

The Center identified six counties (Aiken, Berkeley, Greenville, Richland, Union, and Williamsburg), interviewed their DJJ staff, and reviewed the case files of youth detained or committed for status offenses. In four of the six counties (Aiken, Berkeley, Greenville, and Richland) a significant number of youth were detained or committed for status offenses, while none were in Union and Williamsburg Counties. In-depth case file reviews uncovered detailed information regarding the dynamics surrounding the detained and committed status offenders. Staff interviews focusing on county-specific challenges and solutions for dealing with status offenders were conducted in all six counties.

- Case file reviews

Center staff reviewed the case files of the 50 youth identified from the data analysis of detained and committed status offenders discussed above. Of these youth that were put on probation, most (87%) were given a probationary sentence of 12 months or greater, and one-third were placed on indefinite probation. Of the 57 evaluations ordered, most (65%) were secure (performed during confinement at a DJJ evaluation center), and 27% of the youth had two or more evaluations.

Eighty-two percent of the youth were involved with at least one agency in addition to DJJ, and over one-third were involved with two other agencies. The Department of Social Services (DSS) was the agency most commonly involved with these youth and their families; nearly half of the families with a child involved with a status offense case had a level of involvement with DSS. The Department of Mental Health and the local alcohol and drug treatment provider were respectively involved in 42% and 41% of the cases. Forty-one percent of these children had experienced direct childhood trauma in the form of neglect, physical abuse, or sexual abuse.

- Staff interviews

Center staff conducted interviews with one to three DJJ staff members from each of the six counties. The interviews focused on the resources currently being utilized with status offenders, the resources that are needed, and the barriers experienced when working with status offenders. Most of the dialogue centered on obstacles in communities (shortages of mentors, gender-specific treatment and family-centered services, as well as a lack of 24-hour crisis response); family court issues (waived detention hearings, no representation in initial truancy hearings, and ineligibility of status offenders for most diversion programs); and lack of multi-agency involvement for pre-court services.

Counties that have been successful in working with status offenders cited two primary factors as instrumental in preventing secure confinement of youth: cooperation with other agencies and a commitment by employees to take time during the intake process to work with the families. Regarding the use of detention, counties that were located farther from detention centers cited the distance as prohibitive to utilizing confinement. As a result, law enforcement may be more willing to try alternatives prior to driving a juvenile to a detention facility. The DJJ offices noted that this also encouraged their staff to be creative with interventions and work more with other agencies to ensure services are put into place as detention cannot be relied upon.

Status Offense Task Force

The Children's Law Center created a Status Offense Task Force to review the current handling of status offense cases in South Carolina and develop recommendations for improvements. Membership included representatives from the Departments of Juvenile Justice, Mental Health,

Social Services, Health and Human Services, Education, and Alcohol and Other Drug Abuse Services; family court professionals, and private providers. The Task Force met between July and November 2014.

The Task Force identified barriers in South Carolina's current child-serving systems which are inhibiting effective responses to status offense cases and resources currently being used which have proven effective in dealing with this population. Information was gathered through individual interviews with Task Force members and other stakeholders and juvenile justice professionals. Those interviewed were asked to consider challenges faced by front-line workers; systemic issues that prevent youth and families from accessing services; and ways to replicate effective programs, services and responses throughout the state. When analyzing the handling of these offenses, the Task Force drew a distinction between youth who commit incorrigible or runaway behaviors and youth who commit truancy, as the needs, interventions, and outcomes for these youth can be different.

Considerations for Youth Charged with Incorrigibility/Running Away and their Families

A lack of sufficient community-based services and funding for them were cited as main obstacles to assisting status offenders and their families. Intensive, family-based services have been identified as an effective, evidence-based approach to working with families; however, these services are not readily available throughout the state.

The Department of Mental Health (DMH) is able to provide multi-systemic therapy (MST), which has proven to be effective with families and a less costly alternative to detention or alternative placement. It is estimated that MST services cost DMH approximately \$63.48 per day, with a limit of 6 months of service; it should be noted, however, that this service may be more costly when contracted through a private provider. The MST service, combined with Intensive Supervision in the community by DJJ, would still be significantly less than the cost of detention or a residential service. However, MST is currently only available in three DMH offices: Pee Dee Mental Health Center, Lexington County Community Mental Health Center (which also provides coverage to Aiken-Barnwell Mental Health Center), and Greenville Mental Health Center (which also provides coverage to Greer Mental Health Center and Piedmont Mental Health Center). If made more readily available, these family-based services could adequately address the needs of youth identified as incorrigible or who runaway and in most cases alleviate any need for involvement with the juvenile justice system.

An additional limitation in South Carolina is a lack of immediate services for families. Many agencies have significant wait periods for services, which does a disservice to these families who are often in crisis and need immediate assistance. Currently, there is no crisis-response system in place for youth and families in South Carolina. A family facing a crisis situation during non-business hours is left with few options other than contacting law enforcement, increasing the likelihood that the child will be removed from the home and placed in a secure detention facility.

However, the Palmetto Coordinated System of Care has plans to create a statewide mobile crisis response system partially funded through Medicaid. Although this service is currently in the design phase, plans include 24/7 mobile crisis teams, follow up, and treatment services for children and youth with behavioral health needs. The system is intended to serve children and youth who may otherwise become involved with law enforcement, taken to emergency rooms, or sent to inpatient psychiatric facilities, regardless of Medicaid eligibility.

Due to the lack of services identified by the Task Force, youth often become involved with the juvenile justice system before any services are put into place. This creates a reliance on judicial oversight for youth to receive adequate evaluations and treatment services.

Considerations for Youth Charged with Truancy and their Families

The lack of community options also extends to status offenders charged with truancy. The limitation of school-based interventions often prevents schools from effectively handling truant students at the school level. Resources available to schools vary across the state. Some school districts lack funding to hire school social workers or staff to implement special programming for students with attendance problems. As a result, a referral to family court is at times the only intervention available to the school. When school social workers or staff with a clinical understanding of truants are not available, students and families are less likely to receive an appropriate assessment to determine the underlying causes of the truant behavior. This often results in reliance on generic school intervention plans that can be ineffective in addressing the causes of and resulting truant behavior.

Availability of Resources

- ***Evaluations***
Status offenders would benefit from a thorough evaluation to assess for mental health/substance abuse diagnoses, trauma history, learning disabilities, and family needs, as many status offenders need interventions which target these areas that are often related to their status offense behaviors. However, many youth and families tend to “slip through the cracks” and not receive a full evaluation until coming into contact with the juvenile justice system and being ordered by a judge to comply with an evaluation with DJJ. This has resulted in a reliance on DJJ to provide evaluations, and may encourage professionals to make referrals to DJJ for the purpose of an evaluation. As noted previously, status offenders who are ordered to comply with evaluations are often ordered to a secure evaluation, which removes them from the community and exposes them to confinement. Additionally, they are placed in a general population which may include criminal and violent offenders. Youth and families in crisis would benefit from an alternative route for receiving a comprehensive evaluation that would identify needed services and prevent the need for DJJ involvement.
- ***Diversion Programs***
Once status offenders come in contact with the juvenile justice system, the resources available to them vary greatly throughout the state. Currently, most solicitors’ offices in South Carolina offer the Juvenile Arbitration Program, which utilizes volunteer

arbitrators, as a diversion for first time offenders. However, this program is not available to status offenders, as it has been determined that the components of the program do not work well with the complex needs of status offenders. As a result, some solicitors' offices have taken the initiative to create their own diversion programs for status offenders. The York County Solicitor's Office has developed several programs to work with status offenders prior to a formal court action. Project CARE works with youth who have difficulty behaving at home and may be identified as incorrigible. Referrals for this program may come from the parents or from law enforcement. The program manager then meets with the family and makes referrals to services, such as counseling, DJJ programs, or family-based interventions. If the juvenile refuses to cooperate with services, an incorrigibility petition may then be filed. York County has also implemented the Truancy Alternative Program. This program is designed for first-time truants and is implemented at the point of referral from the school. The juvenile will attend a "hearing" with representatives from the school district, DJJ, and the solicitor's office. Through this multi-agency approach, they determine what interventions and sanctions may be appropriate for the student. The school is also asked to provide options such as credit recovery or tutoring, which will help the student to feel successful in school. These cases are staffed weekly and a child will not go before a family court judge if they cooperate with the program.

Many offices within DJJ are using other options to divert status offenders, such as the utilization of intensive intake officers and behavioral contracts. However, some localities have a system where petitions for status offenses are filed directly from law enforcement to the solicitor's office, which limits the ability of DJJ to intervene and provide diversion options. This lack of diversion is concerning, as many status offenders who come into contact with family court are placed under lengthy court orders and subjected to court supervision which may result in further penetration into the juvenile justice system. A uniform system in all counties which allows for early intervention and diversion by DJJ would help ensure that similarly-situated youth throughout the state receive equal treatment.

Currently, DJJ utilizes short-term alternative placement (STAP) homes as an alternative to detention which may be utilized by status offenders. These homes provide an effective option for youth who cannot reside with their families. However, rural areas of the state often do not have easy access to these homes. Additionally, some homes are unable to receive youth after regular business hours.

Review of Statewide Data

- ***Detention***

The Task Force reviewed the data gathered by the Children's Law Center through the 12-month data analysis and the county visits. The data regarding the use of detention raises concerns due to the length of time, as status offenders were held in detention for periods of time similar to those youth who were charged with criminal offenses. Additionally, most of the youth were able to return home upon release, which calls into

question why it was necessary to hold these youth for an average of 9 days. Concerns were also raised by the Task Force as to the interpretation of the current South Carolina statute. The current statute states that a youth may only be held for 24 hours for a status offense; however, it does not specify if they may be held additionally after a 24-hour hearing.⁶ This has caused confusion among professionals and may result in youth being held for longer periods of time than the statute intended.

As noted previously, the majority of detentions occurred in four counties: Charleston, Berkeley, Richland, and Greenville. Charleston, Richland, and Greenville have easy access to detention centers, which may lend itself to overuse of detention. Additionally, many of the counties who were able to work with status offenders in the community and thereby avoid the use of detention are located in rural, economically-challenged areas. This may indicate that these areas have been forced to search for alternatives and creative solutions due to not having as many resources.

The cost of detention for these youth was a specific concern, especially given that more affordable and effective options in the community are available. Based on a detention rate of \$308 per day (the current rate for the DJJ Detention Center), the cost of detaining pure status offenders during this 12-month period, including youth at the Alvin S. Glenn Detention Center, Greenville Detention Center, Charleston Detention Center, and DJJ Detention Center, was approximately \$288,596.

- *Commitment*

Although the current statute allows for a determinate sentence of up to 90 days, data collected revealed that most status offenders who receive a commitment are held for much shorter periods. The use of commitments for short periods, such as the 2-day sentences or “weekend commitments” that many juveniles receive, are concerning for several reasons. First, these commitments are often served in a secure facility, as the brief period does not allow for the use of an alternative placement in the community. Second, research has shown that this contact with a secure facility can be detrimental to the youth and increase the chance that they will come back in contact with the legal system, not deter future criminal behavior.⁷ Lastly, status offenders and their families often have complex treatment needs. These commitments do not allow for treatment services to be initiated and do not address family issues in any way.

- *County Visits*

The Task Force was presented with the information gathered during the county visits and case file analysis. The level of involvement with the justice system for these youth through probation orders and the use of evaluations were raised as concerns from the file review. While it was agreed that these youth benefit from thorough evaluations, the Task Force was concerned with the use of secure evaluations for these youth. Once

⁶ S.C. Code of Laws § 63-19-820.

⁷ Coalition for Juvenile Justice (2013). National Standards for the Care of Youth Charged with Status Offenses.

these youth were placed on probation, they were often given a long period of judicial oversight which would be expected of youth with more serious offenses. The majority of youth (87%) were given a probation order of 12 months or greater, with many also receiving an indefinite order of probation. This is unfortunate as a best practice for working with status offenders is to limit the amount of time the youth is involved with the juvenile justice system as much as possible. Regarding the use of evaluations, the high number of secure evaluations is concerning. The majority of these evaluations (65%) were ordered in a secure facility. It should be noted, however, that overall DJJ evaluations for all offenses tend to have lower rates of secure evaluations, at 58% secure to 42% community.

Many of the files analyzed included an evaluation report which revealed insight into the youth's family history, treatment history, and mitigating factors to the offense. Special attention was paid to the prevalence of trauma, as this has been an area of concern for status offenders. Through these case files, it was found that 41% reported a traumatic experience, which was defined as physical abuse, neglect, or sexual abuse. Other factors which would also be considered detrimental, such as illness or death of a caregiver, witnessing domestic violence, witnessing violence, were not included. It would be expected that the number of youth who experienced trauma would increase significantly if other factors were included and if the evaluations did not rely on self-report measures.

Status Offense Task Force Recommendations

The following recommendations were adopted by the Task Force on March 30, 2015.

1. Continuation of the Status Offense Task Force

The Status Offense Task Force should continue to meet and work to develop and share ideas regarding efforts across the state for effectively responding to status offenses.

2. A coordinated, multi-agency approach should be used when responding to status offenders and their complex needs.

- Memorandums of Agreement (MOAs): Child-serving agencies and providers should use MOAs to clearly define roles and guide the coordination of services and sharing of treatment information for identified status offenders. Because status offenders often have complex needs that require the attention of multiple agencies simultaneously, interagency cooperation is critical for ensuring the best outcomes for these children and their families.

- Multi-disciplinary, Pre-Court Staffings: Multi-agency staffings should be a regular component of case management for youth who commit status offenses. A multi-disciplinary, pre-court staffing should be held on every child charged with a status offense. South Carolina professionals currently utilizing this model have reported that they are able to work with other professionals more efficiently, identify the needs of the youth and family more quickly, deliver appropriate services to resolve the issues in a more timely manner, and prevent future involvement with their respective agency.

3. School intervention plans should address the underlying causes of truancy, utilize a multi-agency approach, and rely on family court referrals only as a last resort.

- Multi-Agency Response to Truancy: A multi-agency staffing should be required to take place at the level of “habitual truant” (following a failed school intervention plan). The staffing should be designed to ensure that every effort has been made to identify and address the underlying cause(s) of the truant behavior and that all treatment options and referral sources have been exhausted before involving the child in the juvenile justice system as a last resort. In truancy cases involving children younger than 12, DSS should be involved with the multi-agency staffing and treatment plans, as the focus should be on assisting the parents and family to improve school attendance.
- Early Intervention and School Staff Training: Intervention efforts should take place at the elementary school level as well as the middle and high school levels. Educators and other child-serving professionals should receive training on the complexities of truancy and best practice approaches to working with truant children and their families.
- Attendance Intervention Plan Oversight. All Attendance Intervention Plans (required by S.C. Code of Regs., R. 43-274) should be tailored to meet the needs of the individual student and family and should be reviewed and approved by a certified or licensed professional/school official with training on identifying the needs of and appropriate intervention services for these students. The plans should be designed to uncover and address contributors to attendance problems, such as family dynamics, parent-child conflict, parent or child mental health problems, parent or child substance abuse problems, or peer conflict.

4. Community-based services for status offenders should be expanded.

- Coordinated Crisis Response: A system should be implemented and utilized across the state to assist families in crisis with nowhere to turn for help, other than law enforcement or emergency services, especially during weekends and nonbusiness hours. The use of crisis mobilization teams, as proposed by the Palmetto Coordinated System of Care, could assist with this effort. Crisis-response services should be available throughout the state.

- Use of Community-Based Alternatives to Detention and Secure Evaluations: Community-based options should always be exhausted before any type of secure confinement, research-proven to be detrimental to children, is even considered. The use of Short-Term Alternative Placement (STAP) homes, currently utilized by DJJ, should be expanded throughout the state to ensure that law enforcement in all parts of the state are able to access these homes when it is determined a child cannot return home. STAP homes should also be utilized to allow youth to remain in the community while receiving an evaluation instead of being placed in a residential (secure) evaluation center, when the court determines the child cannot return home for the evaluation period. Community evaluations should be the standard for status offenders. Staff of STAP homes across the state should receive training on the complexities of status offenders and tools for effectively working with them, to increase confidence in accepting these youth. Electronic or GPS monitoring is another cost-effective, readily available option that should be utilized more in an effort to keep status offending children out of secure confinement.
- Increased Use of Family-Based Services: Resources should be directed towards family-based, trauma-focused services to reduce the need for alternative placements. Although South Carolina has effective tools in some areas for working with status offenders in the community, such as Intensive Family Services and Multi-Systemic Therapy, these services are hard to access and are not available throughout the state. While these services can be costly, they are less expensive than keeping a youth in a detention facility or residential placement.
- Inclusion of Youth and Families as Partners: Families and youth should be included in the development of interventions and resources to ensure their true needs, along with the barriers (e.g., lack of transportation) that may prevent them from accessing services, are addressed.

4. Family court referrals should be a last option for all status offenders.

- County-Specific Needs and Resources Assessment: Community-based analyses should be conducted in counties with a high number of court referrals for status offenses to identify ways to improve their system through a multi-agency approach.
- Expand Status Offender Diversion Programs: All status offenders should be offered a diversion option before being processed through the juvenile justice system. As the resources and options vary throughout the state, individual counties should be charged with developing diversion programs for incorrigible, runaway, and truant youth, utilizing existing resources and strengths within their community. The diversion programs should utilize a multidisciplinary approach and focus on the family unit.

5. **Best Legal Practices should be developed to provide juvenile justice professionals guidance regarding the handling of status offense cases.**

- Best Legal Practices Committee (BLP): A Committee should be established to develop guidelines (similar to *Best Legal Practices for Child Abuse and Neglect Cases* developed by the S.C. Bench-Bar Committee) to be used in conjunction with state laws and regulations for handling the various aspects of status offense cases in the family court system. Committee members may include a family court judge, juvenile public defender, juvenile prosecutor, and representatives from the Departments of DJJ, DMH, DSS, DOE and a school district.

- Task Force Recommendations for Best Legal Practices:
 - o **Legal Representation at Truancy Hearings**
 - Children should have meaningful access to legal counsel at all truancy hearings, including informal hearings where multiple children charged with truancy are placed under a court order to attend school (which if violated could lead to the child being locked up in secure confinement).
 - Every child facing being placed under a school attendance order should have the opportunity, with assistance of counsel, to challenge whether they were in fact in willful violation of the state's truancy law and whether the school was in compliance with S.C. Code of Regs., R. 43-274. In addition, these children should be provided with a clear understanding of the implications of being placed under a court order before consenting to anything.
 - Defense attorneys who counsel and represent these children should receive specialized training on truancy and understand how to effectively represent youth throughout these hearings.
 - o **Time Limits for Probationary Sentences and School Attendance Orders**
 - Probationary sentences should be limited to the time necessary to ensure children adjudicated for status offenses and their families receive adequate services and treatment.
 - School attendance orders should be time limited with consideration given to the grade level and mitigating factors of the truant behavior.
 - Indefinite and extensive time periods are often unnecessary and set the child up for failure.
 - Judges should consider including language allowing the child to come off the order after a period of compliance (using positive reinforcement while giving the child the opportunity to make better decisions and become empowered by those good decisions) and/or upon recommendation from the school.
 - A work group should be established to develop a model school attendance order and make Best Legal Practices recommendations to the Task Force.
 - o **Information Provided to the Court**
 - Sufficient information must be provided to the court at the hearing to allow the judge to tailor the probationary terms to meet the specific needs of the child.

- Best Legal Practices should identify types of information that should be addressed and reported by DSS, and/or the child’s attorney.
- ***Naming Parent as Party in the Case***
 - Parents should be named as parties in status offender cases so violations of orders not resulting from the child’s “willful violation” can be addressed with the parent as appropriate.
- ***Community Evaluations***
 - Community evaluations should be the standard for all adjudicated status offenders in need of a pre-dispositional evaluation. An evaluation should only be ordered if necessary to determine the service needs of the child and family.
 - Orders for a secure evaluation should contain a finding that secure confinement is necessary or that reasonable efforts were made to place that child in the community (with a relative able to provide adequate supervision or in a STAP home) if alternative placement was determined necessary.
 - Secure evaluations should be reserved for high-level offenders or offenders who are a demonstrable flight risk and where other interventions (electronic monitoring, STAP homes, behavior contracts) cannot be used.

6. Incurribility Petition Requirements

- Parents and guardians should be required to demonstrate their own commitment to seeking assistance outside of family court and show that they have exhausted all possible resources prior to filing an incurribility 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 family counseling, pastoral counseling, parenting improvement classes, or other family therapy services.

7. Training for Legal Professionals

- Family court judges, attorneys, and DJJ staff involved with status offender cases should be trained on the current statutes, alternatives to detention, the complex needs of status offending youth and families, and tools for keeping status offenders in the community
- Other training topics should include trauma-informed courts, Best Legal Practices for first-time school rules/hearings, and how to handle bullying and its impact on truancy.

8. State laws governing status offenses should be reviewed for possible revisions.

- Expungement: S.C. Code of Laws § 63-19-2050 should be amended to allow for expungement of a juvenile’s record pertaining to a status offense upon the juvenile reaching the age of 17 and successfully completing any dispositional sentence imposed, instead of at the age of 18. Automatic expungement, which is currently used in several states, should be an ideal standard for status offenders and the logistical application of this approach should be explored.

- Records/Confidentiality: State statutes should be reviewed regarding records and confidentiality to determine if statutory changes are required to ensure appropriate information-sharing among agencies working with these children. (See S.C. Code § 63-19-2020(B) & (C) for language allowing DJJ to share information.).

- Juvenile Delinquency Prevention Act Compliance: The JJDP Act should be monitored to ensure that South Carolina remains in compliance with the deinstitutionalization of status offenders requirement. If the “valid court order” exception is removed from the Act, consideration should be given to amending our state law to comply with federal law.

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Status Offense Task Force

The Status Offense Task Force was coordinated by the Children’s Law Center as a component of the Juvenile Justice Accountability Block Grant (# 1JS11006 and #1JS10011) “Statewide Initiative to Reduce the Institutionalization of Status Offenders.” The Task Force was charged with reviewing and analyzing information related to status offense cases in South Carolina, including state and county data, state laws and regulations, comparable laws and policies in other states, and current practices. The Task Force identified recommendations to improve the current status offense system and provide better outcomes for youth charged with status offenses and their families.

Task Force Members

Laura Blanton, *Assistant Director, Child, Adolescent, and Families (CAF), Greenville Mental Health Center; SC Department of Mental Health*

Lori Chappelle, *Conway Clinic Director/ Director of Child, Adolescent, and Families (CAF), Waccamaw Center for Mental Health; SC Department of Mental Health*

Aveene Coleman, *Education Associate, Office of Student Intervention Services; SC Department of Education*

Nicole Deems, *Director, Lexington County Treatment Services; Lexington & Richland Alcohol & Drug Abuse Council*

Gwynne Goodlett, *Project Director, Palmetto Coordinated System of Care; SC Department of Health and Human Services*

Rhonda Greene, *Coastal Regional Administrator; SC Department of Juvenile Justice*

The Honorable David Guyton, *Family Court Judge, Sixteenth Judicial Circuit*

Terry Halupa, *Interim County Director, Aiken County; Department of Juvenile Justice*

Zina Harper, *President; SC Association of School Resource Officers*

Zeta Hastings, *Social Worker; Richland County School District One*

Elizabeth Hill, *General Counsel; SC Department of Juvenile Justice*

Christina Jackson, *Executive Director; Sea Haven, Inc.*

Toni Kelly-Campbell, *Coordinator, Social Work Services & Attendance; Richland County School District One*

Carmen Mulkey, *Regional Clinical Specialist, Intensive Foster Care & Clinical Services; SC Department of Social Services*

Joseph Oppermann, *Assistant Public Defender, Lexington County Public Defender’s Office*

Whitney Payne, *Assistant Solicitor, York County Solicitor’s Office Juvenile Division*

Angie Rita, *Deputy Director, Division of Community Services; SC Department of Juvenile Justice*

Sandra Sturkie, *Director, Child Welfare Services; SC Department of Social Services*

Craig Wheatley, *Director, Research and Statistics; SC Department of Juvenile Justice*