



**Center for the
Study of
Social Policy**
Ideas into Action



Children Concurrently Involved with South Carolina Department of Juvenile Justice and Department of Social Services

JOINT REVIEW FINDINGS

NOVEMBER 2022



About South Carolina Department of Social Services

South Carolina's Department of Social Services (DSS) is a cabinet agency with the State Director appointed by the Governor of South Carolina with the advice and consent of the Senate. The Department has offices in each county and regional offices for Adoptions and Child Support Services. The Department's mission is to serve South Carolina by promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families.

About the Center for the Study of Social Policy

CSSP is a national, non-profit policy organization that connects community action, public system reform, and policy change. We work to achieve a racially, economically, and socially just society in which all children and families thrive. To do this, we translate ideas into action, promote public policies grounded in equity, support strong and inclusive communities, and advocate with and for all children and families marginalized by public policies and institutional practices.

About Paul Vincent

Paul Vincent, MSW, is an independent consultant working in systems engaged in child welfare reform. He served as Alabama's child welfare director for six years in a period where the State was implementing a class action lawsuit focused on children in the system who also had mental health needs. He then served for 23 years as Director of The Child Welfare Policy and Practice Group, a non-profit technical assistance organization focused on strengthening child welfare practice.

Acknowledgements

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Introduction



This report assesses the experiences of children in the *Michelle H. v. McMaster* lawsuit who are impacted by both the Department of Social Services and the Department of Juvenile Justice.¹ It is based on a review of the case files of children who were involved with both systems between October 2020 and September 2021, and information obtained through discussion groups held between February and June 2022. The study was planned between September and December 2021 and research was conducted between January and June 2022, with regular weekly meetings between the Co-Monitors and DSS. The report has been prepared jointly by the Co-Monitors and DSS, with the support of DJJ.

Executive Summary

Children with Whom Both the Child Welfare and Juvenile Justice Systems are Involved

Many children who have been separated from their families and brought into foster care have been, or at some point will become, involved with the juvenile justice system (Doyle, 2007). Nationally, research has found that children with whom both systems are involved tend to be subjected to greater risk, and fewer protective factors (Dierkhising et al., 2019; Herz, Ryan, and Bilchik, 2010; Kim et al., 2020; Lee and Villagrana, 2015). These children are more likely to be Black (Dierkhising et al., 2019; McCroskey, Herz, and Putnam–Hornstein, 2018) or Native American (Halemba and Siegel, 2011), female (Dierkhising et al., 2019; Halemba and Siegel, 2011), LGBTQ+ (Irvine and Canfield, 2016), and in greater need of mental health services (Franz et al., 2019; Herz, Ryan, and Bilchik, 2010; Ricks, Geise, and Wood, 2019; Young et al., 2015). The involvement of both systems means that children face higher rates of instability, and are less able to have educational continuity, maintain relationships with their families and communities, or consistently access other sources of support (Dierkhising et al., 2019 and Fisher et al., 2013).

Mirroring this national trend, the lives of children and families in South Carolina are sometimes impacted by both the Department of Social Services (DSS) and the Department of Juvenile Justice (DJJ). For Class Members,² this occurs in different ways. A child who has already been separated from their family due to an abuse or neglect allegation may be charged with an offense and referred to DJJ while in foster care. Alternatively, a child already involved with DJJ may be placed in the custody of DSS due to a subsequent allegation of abuse or neglect, or inability to re-engage with a youth's parents or caretakers following an episode with DJJ.³ DSS and DJJ are separate state agencies, each with their own decision points and pathways, and ways of interacting with children and families. The involvement of both agencies can be complicated, and the demands challenging to navigate, particularly given the paucity of appropriate resources, and the power these agencies hold over the lives of children and families.⁴

Monitoring the Experiences of *Michelle H.* Class Members

The *Michelle H.* Final Settlement Agreement (FSA) requires that, “[w]hen Class Members are placed in juvenile justice detention or another Juvenile Justice Placement, DSS shall not recommend to the family court or Department of Juvenile Justice that a youth remain in a Juvenile Justice Placement without a juvenile justice charge pending or beyond the term of their plea or adjudicated sentence



for the reason that DSS does not have a foster care placement for the Class Member. DSS shall take immediate legal and physical custody of any Class Member upon the completion of their sentence or plea. DSS shall provide for their appropriate placement” (FSA IV. H.1). The limited quantitative data available to DSS in this area, and the lack of alignment between the FSA provision and the structure of the DJJ system have made it difficult to assess the extent to which DSS has complied with this requirement. Since entry of the FSA, stakeholders throughout South Carolina have continued to report cases of Class Members who have spent time or additional time in DJJ detention due to a lack of available supports and services statewide.⁵

Context for Review

To learn more about the underlying causes of the placement of Class Members in DJJ detention, and their experiences and needs, DSS and the Co-Monitors agreed to undertake a joint review, focused on six guiding questions:

1

Review Question 1: What are the experiences, particularly with respect to placement and services, of young people with whom both DSS and DJJ are involved?

2

Review Question 2: When involved with children at the same time, how do DSS and DJJ assess and understand those children and their families?

3

Review Question 3: How do DSS, DJJ, or other agencies collaborate and plan for placement and services for children and their families?

4

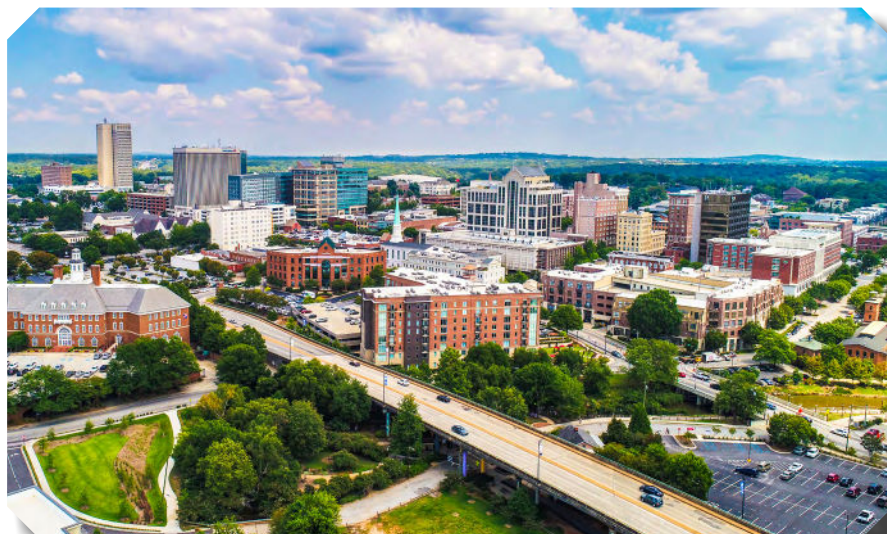
Review Question 4: What challenges or system barriers impact agency collaboration to successfully meet children’s placement and service needs?

5

Review Question 5: Do procedures and practices of DSS and its partners, DJJ, and/or probation contribute to DJJ involvement for children with whom DSS is already involved?

6

Review Question 6: What are possible solutions to reducing the cycle of DJJ-DSS involvement with children?



Review Findings & Next Steps



As described in more detail in the following pages, reviewers identified several themes about the experiences of children and their family members involved with both systems, including:



Experiences of Children and Families

- ◆ Children are greatly impacted by a lack of community-based supports and limited opportunities for contact with family members.
- ◆ Children linger for long periods of time without their basic need for connection and support being met, leading to cycles of instability.
- ◆ DSS too often focuses on “accountability” for presenting behavior, rather than on normative development and the effects of trauma, leading to increased risk of detention.



Assessing Needs and Strengths of Children and Families

- ◆ There are processes in place for sharing information across agencies, including many team meetings and inter-agency staffings.
- ◆ There is much work to be done by DSS surrounding the use of quality functional assessment processes that examine underlying needs and occur in collaboration with families.
- ◆ The usefulness of assessments is limited by lack of integration into a team-based, family-centered approach, often leaving behavior unaddressed and children and families unsupported.



Collaboration and Planning for Children and Families

- ◆ There have been extensive efforts by stakeholders throughout the state—including advocates, judges, DSS and DJJ staff members, and attorneys—to support children who are dually involved and improve coordination between the multiple systems involved in family’s lives.
- ◆ A significant number of structures exist to guide collaboration between DSS and DJJ, but a lack of clarity around specific responsibilities and purpose undermines the impact of these efforts.
- ◆ Decisions that impact children and families in profound ways are made by a large and often changing number of individuals and agencies, often without input, or even the knowledge, of children and their families.



Challenges and System Barriers



- ◆ A fundamental misunderstanding about the distinct purposes, missions, and responsibilities of DSS and DJJ impedes successful collaboration.
- ◆ A severe lack of quality supports and services available across the state hinders each agency's ability to meet the needs of children and families.
- ◆ The lack of a problem-solving orientation, which is caused by the effort to adhere to the perceived roles and boundaries of each agency, creates internal rigidity and an inability to implement creative solutions.



Practices that Contribute to DJJ Involvement

- ◆ Children's DJJ involvement is sometimes perceived as an opportunity for DSS to shift case management and placement responsibility to DJJ (just as DSS sometimes perceives DJJ as shifting responsibility for placement).
- ◆ The practice of engaging law enforcement and advocating for children to be held "accountable" for their presenting behaviors heightens the risk of deepened DJJ involvement for children in foster care.
- ◆ The behaviors that lead to DJJ involvement are at times an expression of the failures by multiple systems to provide children and families with needed supports and honor their strengths and histories.



Areas of Focus for Improvement of Experiences and Outcomes

- ◆ Address the entrenched attitudes, beliefs, and practices that harm and disempower children and families who are dual-system involved.
- ◆ Develop statewide community-based services, supports, and appropriate community placements for children and families, in partnership with other state agencies and private providers.
- ◆ Clarify and reinforce agency roles and responsibilities through both trainings and an ongoing, genuine commitment to productive partnership.
- ◆ Enhance court practices to address procedural and structural barriers, which is essential given the position of the Family Court at the center of all delinquency and child welfare cases.

DSS and the Co-Monitors expect that these review findings will be used to improve the supports, experiences, and outcomes of the children that these agencies aim to support. Given the review findings, an important next step will be for DSS and the Co-Monitors to convene South Carolina-based agency partners, stakeholders, and advocates to review recommendations contained in this report and develop strategies for implementation, as discussed in more detail below.

Agency Overviews



DJJ is a cabinet-level agency responsible for “providing the rehabilitation and custodial care for the state’s children who are on probation, incarcerated, on parole, or in community placement for a criminal or status offense.”⁶ It is organized by three Divisions that interact directly with children: the Division of Community Services, which is responsible for direct services in the community for children who are on probation or parole and their families; the Division of Rehabilitative Services, which operates facilities providing 24-hour supervision and treatment (one jail, the Juvenile Detention Center (JDC); one long-term facility, called Broad River Road Complex (BRRC); three Secure Evaluation Centers (SECs); and 10 alternative placements encompassing marine institutes, special treatment programs, and wilderness camps); and the Division of Education and Workforce Development, which provides education and workforce training programs in residential settings. The agency is structured through statewide, regional, and county offices.

DJJ has nearly 1,500 employees. Almost 12,000 cases were referred to DJJ in FY 2018-2019—829 cases resulted in commitment to a long-term facility or alternative program that year.⁷ The average daily population at JDC, the primary DJJ jail, is between 50 and 100 children. The average daily population at BRRC is 122 children.⁸ There are an additional 150 children, on average, held in SECs, and 202 children in other placements, including dually-licensed group homes, which are described in further detail below.

DSS is a cabinet-level agency with the mission of “promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families.” DSS oversees investigations of alleged child abuse and/ or neglect by parents, guardians, foster parents, and staff of facilities where children reside; provides preventative services for families; manages foster care, adoptions, child care, child support, and Adult Protective Services; and oversees economic assistance programs such as Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP). The agency is also structured through statewide, regional, and county offices; the state’s 46 counties are part of 4 regions, which do not necessarily align with the same regional divisions as DJJ.

Approximately 4,000 children are in DSS’s custody at any given time, and over 6,000 children over the course of a year. DSS reports that at any given time between 10 and 20 children in foster care are incarcerated in secure DJJ facilities or adult correctional facilities. A far greater number of children are concurrently involved with DJJ—they may have been charged and awaiting adjudication, on probation, or placed in a group home.⁹ Many group homes in South Carolina are dually licensed, meaning that DJJ and DSS have access to the same placements, so some residents are placed by DJJ and others by DSS.

DSS is a custodial agency, meaning that it serves as the legal custodian for children it has removed from their families, regardless of their living arrangement (pursuant to state statute, the Family Court orders the retention of legal custody within 72 hours of being taken into care).¹⁰ DJJ does not become a legal custodian of a child by virtue of involvement. When committed by the Court to secure detention or placement, physical custody is temporarily transferred to DJJ. This means, for children in foster care, DSS maintains legal custody and responsibility for a child’s safety, permanency, and well-being even when that child is also involved with DJJ.

Contextual Data



In South Carolina, children can be placed on probation for any amount of time until they are 20 years old. In FY 2018-2019, more than 4,000 children in the state were on probation at some point in time.¹¹ Probation was the primary disposition in 60 percent of cases.¹² That year, 331 cases of commitments to long-term DJJ placement were the result of probation violations, meaning that probation violations represented 38 percent of commitments (based on the most serious disposition offense committed on each case, the top four categories for offenses associated with commitment, post-adjudication, were different categories of probation violation).¹³

In 2021, approximately 16 percent of cases referred to DJJ (2,057 delinquency cases) were for “status offenses,” meaning “an offense which would not be a misdemeanor or felony if committed by an adult.”¹⁴ In South Carolina, these offenses include “incorrigibility, or “beyond the control of parents,” truancy, and running away.¹⁵

Available data reflects that approximately 9 percent of children ages 10-17 who were in foster care on a particular day also had an “open service line” with DJJ during that month.¹⁶ Between 17 and 24 percent of all children ages 10-17 who were in foster care on a particular day had histories of DJJ involvement. This could entail arrest, charge, adjudication, detention, or probation. Data are limited on the number of children in DSS’s care who are also involved with DJJ at any point in time, and access to this information has been an ongoing challenge.^{17,18}

Methodology & Descriptive Statistics

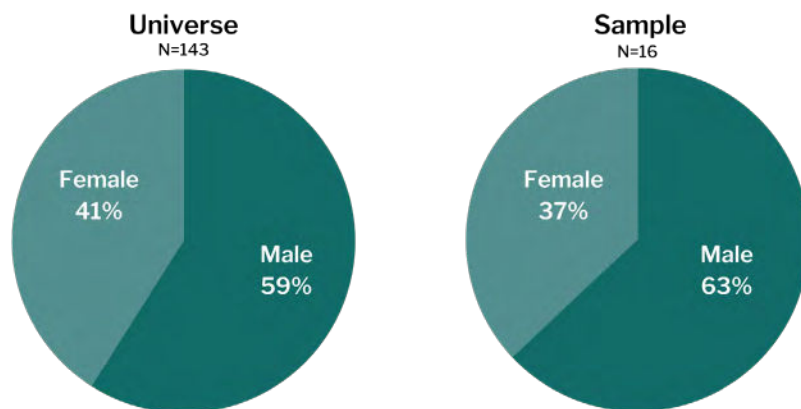
This review proceeded in three parts. The first part was focused on data and required the Co-Monitors and DSS to identify the universe of children who had involvement with both DSS and DJJ for the period October 2020 to September 2021 (Period Under Review, or PUR). Based on data provided through a “match list” between DSS and DJJ, there were 255 children who were in foster care on September 30, 2021, who also had an open service line with DJJ within the prior 12 months (between October 2020 and September 2021). Of those 255 children, 191 had been charged within those 12 months. DSS and DJJ were concurrently involved with 143 of these children (meaning, the referral to DJJ occurred when the child was already in foster care, or the child was placed in foster care during the pendency of their DJJ proceeding). It is important to note that the universe did not include children who were already on probation at the time they entered foster care if they did not experience a new charge during the PUR. From this universe, the team calculated the descriptive statistics depicted in the figures on the coming pages to better understand the demographics and charges of children in this population.

The second part of the review entailed selecting a random sample of 16 cases for a case record review from the universe of 143 cases.¹⁹ Though not a statistically significant number of cases,²⁰ the 16 cases were pulled from across the state and are intended to provide insight into case practice with this population. Further explanation of the case record review methodology and the group interviews (the third part of the review) are included below.

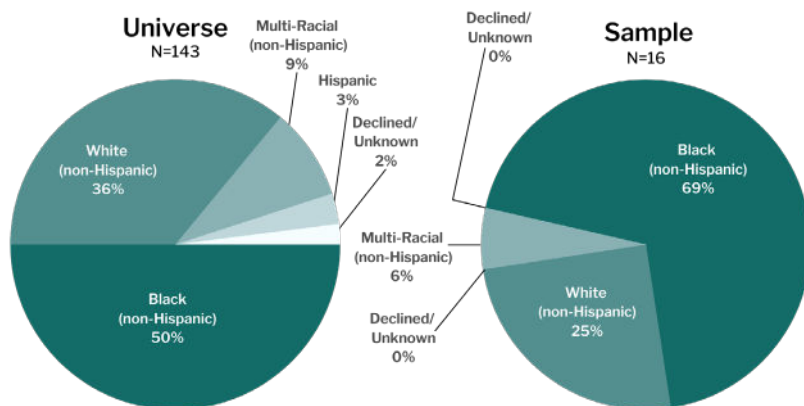
Figures 1 through 4 and Table 1 on the following pages compare demographics of the sample and the universe.



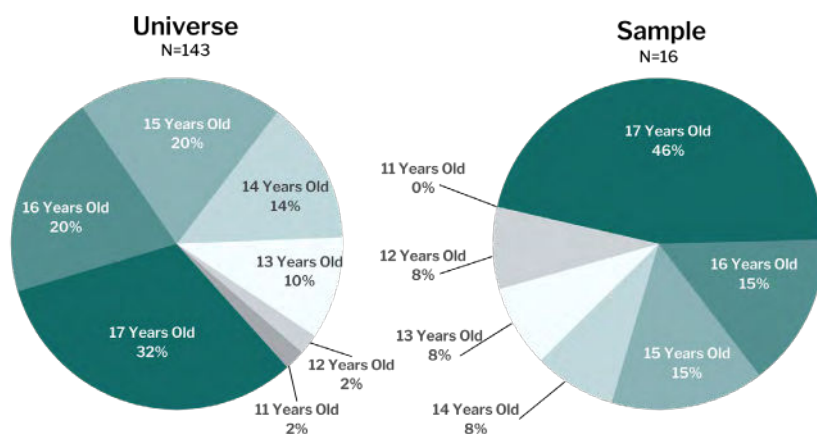
**Figure 1. Gender of Children With Whom Both DSS and DJJ are Involved
Universe vs. Sample²¹**



**Figure 2. Race of Children With Whom Both DSS and DJJ are Involved
Universe vs. Sample²²**



**Figure 3. Age of Children With Whom Both DSS and DJJ are Involved
Universe vs. Sample**



Most children in the universe were from Richland, Charleston, and Spartanburg, counties with some of the highest number of children in foster care.²³ These were also the counties for which there was more than one case in the case record review sample. Note that a child's county of origin does not necessarily correlate with the DSS county office that manages that case, or the county in which a child is placed.

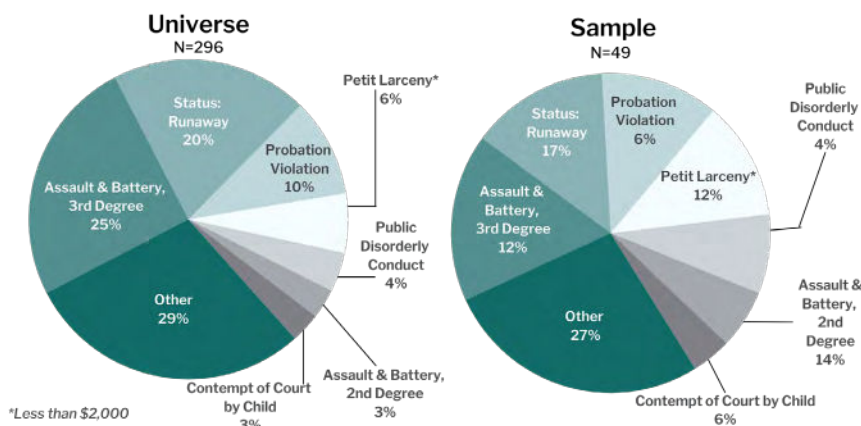
Table 1. Region/ County of Origin of Children With Whom Both DSS and DJJ are Involved, Universe vs. Sample

REGION/ COUNTY OF ORIGIN	UNIVERSE (N=143)	SAMPLE (N=16)
UPSTATE	39	5
Anderson	7	1
Cherokee	2	--
Greenville	7	1
Greenwood	4	--
Laurens	3	--
Oconee	5	1
Pickens	1	--
Spartanburg	10	2
MIDLANDS	44	4
Aiken	7	1
Barnwell	1	--
Kershaw	3	--
Lancaster	3	--
Richland	19	2
Saluda	1	--
Union	5	1
York	3	--
LOW COUNTRY	30	4
Berkeley	5	1
Charleston	16	2
Colleton	1	--
Dorchester	5	1
Orangeburg	3	--
PEE DEE	30	3
Clarendon	1	0
Darlington	4	--
Dillon	1	--
Florence	6	1
Georgetown	2	--
Horry	9	1
Lee	1	--
Marlboro	1	--
Marion	1	--
Sumter	4	1



The Co-Monitors and DSS also reviewed the offenses with which children in the universe were charged, compared to those in the sample for the case record review.

Figure 4. Charges of Children With Whom Both DSS and DJJ are Involved
Universe vs. Sample^{24,25}



For these 143 children, the average number of placements during the PUR was six placements, the median number was five placements, with the maximum number of placements during the 12-month period being 35. At least 27 children (18%) in the universe spent time in DJJ facilities during the PUR, and no fewer than 34 (24%) spent time in a residential treatment facility. At least six children were placed at least once in an adult correctional facility, and three were placed in a Department of Mental Health (DMH) psychiatric hospital for longer than 30 days. Of the 143 children in the universe, 59 (41%) were officially identified as being on “runaway status” during the PUR, as identified by DSS’s Child and Adult Protective Service System (CAPSS) data on temporary placements. Many children included in the universe were not in DSS custody during the entirety of the PUR, meaning that these placements may have occurred over a period shorter, or much shorter, than 12 months.

Case Record Review Tool

To review the randomly selected 16 cases, teams of DSS and Co-Monitor staff (a pair from each entity on each case) answered a number of questions in a Survey Monkey tool to gather information about the cases. The questions included: the child’s demographics, the reason they were brought into foster care, the reason for their involvement with DJJ, their contact with family members (including siblings, parents, and other supportive adults), whether they were adjudicated delinquent, whether they were held in detention and for how long, whether interagency staffings or other team meetings were held to plan for the young person in the case, what assessments the children received and what services were provided, as well as some qualitative questions about strengths and challenges in the cases. The tool also included space for reviewers to identify strengths of collaboration as well as any missed opportunities in the case and anything else of note. This tool was used to produce both quantitative and qualitative information.

Group Interview Protocols

For the third part of the review, reviewers met with stakeholders and staff with roles or experiences related to the guiding questions. This included: DSS case managers who have managed cases of children involved with DJJ; DJJ probation officers and intake staff who have managed cases of children in foster care; defense attorneys; solicitors; DJJ County Managers, who also serve as



liaisons with DSS when children are dually involved with both systems; DSS staff, who serve as liaisons with DJJ when children are dually involved with both systems; DSS Community Liaison Coordinators, who are regional staff on the Well-Being Teams; DJJ Special Needs Coordinators, who are counterpart regional staff on the DJJ Division of Rehabilitative Service; and judges. Reviewers also spoke with families who shared their experiences navigating these systems. For additional context, reviewers met with individual stakeholders in the state with significant experiences in the field or who have served on task forces related to this population. A total of approximately 70 informants were interviewed as part of this work.

List of Group Interview Participants

- ◆ DJJ probation officers
- ◆ DJJ Special Needs Coordinators
- ◆ DJJ intake staff
- ◆ Judges
- ◆ Defense attorneys
- ◆ Families with experience in the system
- ◆ Solicitors
- ◆ Individual state stakeholders with significant experience in the field or who have served on task forces related to this population
- ◆ DJJ County Managers
- ◆ Other DSS staff

Group interview protocols were established and included questions about, among other things, different staff roles and responsibilities; processes for communication between agencies; experiences around collaboration and planning between agencies; available services in the community; procedures around status offenses; and recommendations for change.

The notes from these focus groups were coded by both DSS and Co-Monitor staff using a rapid analysis framework,²⁶ with at least two reviewers looking at each set of notes for inter-rater reliability. The codes from the notes allowed reviewers to identify group interviews in which certain topics arose repeatedly.

Findings

A thorough analysis of both the case record review and group interview processes by DSS and Co-Monitoring staff resulted in the following findings.



Review Question 1: What are the experiences, particularly with respect to placement and services, of young people with whom both DSS and DJJ are involved?

- ◆ Children are greatly impacted by a lack of community-based supports and limited opportunities for contact with family members.
- ◆ Children linger for long periods of time without their basic need for connection and support being met, leading to cycles of instability.
- ◆ DSS too often focuses on “accountability” for presenting behavior, rather than on normative development and the effects of trauma, leading to increased risk of detention.



The review painted a picture of a **common cycle**²⁷ for many children who experience both DSS and DJJ involvement in South Carolina: the churning through DJJ detention or placements, foster placements, DSS offices, group homes, and hospitals.²⁸ Group interview participants referred to children who “act[] out because they don’t have permanent placement, going weeks... one kid has been out of a Psychiatric Residential Treatment Facility (PRTF) for over a month and they have yet to find him a permanent placement. He’s been in night-to-night and temporary [placements]. [The kids] start running away, and it starts all over again.” Many of the children caught in this cycle have been involved with DSS for many years²⁹ and their behavior reflects **years of compounded trauma** and of feeling like they have not had a voice in determining their own life circumstances.³⁰

In some of the cases reviewed, children were able to visit with siblings or other supportive adults, but in most cases, there was **very limited contact with family members**,³¹ even though the vast majority of children had family members of whom DSS was aware.^{32,33} The case record review also revealed at least two instances of children behaving violently toward DSS or private provider staff in direct reaction to not being able to see, communicate with, or be placed with their family members. In one case, a child ran away as a result of being told they would have to go to a PRTF instead of their grandmother’s house. In another, a child tried to escape from jail after being denied parole, when they were told they would be able to live with their sister when they were released. The review showed that the children’s experiences, especially with respect to placement and services, are marked by a state-wide **placement crisis**.³⁴ This instability leads to **disruptions to education and services**,³⁵ which pulls children further away from their communities and family members.³⁶

Participants expressed concern over the way that children are viewed and treated by DSS staff.³⁷ One defense attorney explained “she will waive a child’s presence [at hearings] in some cases because she is worried it will be more harmful to the child to hear what is said about them.” Interviews with staff at both agencies highlighted instances of DSS caseworkers and DSS attorneys **advocating for children to be held in detention**,³⁸ while regional DSS staff and DJJ staff were more likely to express that children should be kept out of detention whenever possible.³⁹ One 15-year-old child in Richland County who had been charged with truancy and other offenses said, “they want to lock me up. That’s what they’re going to do, I can’t stop them. I don’t see why they want to put me in jail, because I’m not going to school there...If they want me to go to school so bad, why do they put me in places where I can’t go to school?”



2

Review Question 2: When involved with children at the same time, how do DSS and DJJ assess and understand those children and their families?



- ◆ There are processes in place for sharing information across agencies, including many team meetings and inter-agency staffings.
- ◆ There is much work to be done by DSS surrounding the use of quality functional assessment processes that examine underlying needs and occur in collaboration with families.
- ◆ The usefulness of assessments is limited by lack of integration into a team-based, family-centered approach, often leaving behavior unaddressed and children and families unsupported.

Group interviews indicated that staff at the regional level of both agencies—the Community Liaison Coordinators on DSS’s Well-Being Team and the Special Needs Coordinators at DJJ—are **effective liaisons** trying to assess and understand the needs of children, and have in most cases developed strong relationships with one another.⁴⁰ At the state level, the office of the Human Trafficking Coordinator has been helpful in assessing and **understanding the needs of victims of sex trafficking**, which is an increasing population of children dually involved with both DSS and DJJ.⁴¹

All staff referenced **a process for sharing information across agencies**, including many team meetings and inter-agency staffings (discussed below)⁴² Staff expressed during the group interviews that these processes are most effective when the “the right case manager” is involved.⁴³

There is much work to be done by DSS surrounding the use of **quality functional assessment processes that examine underlying needs and occur in collaboration with families**.⁴⁴ While there is evidence of quality psychological evaluations being conducted by DJJ clinicians, these evaluations are generally accessed only while children are held in secure detention. The Diagnostic Assessments performed by contracted providers are most often utilized for the purpose of **elevating the required level of care for children at DSS**,⁴⁵ and are not purposefully integrated into a team-based, functional assessment process.⁴⁶

Current assessments seem to be of limited value in providing staff with an understanding of root causes of that behavior or underlying needs that are not being met at current placements.^{47,48} One participant who spent two years in dually-licensed DSS/DJJ placements described how a misunderstanding of underlying needs can underlie presenting behaviors: “You don’t have guidance or someone that will look at you as more than your last name. . . That dehumanization makes you want to run. I was not being respected. My social needs and parental needs were not being met. My life was flipped upside down, and I wanted to be anywhere but there.”

One reviewer wrote of a case in the sample, “there was continued discussion throughout the life of the case regarding assessments through both agencies without collaboration around how supports would fit into larger goals and how services interacted with one another. There was often a sense of waiting on formal assessments to provide services, rather than coordination with what supports could have been helpful to this child in the present.” In another case, a reviewer noted “nothing in record to indicate child’s needs were assessed or met.” A group interview participant noted, reflecting the sentiment expressed by others, that children are “desperately in need of services but not getting them.”⁴⁹



3

Review Question 3: How do DSS, DJJ, or other agencies collaborate and plan for placement and services for children and their families?

- ◆ There have been extensive efforts by stakeholders throughout the state—including advocates, judges, DSS and DJJ staff members, and attorneys—to support children who are dually involved and improve coordination between the multiple systems involved in family’s lives.
- ◆ A significant number of structures exist to guide collaboration between DSS and DJJ, but a lack of clarity around specific responsibilities and purpose undermines the impact of these efforts.
- ◆ Decisions that impact children and families in profound ways are made by a large and often changing number of individuals and agencies, often without input, or even the knowledge, of children and their families.

There have been extensive efforts by stakeholders throughout the state—including advocates, judges, DSS and DJJ staff members, and attorneys—to support children who are dually involved and improve coordination between the multiple systems involved in family’s lives. Multiple processes are in place in South Carolina—both pre-dating and pursuant to a May 2017 DSS-DJJ Memorandum of Understanding (updated in October 2019)—to help guide collaboration between DSS and DJJ. Staff at both agencies are respectful of these processes and spend a great deal of time attending required case staffings. There are no fewer than 10 types of staffings that agency staff can utilize to review the details of cases for children in foster care who are dually involved and may benefit from specialized placements or services. These include: Interagency System for Caring for Emotionally Disturbed Children (ISCEDC) staffings; interagency staffings; monthly dual-status staffings; Expedited Permanency Meetings (EPMs); Foster Care Select Health Rounds staffings, congregate care separated sibling staffings; “red flag” staffings; DJJ staffings (such as Multidisciplinary Team Meetings [MDTs] and Community Planning Review Teams [CPRTs]); and Child and Family Team Meetings (CFTMs). Some of these structures have existed for a long time, and some are newer, but many have the potential to facilitate creative attempts to better meet the needs of this population.⁵⁰

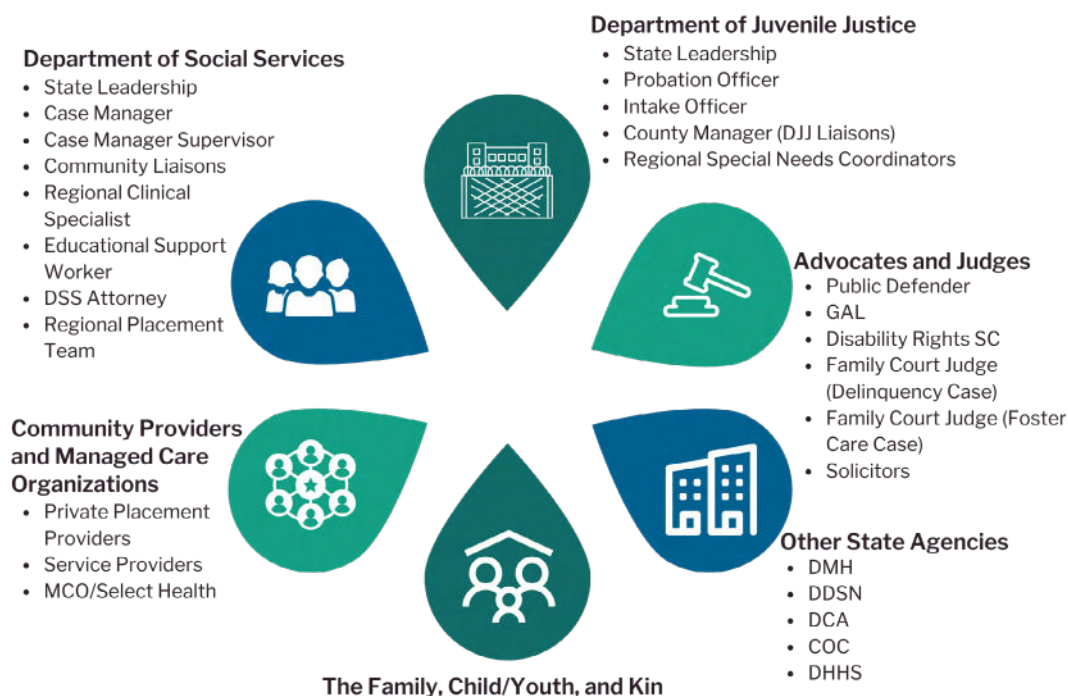
Although it is helpful that these structures are in place, participants in group interviews almost universally expressed that there are **too many meetings and too many people involved** in each meeting.⁵¹ There is a **lack of clarity around who has the authority to make decisions in cases**,⁵² whose role it is to take the lead on which aspects of planning and follow-through, and which agency is ultimately responsible for finding placement.⁵³ Multiple interviewees noted that case managers, who often know the children and families on their caseloads better than other county or regional staff, are often not afforded commensurate decision-making authority about placement and services.⁵⁴ Though some individual relationships between staff at DSS and DJJ allow for strong collaboration on cases, there is a lack of accountability regarding implementation of planned actions.⁵⁵ For example, one reviewer wrote of a case in the sample, “services and supports were siloed, infrequently coordinated, and without follow up by either agency to know what the other was doing and how the needs of the child were being met.”⁵⁶

As depicted in Figure 5, decisions that impact children and families in profound ways are made by a large and growing number of individuals and agencies. Although children and families should be central to the decision-making process, decisions are often made without the knowledge or input of children and their families.⁵⁷ This contributes to the lack of control that children feel at an already difficult time in their lives.⁵⁸



Reviewers also noted **breakdowns in communication** concentrated at key decision points in cases.⁵⁹ For example, interviewees expressed not being told of court dates by the other agency, of DSS attorneys' plan to recommend closure of foster care cases while children are detained in DJJ placements,⁶⁰ and of a seeming inability to share information due to perceived legal limitations or agency rules that prevent it. Six of 16 cases in the case record review did not include documentation of the child's DJJ involvement in the DSS record, indicating that there were likely missed opportunities for DSS to support children and their family members through the DJJ process.

Figure 5. Decision Makers in Cases in Which Both DSS and DJJ are Involved



4

Review Question 4: What challenges or system barriers impact agency collaboration to successfully meet children's placement and service needs?

- ◆ A fundamental misunderstanding about the distinct purposes, missions, and responsibilities of DSS and DJJ impedes successful collaboration.
- ◆ A severe lack of quality supports and services available across the state hinders each agency's ability to meet the needs of children and families.
- ◆ The lack of a problem-solving orientation, which is caused by the effort to adhere to the perceived roles and boundaries of each agency, creates internal rigidity and an inability to implement creative solutions.

The lack of clarity around decision-making and follow through described above is based in underlying misunderstandings of the distinct role, responsibilities, and purpose of each agency, and the limits of their capacity to effectively intervene due to workload pressures and lack of services. Specifically, there is **confusion around DSS's role as the legal custodian for children in foster care**,⁶¹ and DJJ's more circumscribed responsibility of "providing custodial care and rehabilitation for children who are incarcerated, on probation or parole, or in community placement for a criminal or status offense."^{62,63} This difference between a child welfare case and a delinquency case (in which a child's liberty is at issue) is often not appreciated. Combined with limited resources to effectively identify and address children's underlying needs, this leads to a game of "hot potato," referenced in



multiple group interviews (with the perception on the part of both agencies that the other agency is attempting to shift responsibility to them inappropriately). It makes accountability for carrying out timely, appropriate interventions difficult to impossible,⁶⁴ and leaves children feeling unwanted.⁶⁵ One interviewee expressed having to remind parties in court that a child is present at the hearing, because DSS attorneys have said statements like “No one wants them” on the record.

Another manifestation of this barrier is the **lack of problem-solving orientation**, caused by the effort to adhere to the perceived roles and boundaries of each agency.⁶⁶ Interviewees expressed that children often fall through the cracks between what each agency is able to do.⁶⁷ Interviewees expressed frustration by the lack of available placements and supports for children outside of DSS, DJJ, and DMH (although there was also **consistent confusion raised as to the role of DMH** and what services that agency can provide).⁶⁸ The hesitancy to approach problems creatively was observed not only between agencies, but in the effort taken to follow formal steps within DSS, even when it is possible that a child or family might be better served in a different way.⁶⁹ One participant commented, “DSS has a problem with internal rigidity and will use checkboxes for the policy instead of looking for solutions.” He highlighted a case of a child who had constantly been running away and then found a stable placement with their grandmother. However, “the DA [diagnostic assessment] stated that [the child] needed a more intensive placement,” so DSS planned to move the child to a residential treatment facility. Then the child ran away again to avoid being placed in the facility. The interviewee indicated that the child could possibly have remained in the stable placement with their grandmother if appropriate services were available.⁷⁰

Ultimately, many staff recognized that though children may not belong in foster care or a DJJ placement, there are **not enough safe and secure places for children to go**,⁷¹ particularly when they have behavioral health issues, involvement with sex trafficking, or other needs that require specialized, trauma-informed care. There is a **lack of trauma-informed care and resources**, including for children who have been victims of sex trafficking, which has made it difficult to plan for placement and services for children involved with both systems.⁷² This inability to meet children’s needs contributes to a pattern of children running away (at least six children in the case record review of 16 cases received a charge for running away).⁷³ Additionally, some services were difficult to provide due to children moving placements frequently.⁷⁴ Reviewers noted that cases indicated that “[behavior modification] services [were] recommended but not provided due to placement instability, and, in another case, “two services recommended from DSS were never provided.”





5

Review Question 5: Do procedures and practices of DSS and its partner, DJJ, and/or probation contribute to DJJ involvement for children with whom DSS is already involved?

- ◆ Children's DJJ involvement is sometimes perceived as an opportunity for DSS to shift case management and placement responsibility to DJJ (just as DSS sometimes perceives DJJ as shifting responsibility for placement).
- ◆ The practice of engaging law enforcement and advocating for children to be held "accountable" for their presenting behaviors heightens the risk of deepened DJJ involvement for children in foster care.
- ◆ The behaviors that lead to DJJ involvement are at times an expression of the failures by multiple systems to provide children and families with needed supports and honor their strengths and histories.

The case record review demonstrated that most **children are connected to family members who might** have been utilized as placement resources had there been more engagement, support, and planning on the part of DSS.⁷⁵ However, DSS's **lack of outreach and follow up with family members**,⁷⁶ as well as the limited contact that children are able to have with family members, even by phone, means that kin placements were less common and, when they were attempted, less successful.⁷⁷ Group interview participants also highlighted lack of engagement with families as a key barrier that increases placement instability. For example, a child on one participant's caseload was released from a PRTF back to her mother with little to no support, "so the youth was back in DSS custody within 2 months."⁷⁸

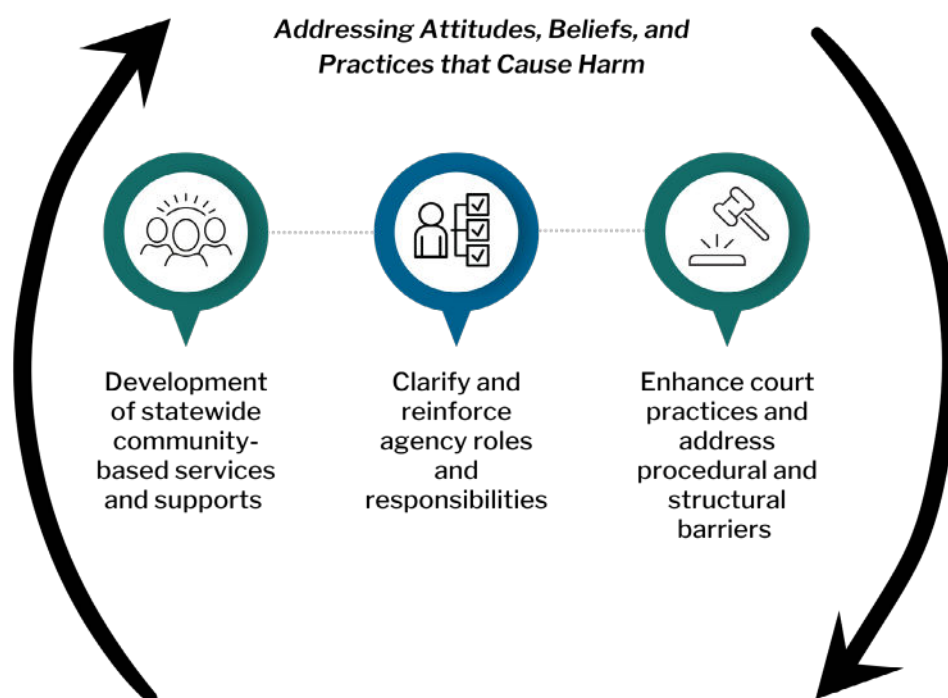
Additionally, the review demonstrated **pressure from DSS for DJJ to take responsibility for "their kids,"**^{79,80} including an alignment between public defenders and solicitors, who might be more commonly expected to promote adverse positions. These attorneys are often unified in advocating for children to be kept out of detention, even if there is a technical reason they could be held.⁸¹ One attorney described her experience in one county: "typically, a child charged with assault and battery in the third degree would be released to their parents. However, with DSS, the attorneys are dealing with DSS as the parent, and it becomes a battle of who will take the kid." Though there are not concrete data that establish that children in foster care are more likely to be held in detention for lower-level offenses, participants indicated that there may be a **higher incidence of detention** among children who are in DSS custody.⁸² This may be related to frequent calls to law enforcement by DSS staff when children run away, consistent with DSS policy.⁸³ This means if the child is on probation, then the pick-up order request by DSS becomes a "DJJ pick-up," or warrant for arrest.^{84,85} Interviewees expressed that DSS staff also at times request that children's probation be violated.⁸⁶ This is particularly concerning given that is already challenging for children to comply with the terms of their probation due to limited availability of services and transportation.⁸⁷ With each call to law enforcement, children can accrue additional charges, leading to even greater placement instability and compounded trauma as they are labeled "difficult" or "impossible to place."⁸⁸ In six of 16 cases in the case record review, children had additional DJJ charges subsequent to the charge under review within the PUR.

One child interviewed said that she was incarcerated for three weeks without a pending DJJ charge and was told, "no placement wanted to take [her] because of what they put in [her] record, saying [she] was a danger to the community." She continued, "jail is not the place for any child."



- ◆ Though the review has already elicited some creative ideas around solutions, the Co-Monitors and DSS intend to meet with organizations and advocates in South Carolina with expertise that could help develop specific recommendations and action plans in response to review findings. Based on findings and identified themes, the Co-Monitors and DSS suggest that these recommendations be structured around the areas of focus depicted in Figure 6.

Figure 6. Areas of Focus for Improvement of Experiences and Outcomes



Addressing Attitudes, Beliefs, & Practices that Cause Harm

Though a number of structural, procedural, and resource barriers have been discussed throughout, this review highlights the extent to which entrenched attitudes, beliefs, unexplored biases and practices harm and disempower children and families who are dual-system involved.⁸⁹ The lack of meaningful engagement with families, the absence of functional assessment of underlying strengths and needs, the critical shortage of appropriate placements and community-based services, and the presence of a culture that prioritizes “accountability” and adherence to rules over creative solutions are primary barriers to change.⁹⁰ These barriers must be understood and addressed or other recommendations—including those outlined below—cannot take hold.

DSS’s Guiding Principles and Standards (GPS) case practice model outlines the values, principles, and practice skills DSS seeks to promote,⁹¹ and could serve as a roadmap to guide cohesive change across systems whose stated goals are to serve and support children and families. Though training has already occurred to orient staff to the model, review findings highlight the need for greater focus and time to allow for deeper integration of the core principles of the GPS practice model at all levels. Recommendations and next steps will need to focus on how to extend buy-in and training to all stakeholders.



- ◇ **Development of Statewide Community-Based Services and Supports.** The development of statewide community-based services and supports for children and families, in partnership with other state agencies and private providers, is foundational to progress. Review findings emphasize the urgency of work across agencies to develop strong, accountable systems of care to serve families, including children involved with DSS and DJJ. In addition to DSS and DJJ, this will need to include the Department of Health and Human Services (DHHS) and DMH, among others. A key part of this collaboration should be the assessment and enhancement of available community-based services throughout the state focused on the specific needs identified for the population under review here. A more general and forward-looking strategy will involve building a shared understanding of the types of underlying needs that can be met through partner agencies, without the need for DSS or DJJ intervention. This area of work is also fundamental to the state's efforts to improve its placement array, develop access to quality behavioral health services for children and families, and bolster its prevention continuum in accordance with the Family First Prevention Services Act (FFPSA).
- ◇ **Clarify and Reinforce Agency Roles and Responsibilities.** DSS and DJJ are separate state agencies, each with their own mission, role, and responsibilities. Despite this, the review emphasized significant gaps in understanding around legal processes and charges of each agency, mechanisms for providing placement and services, access to resources, and, most fundamentally, which agency bears “responsibility” for a child. Frustration and disorganization lead to finger pointing and work at cross purposes, which delays timelines and, at times, leaves children waiting unnecessarily in secure placements or DSS offices.⁹² Efforts to close this gap in understanding will require both training and an ongoing, genuine effort to operationalize the agencies’ commitment to productive partnership toward a mutual goal of supporting children’s safety and well-being.
- ◇ **Enhance Court Practices to Address Procedural and Structural Barriers .** Given the position of the Family Court at the center of all delinquency and child welfare cases, it will be essential to enhance court practices to address procedural and structural barriers.^{93,94} Though the issues identified herein cannot be resolved through the judiciary alone, the Family Court has been and will continue to be a key point of intervention in improving the experiences and outcomes of children with whom DSS and DJJ are both involved. These children are subject to the processes and decisions made in two cases pending before the Family Court at any given time. The multiple judges involved in these cases are charged with issuing orders that they believe best meet the needs of children and communities, but are also confined by the information they receive and the availability of high-quality assessments, supports, and services throughout the state.

This is one of a number of areas in which a significant amount of thinking and work between key stakeholders in the state has already occurred. The advisory group formed at the University of South Carolina Children’s Law Center as part of a 2017 Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant can serve as an important resource. Comprised of court judges, solicitors, public defenders, DSS attorneys, DJJ staff and management, parents, and others, it worked to develop recommended court practices for engaging with children who are dually involved after spending months assessing needs in this area.⁹⁵

Conclusion



Since the study began, DSS has contracted with six providers for the provision of in-home services for children exiting foster care and reuniting with family members, and is exploring other intensive in-home service options that could support foster care placements, as part of its FFPSA implementation plan. Also, DSS has increased its use of CFTMs in an effort to bolster involvement of children and families in decision-making throughout the life of a case. DSS is committed to increasing relationship-building efforts with other state agencies to better collaborate and plan for children, youth, and families.

By January 30, 2023 (90 days from report issuance), the Co-Monitors and DSS will host a symposium to present the findings of this report. Following the symposium, the Co-Monitors and DSS will convene and facilitate a workgroup to develop the necessary commitments to actionable strategies that will address the findings and recommendations included in this report. The workgroup will include South Carolina-based agency partners, stakeholders, and advocates. The Co-Monitors and DSS look forward to the next steps in this process, and are grateful for the dedication and participation of those who were interviewed as part of this study. The diverse and broad engagement of so many reflects a deep investment in improved experiences and outcomes for children who are dually involved with DSS and DJJ throughout South Carolina.



Glossary of Abbreviations

- **BRRC:** Broad River Road Complex
- **CAPSS:** Child and Adult Protective Services System
- **CFT:** Child and Family Team/Teaming
- **COC:** Continuum of Care
- **CPRT:** Community Planning Review Team
- **DCA:** Department of Children’s Advocacy
- **DDSN:** Department of Disabilities and Special Needs
- **DHHS:** Department of Health and Human Services
- **DJJ:** Department of Juvenile Justice
- **DMH:** Department of Mental Health
- **DSS:** Department of Social Services
- **DJJ:** Department of Juvenile Justice
- **FFPSA:** Family First Prevention Services
- **FSA:** Final Settlement Agreement
- **GAL:** Guardian Ad Litem
- **GPS:** Guiding Principles and Standards Case Practice Model
- **ISCEDC:** Interagency System for Caring for Emotionally Disturbed Children staffing
- **JDC:** Juvenile Detention Center
- **MCO:** Managed Care Organization
- **MDT:** Multidisciplinary Team Meetings
- **OJJDP:** Office of Juvenile Justice and Delinquency Prevention
- **PUR:** Period Under Review
- **PRTF:** Psychiatric Residential Treatment Facility
- **SEC:** Secure Evaluation Center
- **SNAP:** Supplemental Nutrition Assistance Program
- **TANF:** Temporary Assistance for Needy Families

References

¹Final Settlement Agreement (October 4, 2016, Dkt.32-1). To read the Final Settlement Agreement, go to: <https://dss.sc.gov/child-welfare-transformation/>

²Class Members is defined in the Final Settlement Agreement as “all children who are involuntarily placed in DSS foster care in the physical or legal custody of DSS either now or in the future.”

³The terms “dually involved” or “dual-system” generally refers to children who become involved with both the child welfare and juvenile justice systems at any point. This includes children involved with the child welfare system who are engaged by the juvenile justice system while their child welfare case is pending; children involved with the juvenile justice system at the time the child welfare system becomes involved; children who have a history with the child welfare system but no current involvement at the time they enter the juvenile justice system; and children who have a history with the juvenile justice system but no current involvement at the time they enter the child welfare system. The term “crossover youth,” also frequently used in related literature, refers more generally to children who experience maltreatment and commit “delinquent acts,” but do not necessarily have formal contact with either system. Given the limited focus on Class Members, this review focuses specifically on a sub-group of these children who are charged in a delinquency matter during their time in foster care, meaning that the involvement of the child welfare system in their life is custodial (i.e. they have already been brought into foster care), and that at least one of their delinquency charges occurred during their time in state custody.

⁴SC DSS retains the legal authority to remove children from their homes and to terminate parental rights after as per the timeframe defined in the Adoption and Safe Families Act of 1997. As noted in the Joint Citizens and Legislative Committee on Children 2022 Annual Report, “South Carolina has no legal mechanism for parental rights to be reinstated” (p. 26).

⁵To see stakeholder and DSS reports of violations of FSA IV.H1., go to Section VIII. Placements in monitoring reports, all located [here](#). For example: Michelle H., et al. v. McMaster and Leach Progress Report for the Period April – September 2021, p.92 - 94; Michelle H., et al. v. McMaster and Leach Progress Report for the Period October 1, 2022 – March 31, 2021, p. 84 – 86; and Michelle H., et al. v. McMaster and Leach Progress Report for the Period April – September 2020, p. 94 – 96.

⁶To read DSS’s mission statement, go to: <https://djj.sc.gov/agency>

⁷To see DJJ’s 2019 Data Resource Guide, go to: <https://djj.sc.gov/sites/default/files/Documents/Resource%20Guide%202019-Final%20Draft.pdf>

⁸Ibid.

⁹According to the match list provided by DSS, approximately 21% of children who were in DSS custody on December 31, 2020 had also been involved with DJJ at some point.

¹⁰S.C. Code § 63-7-710(A), 63-7-740(B)

¹¹To see DJJ’s 2019 Agency Report Card, go to: <https://djj.sc.gov/sites/default/files/Documents/Report%20Cards/2019%20Report%20Card.pdf>

¹²Ibid.

¹³To see DJJ’s 2019 Data Resource Guide, go to: <https://djj.sc.gov/sites/default/files/Documents/Resource%20Guide%202019-Final%20Draft.pdf>

¹⁴To see the Joint Citizens and Legislative Committee on Children’s 2021 Data Reference Book, go to: https://www.sccommitteeonchildren.org/files/ugd/587cb7_2d3f3aa9ac564b018424628a406b08c9.pdf

¹⁵S.C. Code § 63-19-20 (9)

¹⁶Data provided by DSS have shown this percentage to be consistent every six months since June 2019.

¹⁷Designated DSS liaisons throughout the state have access to a DJJ data system portal, which provides limited information about children with open DJJ cases. Members of the regional Well-Being Teams, known as Community Liaison Coordinators, enter information about DJJ involvement directly into CAPSS so that it can be accessible to DSS case managers. The CAPSS module provides information about whether the status of DJJ involvement is “active” or “inactive.” It does not include an indication as to the stage of the DJJ process (pre- or post-adjudication), the nature of or number of charges, or the length of time the child has been involved with both systems. The data that can be pulled in daily reports from CAPSS is based on manual tracking by the worker who enters the information, often at the child’s intake into foster care, and is not connected to DJJ’s data system at this time.

¹⁸See *Infra* FN 59.

¹⁹Some cases were replaced in order to get an oversample of counties that were more prevalent in the universe.

²⁰Based on the Central Limit Theorem, the rule of thumb is that a sample of at least 30 cases will approach a normal distribution, indicating that estimates of the mean and standard deviation will be more accurate.

²¹DSS does not collect data on children who identify as gender neutral or non-binary.

²²Hispanic or Latinx is an ethnicity and is not captured as a racial category in DSS data, because children who are Hispanic or Latinx could be of a different race. These data were calculated based upon children who were marked as a “Yes” for Hispanic ethnicity, including 3 children who were indicated as both White and Hispanic, and 1 child who was indicated as both Multiracial and Hispanic.

²³Data from DSS data dashboard, 7/8/2022. For current data, go to: <https://reports.dss.sc.gov/ReportServer/Pages/ReportViewer.aspx?/Foster+Care>

²⁴Note that the total number of charges for both the sample and the universe reflect a higher number than the total number of children in the sample or the total number of children in the universe, because children are often charged with multiple charges. Additionally, when charges are pled down, the pled-down charge is entered as a separate charge in the dataset. The breakdown of charges in the universe is based on charges at an initial hearing, rather than the charge at referral.

²⁵ Charges in the “Other” category include: Assault and Battery in the 1st degree; Burglary (Non-Violent – 2nd Degree); Criminal Conspiracy; Drugs (Possession); Larceny (Breaking into Motor Vehicle); Grand Larceny (\$10k or More); Grand Larceny (More than \$2K but less than \$10K); Resisting Arrest; School Threats; Shoplifting (\$2K or less); Status: Incurable, Ungovernable; Status: Truancy; Sexual Conduct with a Minor (3rd degree); Malicious injury to tree, house, animals, property (Less than \$2K); and Use of Vehicle without permission.

²⁶ Nevedal, A.L., Reardon, C.M., Opra Widerquist, M.A. et al. Rapid versus traditional qualitative analysis using the Consolidated Framework for Implementation Research (CFIR). *Implementation Sci* 16, 67 (2021). <https://doi.org/10.1186/s13012-021-01111-5>

²⁷ Bolded terms within findings indicate topics that were identified repeatedly in group interviews. They are not direct quotes, but rather concepts that appeared across multiple group interviews.

²⁸ This references data collected and coded as “Placement Stability.”

²⁹ On average, the children in the sample had been in foster care for 27 months by the end of the PUR (September 30, 2021). The median was 15.5 months.

³⁰ This references data collected and coded as “Assessment/Understanding of Underlying Needs.”

³¹ In 2 of the 16 cases, parental rights had been terminated; while this does not preclude contact with a parent, those 2 children did not have contact with a parent. In 9 of the remaining 14 records, there was documented contact with parents, but for most (7 of 9), the contact was less than once per month. In 6 of 13 cases in which children had siblings, there was some documented contact; all 6 cases had contact less than once per month during the PUR (in two of the 13 cases, one sibling was missing, and one sibling refused contact, but in the other 11 cases, no exceptions applied to the requirement to facilitate contact between siblings).

³² Reviewers noted lack of engagement with relatives and missed opportunities to explore supportive adults as placement resources in 10 of 16 cases. Some notes from reviewers included: “The relationship with the sibling out of care and great grandmother, both of which were positive, were not maintained except for minimal (perhaps 2) virtual contacts” and “No contact with potential relatives, including father who reached out to ask about his children.”

³³ This references data collected and coded as “Engagement with Youth and Families.”

³⁴ This references data collected and coded as “Need for Placements.”

³⁵ This references data collected and coded as “Truancy and Education.”

³⁶ DSS’s analysis of the universe of 143 children showed that the average number of placements they experienced during the PUR alone (October 1, 2020 to September 30, 2021) was 6.3, and the median was 5 placements during that year.

³⁷ This references data collected and coded as “Assessment/Understanding of Underlying Needs.”

³⁸ This references data collected and coded as “Higher Risk of Detention” and “Understanding Normative Adolescent Development/Presenting Behavior.”

³⁹ This references data collected and coded as “Responsibility/Accountability Between Agencies.”

⁴⁰ This references data collected and coded as “Role of Community Liaison Coordinators” and “Advocacy/Best Interests of Child.”

⁴¹ This references data collected and coded as “State Level Sex Trafficking Unit” and “Victims of Sex Trafficking.”

⁴² In the case record review, 13 of 16 cases showed meetings between agencies.

⁴³ This references data collected and coded as “Staffings as Sources of Information.”

⁴⁴ This references data collected and coded as “Assessment/Understanding of Underlying Needs” and “Engagement with Youth and Families.”

⁴⁵ The case record review identified that Diagnostic Assessments were provided to determine the level of care in 8 cases, and sex trafficking screening was completed in 3 cases to determine service needs.

⁴⁶ Neitzel, J. & Bogin, J. (2008). Steps for implementation: Functional behavior assessment. Chapel Hill, NC: The National Professional Development Center on Autism Spectrum Disorders, Frank Porter Graham Child Development Institute, The University of North Carolina. https://csesa.fpg.unc.edu/sites/csesa.fpg.unc.edu/files/ebp-briefs/FBA_Steps_0.pdf

⁴⁷ This theme was identified in 8 of 16 cases of the case record review.

⁴⁸ This references data collected and coded as “Assessment/Understanding of Underlying Need,” and “Understanding Normative Adolescent Development/ Presenting Behavior.”

⁴⁹ This references data collected and coded as “Need for Community-Based Services and Resources.”

⁵⁰ This references data collected and coded as “Advocacy/Best Interests of Child.”

⁵¹ This references data collected and coded as “Staffings as Sources of Information” and “Structures for Collaboration Across Agencies.”

⁵² This references data collected and coded as “Authority for Decision Making”

⁵³ This references data collected and coded as “Clarity Between Agencies around Roles”

⁵⁴ This references data collected and coded as “Structures for Collaboration Across Agencies” and “Authority for Decision Making.”

⁵⁵ This references data collected and coded as “Case Follow Up.”

⁵⁶ In the case record review, the results or implementation of an intervention after an assessment was not documented in 13 of 16 cases.

⁵⁷ This references data collected and coded as “Engagement with Youth and Families.”

⁵⁸ Numerous national qualitative studies note the feeling of powerlessness or sense of feeling trapped among children in foster care. See Center for the Study of Social Policy (2017). Transformational Relationships for Youth Success, (“Many of these young people did not believe that they had a meaningful choices to make or that they had much of a say in their own future.”), p. 9 and Sarah Fathallah & Sarah Sullivan (2021). Away from Home: Youth Experience of Institutional Placements in Foster Care, (“I felt like I didn’t have as much of a say and that I was trapped until I turned 18 and had to survive until then.”), p. 35.

⁵⁹ This references data collected and coded as “Communication and Information Flow.”

⁶⁰ This references data collected and coded as “Case Closures and Screen Outs”

⁶¹ To see the description and mission of the South Carolina Department of Social Services, go to: <https://dss.sc.gov/>

⁶² To see the description and mission of the South Carolina Department of Juvenile Justice, go to: <https://djj.sc.gov/agency>

⁶³ This references data collected and coded as “Responsibility/Accountability Between Agencies.”

⁶⁴ In the case record review, 14 of 16 cases reflected lack of accountability and follow through to implement agreed upon plans for placement and services.

⁶⁵ This references data collected and coded as “Assessment/Understanding of Underlying Needs” and “Providers for Children with Higher Level Needs.”

⁶⁶ This references data collected and coded as “Policy Adherence/Creative Solutions.”

⁶⁷ This references data collected and coded as “Gaps Between Agencies/Limitations on Agency Capacity.”

⁶⁸ This references data collected and coded as “Involvement of DMH.”

⁶⁹ This references data collected and coded as “Policy Adherence/Creative Solutions.”

⁷⁰ Ibid.

⁷¹ This references data collected and coded as “Need for Placements” and “Providers for Children with Higher Level Needs.”

⁷² This references data collected and coded as “Need for Community-Based Services and Resources.”

⁷³ This references data collected and coded as “Placement Stability”

⁷⁴ This references data collected and coded as “Placement Out of County.”

⁷⁵ In the case record review, only one of the 16 cases exhibited consistent contact between the agency and the parent, in part as a result of a dedicated foster parent who aimed to maintain the child’s relationship with his mother. DSS has recognized the need to increase engagement with family members in moving forward on implementation of the Guiding Practices and Standards practice model. To see more about DSS’s guidance around Child and Family Teaming, go to: <https://dss.sc.gov/media/2822/cftm-case-manager-flyer-final-revised-082020.pdf>

⁷⁶ This references data collected and coded as “Engagement with Youth and Families” and “Case Follow Up”

⁷⁷ See Supra FN 32. Additional quotes from reviewers: “Prohibition of contact with birth family which in turn leads to frequent placement disruptions. Not revisiting family options after search efforts completed. Congregate care staff-ing notes indicate relationship with step-mother was rekindled but no documentation of further case management to support that relationship” in one case. “Extended family missed. Did not explore what happened with grandmother and older sister” in another case. “There was a friend’s mom that could have been a resource. The child knew his bio dad but it appears the agency did not” in another case.

⁷⁸ In the case record review, in two cases, waiting for the Interstate Compact on the Placement of Children (ICPC) to be approved created the primary barrier to placement with relatives. In at least one case, assistance was not provided to a relative who could have assumed care for a child to contribute to the stability of the placement and repeated involvement with DJJ.

⁷⁹ This references data collected and coded as “Responsibility/Accountability Between Agencies.”

⁸⁰ This references data collected and coded as “Role of DSS Attorneys.”

⁸¹ This references data collected and coded as “Advocacy/Best Interests of Child.”

⁸² This references data collected and coded as “Risk of Detention.”

⁸³ It is DSS policy that “when a child runs away or is missing from foster care, the agency shall immediately report the case to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigations...” (Child Welfare Policy 550.4 Missing and Runaway Children).

⁸⁴ For example, a March 2019 DJJ pick-up order for a child who ran away after being placed in Emergency Protective Custody reads: “Therefore, it is ordered that the Sheriff of this county or any law enforcement officer of the State of South Carolina shall take custody of the above-named juvenile and place the juvenile in a secured facility until the Department of Social Services can place in a licensed facility.”

⁸⁵ In one of the 16 cases reviewed for the case record review, a pickup order was filed when a child ran away from placement but was not rescinded once the child was found, leaving a warrant out for their arrest.

⁸⁶ This references data collected and coded as “Understanding Normative Adolescent Development/Presenting Behavior” and “Pick Up Orders.”

⁸⁷ This references data collected and coded as “Placement Out of County.”

⁸⁸ This references data collected and coded as “Placement Stability.”

⁸⁹ DSS’s GPS practice model was designed in recognition of the need for a culture that ‘engage[s], encourage[s], honor[s], and support[s] families.’ To see the GPS practice model, go to: <https://dss.sc.gov/media/2746/gps-practice-model-final.pdf>

⁹⁰ This references data collected and coded as “Understanding Normative Adolescent Development/ Presenting Behavior,” “Engagement with Youth and Families,” “Policy Adherence/ Creative Solutions,” “Need for Placements,” “Need for Community-Based Services and Resources,” and “Role of DSS Attorneys.”

⁹¹ For more information and to view the full model, go to: <https://dss.sc.gov/gps-practice-model/>.

⁹² This references data collected and coded as “Responsibility/Accountability Between Agencies,” “Clarity Between Agencies around Roles”, and “Case Follow Up.”

⁹³ This references data collected and coded as “Creative Solutions” and “Judicial System Barriers.”

⁹⁴ Children’s Law Center, University of South Carolina School of Law. 2020. Recommended Court Practices for South Carolina’s Dually-Involved Youth. Retrieved from: https://sc.edu/study/colleges_schools/law/centers/childrens_law/docs_general/diy_recommended_court_practices.pdf

⁹⁵ Ibid.