

2014

**Statutory Responses to Domestic
Minor Sex Trafficking Victims**

South Carolina



The information and links provided in this document are solely for educational and informational purposes, and do not constitute legal advice. Shared Hope International grants permission for copies of the information in this document to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for educational, informational, noncommercial purposes only, and provided that each copy includes this statement in its entirety and the legend, "Reprinted by permission of Shared Hope International."

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Law enforcement may take emergency protective custody if:

- By reason of abuse or neglect the child's life, health, or physical safety is in substantial and imminent danger
- Child's parent or guardian has been arrested or child has become lost and child's welfare is threatened due to loss of adult protection and

Placement:

- Return to parents
- Licensed foster home/shelter
- Health care facility if child is in need of emergency medical care

→ **Where is child referred after initial custody?**

- Department of Social Services must conduct a preliminary investigation to determine if probable cause exists to believe the child is abused or neglected and legal custody is needed
- If legal custody is not necessary, the department must return child to parent

When and how does court assume jurisdiction?

The family court assumes jurisdiction at the probable cause hearing brought by the department

Delinquent Child

→ **Authority for Initial Custody:**

Law enforcement may take custody upon finding of violation of criminal code

Placement:

- Nonsecure custody within the law enforcement center
- Release to a parent, a responsible adult, or a responsible agent of a court-approved foster home, group home
- A secure juvenile detention facility only if certain criteria are fulfilled

→ **Where is child referred after initial custody?**

- Arresting officer must immediately notify the Department of Juvenile Justice
- An authorized representative of the department shall review the facts of the case and determine if further detention is warranted

When and how does court assume jurisdiction?

Upon petition by law enforcement officer for a detention hearing

Trafficking Victims in South Carolina

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

- A probable cause hearing must be held within 72 hours of initial custody

What are the placement options?

- Return to parents
- Relative placement
- Foster care

Adjudication:

Within 35 days of the petition, the court determines whether a preponderance of evidence supports the allegations

Or Alternate Process

N/A

Dispositional Outcomes

- Court imposes a treatment plan that
- Requires changes of parental behavior and home conditions
 - Outlines services to be provided to the family;
 - Subjects the family to periodical review by the court before the child can be returned

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 hours from initial custody, if the child is not released to parents

What are the placement options?

- Release to parent
- Temporary care of an appropriate public agency
- Detention in nonsecure facility, including private homes
- Detention in secure facility not to exceed 90 days

Adjudication:

The court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child

Or Alternate Process

Youth Mentor Program:

- As a pretrial diversion option provided by the solicitor; or
- As an optional, disposition alternative imposed by the family court

Dispositional Outcomes

- Place child on probation
- Commit child to private or public institution authorized to care for children
- Commit child to the custody of a suitable person
- Detention
- Dismiss proceeding

Dispositional Outcomes

- Upon satisfactory completion of the program, the juvenile proceeding must be dismissed.
- Failure to complete program will result in sanctions imposed by the family court, including revocation of suspended commitment