

**STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE**  
POLICY AND PROCEDURES

Title:	Juvenile Records	Policy No.:	B-5.1	Page(s):	1 of 10
Authority:	Division of Administrative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	n/a				
November 19, 2014 Effective Date	SIGNED/ <i>Margaret H. Barber</i> _____ Margaret H. Barber Director				
DATES UPDATED:					

**POLICY:** The Department of Juvenile Justice (DJJ) will establish and maintain manual and automated juvenile records in compliance with law and in a manner that will ensure that information is current, confidential, safe, and secure. Records will be retained and disposed of in accordance with their Specific Records Retention Schedules, consistent with DJJ Policy B-5.5, Retention and Disposition of Department Records.

**PROCEDURAL GUIDELINES:**

A. Definitions

1. File/Record: A collection of manual or automated documents regarding an individual juvenile.
2. Active Juvenile Records: Records of juveniles that are currently being served by DJJ through the jurisdiction of the Family Court.
3. Inactive Juvenile Records: Records of juveniles that are no longer being served by the Department and are no longer eligible for the jurisdiction of the Family Court.
4. Records Liaison: The employee designated as responsible for maintaining juvenile records in their office/facility and carrying out the procedures established for the inventory, security, transfer, retention, and disposition of juvenile records.
5. Records Manager: The DJJ employee within the Division of Administrative Services responsible for Department records.
6. Specific Retention Schedule: The length of time one or more series of unique records will be retained and the final disposition of those records.
7. Juvenile Justice Management System (JJMS): The automated system that is a web-based application for electronic storage of juvenile records.

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B. Responsibilities

1. The Records Manager will manage the DJJ records process consistent with law and the guidelines of the State Department of Archives and History and will provide training to Records Liaisons in their responsibilities of records management.
2. The Facility/Office Manager at each site having juvenile records will designate a Records Liaison. The Records Liaison will be responsible for the maintenance, inventory, security, and transfer of juvenile records specific to their facility/office.
3. The Records Manager and Records Liaisons will ensure that transfers of juvenile records are made in a timely manner and that such transfers are documented.
4. DJJ employees will follow JJMS data entry instructions and responsibilities outlined in the JJMS User Guide. These procedures are designed to ensure timely, accurate input to juvenile records stored within JJMS.

C. Maintenance and Security of Manual and Automated Juvenile Files/Records

1. DJJ will maintain current and comprehensive files/records for each juvenile under its supervision. Each file/record folder will be labeled with the juvenile's last name, first name, middle initial, date of birth, and DJJ identification number.
2. Documents will be filed as soon as possible, but no later than 5 workdays of receipt.
3. Manual records and information will be kept in locked, secure file cabinets, offices, and designated storage areas. They will be protected against deterioration, mutilation, theft, loss, and destruction and will be secured in storage areas having proper ventilation and fire protection to keep them safe from potential fire and water damage.
4. Access to records storage areas will be restricted to employees authorized by the Facility/Office Manager. Records will be signed in/out by authorized staff members. Record Liaisons will conduct routine audits of all records to ensure records are accounted for and secured.
5. Records or record information will not be left unattended in a manner that allows unauthorized persons access to view the contents.
6. Electronic records will be protected using workstation security. Access to DJJ information systems is password protected. Passwords are not to be shared with anyone. Workstations will not be left unattended while any system is running or while any other juvenile information is accessible.

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7. Juvenile record information transmitted through either electronic mail (e-mail) or facsimile (fax) will be discreet and limited to requested information only. These communications will not include the juvenile's name in the subject line of the e-mail or on the cover letter of faxes. These communications will state that the information is confidential and intended for the addressee only.
8. DJJ staff members will transport individual juvenile records between locations in closed containers or envelopes labeled, "Confidential Record – Property of SCDJJ".
9. Release/disclosure of juvenile record information will comply with DJJ Policies A-4.4, Health Insurance Portability and Accountability Act (HIPAA) and B-5.3, Confidentiality and Release of Juvenile Information.

D. Release/Transfers of Juvenile Records

1. Release of a Juvenile Record within DJJ
  - a. A DJJ staff needing a record will contact the facility or office holding the record to request the records and coordinate the record transfer. The DJJ employee transferring the record will ensure that all of the documents are filed and that duplicate information has been purged from the record prior to the transfer of the juvenile record. If the juvenile has been re-admitted, the employee receiving the record from the DJJ Records Office will merge and purge the new and previous records
  - b. Active records will be available for release and transfer from Central Records within a 24-hour work day period and inactive records within a 4-day work period. The Central Records employee having possession of the record will notify the requesting employee of any anticipated delays in providing the record.
  - c. The record will be transferred by department mail or picked up by the requestor.
  - d. The Records Manager/Liaison will document the release and transfer of a juvenile record on the Juvenile Record Release Log (Form B-5.1A) and will document the form when the record is returned.
2. Records to Accompany Juvenile when Transferred
  - a. Evaluation Center Admissions File
    - 1) Transfer from Evaluation Center to BRRC: The EC file will transfer with the juvenile.

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2) Transfer from Evaluation Center to Wilderness: The EC file will be retained at the EC Center for 6 months and then sent to Central Records.

b. Classification and Clinical Records

Transfer within BRRC: The juvenile's classification and clinical records will transfer with the juvenile to the receiving facility when movement occurs between the Broad River Road Complex (BRRC) facilities.

c. Health Records

1) The juvenile's health record will accompany the juvenile when the juvenile is admitted to the Willow Lane Infirmary from outside of the BRRC.

2) The juvenile's health record will be delivered to the Willow Lane Infirmary when the juvenile is admitted to the Special Management Unit from outside of the BRRC.

3) In the event an emergency situation precludes the transporting officer from bringing the classification and health record with the juvenile, the sending supervisor will ensure that the records are delivered as soon as possible and within 24 hours.

d. Educational Records

Transfer from Evaluation Center to BRRC: The educational file will be forwarded to the appropriate school.

3. Transfer of Active Juvenile Record for Temporary Centralized Storage

a. The records of juveniles released from the following facilities will be transferred to the DJJ Records Office within the following time periods:

1) Evaluation Center master file and health record: 6 months.

2) Broad River Road Complex (BRRC) classification and clinical records: one month.

3) BRRC health/dental record: one month.

b. The Records Liaison will alphabetize and document the records being transferred on the Juvenile Record Transfer Log (Form B-5.1B). In the event that multiple boxes of records are being delivered, a form will made

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for the contents of each box and will be placed in the corresponding box. The boxes will be folded closed or a lid placed on them. They will not be taped closed.

- c. The Records Liaison will contact the DJJ Record Office to schedule a delivery date.
- d. The receiving Central Records employee will cross check the records being delivered with the Juvenile Record Transfer Log (Form B-5.1B). Any discrepancies will be noted on the form and initialed by the Central Records employee and a copy will be given to the staff sending the records. The original will be filed and maintained in the Central Records administrative files.

4. Transfer of Inactive Juvenile Record

- a. On a yearly basis, Record Liaisons will audit and pull the following inactive juvenile records based on Specific Retention Schedules in preparation for transfer to the Record Office.
  - 1) County Office Case Records
  - 2) Interstate Compact Records
  - 3) Education Records
- b. The records will be sorted by juvenile birth year and then alphabetized. They will be placed in cubic foot storage boxes. Boxes will not be taped closed. Boxes will not be over or under filled. A manila envelope may be used and labeled as a box when there are not enough records to fill a cubic foot box.
- c. The outside of the box (or envelope) will be labeled with a black marker below the handhold with the following information:
  - 1) The name of the sending division and location (examples):  
Community - Orangeburg County.  
Education - Birchwood School.  
Community - Interstate Compact.
  - 2) The birth year of the juvenile records contained in the box.
  - 3) The box number and the total number of boxes sent:  
(e.g., box 1 of 3).

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d. A list of the juvenile records contained in each box will be prepared using the Juvenile Record Transfer Log (Form B-5.1B). A copy of this form will be placed in each box and a copy retained by the Records Liaison.

5. The Records Liaison will contact the Records Manager to schedule delivery prior to sending the record to Central Records.

6. Central Records employees will cross check the records being delivered with the Juvenile Record Transfer Log (form B-5.1B). After verifying the records transferred, the form will be signed, dated and any discrepancies will be noted on the form and initialed and a copy will be given to the staff submitting the records. The original will be filed and maintained in the Central Records administrative files.

E. Release/Disclosure of Juvenile Record Information

Juvenile files, records, documents, photographs, notes, and reports, both manual and automated, are confidential. No information or documents will be released or disclosed without proper authorization. Release/disclosure of juvenile record information will comply with DJJ Policies A-4.4, Health Insurance Portability and Accountability Act (HIPAA) and B-5.3, Confidentiality and Release of Juvenile Information.

F. Expungement of Juvenile Records

1. Juvenile offense records will be expunged by Court Order only. The court order will be sent to the DJJ Legal Office for review. A copy of the Order and the juvenile record will be sent to the Records Manager.

2. Upon approval the DJJ Legal Office will notify the Records Manager and Information Technology staff of the expungement and forward the Court Order and response letters acknowledging the expungement to the Records Manager.

3. The Records Manager will destroy the manual records by shredding and the IT staff will delete the record from the automated system.

4. The Records Manager will sign the acknowledgement letter indicating that the record has been destroyed and mail the acknowledgement letter to the court.

G. Retention and Disposition of Juvenile Records

Juvenile manual and automated records will be retained and disposed of based on their Specific Retention Schedules as developed by DJJ in conjunction with and approved by the South Carolina Department of Archives and History (SCDAH), and in accordance with their Specific Records Retention Schedules, consistent with DJJ Policy B-5.5,

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Retention and Disposition of Department Records. No official juvenile record will be disposed of unless the Schedule authorizes the destruction.

H. Description of Primary DJJ Records

1. Interstate Compact Record: The DJJ Interstate Compact Coordinator establishes this record for a juvenile being served through the Interstate Compact on Juveniles. This record will remain at the Office of Community Support Services until the juvenile reaches age 18 then closed and transferred to Central Records.
2. Detention File: This file is established at the DJJ Detention Center for a juvenile that has been detained by law enforcement or the Family Court, but has not been adjudicated delinquent. The detention staff will create and maintain this file until the juvenile is released back to the county or the court hearing is held. The record will remain active and maintained at the Detention Center as long as the juvenile is at the Detention Center. When the juvenile is released, the file will be kept at the Detention Center storage until the destruction date has been reached.
3. County Office Diversion File: This includes programs such as juvenile arbitration, drug-court, truancy prevention, and any other local community program. This file is established and maintained in the DJJ County Office where each program is located until the juvenile reaches age 18. Once the juvenile turns 18 years old, the Diversion file will be transferred to DJJ Central Records.
4. County Office Case Record: This record is established and maintained at the DJJ County Office. Upon a juvenile's initial contact with a County Case Manager, a case management record will be established and maintained in the county office. It will remain at the county office until the juvenile reaches age 18. Once the juvenile turns 18 years old, the record will be transferred to DJJ Central Records.
5. Community Consultation and Evaluation File: This file is established for a juvenile receiving community psychological services, including testing data/protocols, and treatment information on juveniles served by the Office of Consultation and Evaluation. The Psychologist will maintain copies for a minimum of 5 years, as stipulated by the American Psychology Association (APA) guidelines.
6. Evaluation Center Files:
  - a. Evaluation File

The Evaluation file is established for a juvenile committed to a DJJ Evaluation Center for evaluation. The record will remain active and maintained at the Evaluation Center serving the juvenile as long as services are provided to the juvenile. When a juvenile is committed for an

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evaluation, the County Case Manager will forward the Evaluation/Commitment/Transfer package, comprised from the county case record, to the appropriate evaluation center staff to create an evaluation file. The evaluation center file will be retained by the center for 6 months following the release of the juvenile from evaluation status. It will then be transferred to DJJ Central Records.

b. Admissions File (Observation and Assessment)

Upon a juvenile's admission to an evaluation center, the intake staff will search the juvenile's name in the Juvenile Justice Management System (JJMS) and determine if the juvenile has been previously committed to DJJ.

- 1) If the juvenile has never been committed, an admissions file will be created.
  - 2) If the juvenile had been admitted to an evaluation center within the last 6 months for an evaluation, the admissions staff will pull the evaluation file, and convert it to the admissions file. If the file is no longer at the evaluation center, the record will be requested from Central Records.
  - 3) If the juvenile was previously committed, the admissions staff will request previous juvenile records from DJJ Central Records. All new and current information will be added to this record.
  - 4) If the juvenile transfers to a group home, wilderness program, or private provider, a placement package will be forwarded to the receiving placement location and the record will be forwarded to DJJ Central Records. If the juvenile is transferred to a long-term facility, the file will transfer with the juvenile. The juvenile's classification and clinical record will be created using the documents from this file.
7. Classification Record: The Classification Case Manager establishes this record at a long-term facility upon a juvenile's arrival. The Classification Case Manager will maintain this record as long as the juvenile resides in a long-term facility. Once services are terminated, the record will be transferred to DJJ Central Records.
8. Clinical Record: This record is established by the Social Worker upon a juvenile's arrival at a long-term facility. This record includes information regarding the provision of social work and psychological services. This record will be maintained by the Social Worker for as long as the juvenile resides in the long-



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term facility. Once services are terminated, the record will be transferred to DJJ Central Records.

9. Health Record: This record is established by DJJ Health Services and includes information regarding health services provided to a juvenile committed, detained, or served at DJJ. The health record will be maintained at the designated Health Services location as long as the juvenile is receiving services. Once services are terminated, the Health Record will be transferred to DJJ Central Records.
10. Education Record: The Education Division establishes this record. The education record will remain at the education site as long as services are provided to a juvenile. Copies of the educational record will be sent to the student's community school district upon request. The education record will remain on site until the juvenile is 18 years of age. File information includes: name, grade, attendance, courses taken and standardized test scores. In addition, the file may contain other material such as photographs, tests (mental and physical), health cards (immunization records), general correspondence, special medical reports (physical impairment), guidance records, birth certificates, and separation date. Education staff will purge information then route only the transcript, report cards, birth certificate, health: immunization records, and any trade certificates earned by the student to central records for storage.
11. Special Education (Scholastic records for Handicapped Students): The Special Education Office establishes and maintains this record for juveniles receiving special education services. File information includes: handicapped/psychological needs, placement forms, staffing, individual educational programs, confidential education reports, and least restrictive environment verification. Records are kept until no longer needed for school district purposes. The student/family will be notified that they have a right to destroy the records, and if requested, the record must be destroyed. If the parent does not request destruction, the school district may retain permanently or destroy at their discretion. In all instances of destruction the parents must be notified forty-five calendar days prior to destruction that they have a right to request and receive a copy of the records. Documentation of the notification must be permanently retained.

**RELATED FORMS AND ATTACHMENTS:**

Form B-5.1A, Juvenile Record Release Log  
Form B-5.1B, Juvenile Record Transfer Log

**REFERENCED POLICIES:**

A-4.4, Health Insurance Portability and Accountability Act (HIPAA)  
B-5.3, Confidentiality and Release of Juvenile Information  
B-5.5, Retention and Disposition of Department Records

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**SCOPE:** This policy applies to all DJJ employees handling juvenile documents, files, records, and automated juvenile information.

**LOCAL PROCEDURAL GUIDE:**

Each facility/office is required to have a local written procedure for local file/record instructions.

**TRAINING REQUIREMENT:** All employees handling juvenile documents, files, records, and automated juveniles information are required to review this policy within 30 days of its publication.