

## Front

### Contact SCDJJ to consult regarding the decision to detain:

- Is the child an eligible age for detention?
- Is the child charged with an eligible offense?
- If detaining pursuant to a court order, do you have that court order?
- Have all suitable alternative placements been exhausted?
- Is detention in the best interest of the child?
- Is detention necessary to protect the child or public, or both?

### Secure Detention Criteria for Children

Is the child **10 years of age or younger**?

If yes, the child cannot be detained. S.C. Code § 63-19-820(F)

Is the child **11 or 12 years of age**?

If yes, can only be detained by order of a family court judge.  
S.C. Code § 63-19-820(F)

Is the child charged with the offense of **incurrigibility, running away, or truancy**?

If yes, the child can only be detained for up to 24 hours.

If there is a previously issued valid court order notifying the child that further violation of the order may result in secure detention, the child can only be detained for up to 72 hours.

Is there an **order to detain** issued by the family court, general sessions court, or magistrate court; or a parole violation warrant issued by the S.C. Board of Pardons and Paroles, the S.C. Board of Juvenile Parole, or SCDJJ Release Authority?

If yes, obtain a copy of the order/warrant and provide it to SCDJJ.

Note: A **17-year-old charged with a Class A, B, C, or D felony** or a felony that carries a maximum term of imprisonment of 15 years or more is not a “child” under the law and must be treated as an adult.

## Back

**Absent a judicial order, South Carolina law does not require detention for any offense.**

*In addition to the age restrictions on the front, at least one of the following criteria listed in S.C. Code § 63-19-820(B) must be met in order to place a child in secure detention:*

- Child is charged with a violent offense, as defined by S.C. Code § 16-1-60; **OR**
- Child is charged with a crime which, if committed by an adult, would be a felony or a misdemeanor other than a violent crime; **AND**
  - is already detained or on probation or conditional release, or is awaiting adjudication in connection with another delinquent proceeding; **OR**
  - has a demonstrable recent record of:
    - willful failures to appear at court proceedings; **OR**
    - violent conduct resulting in physical injury to others; **OR**
    - adjudications for other felonies or misdemeanors; **AND**
      - there is reason to believe child is a flight risk or poses a threat of serious harm to others; **OR**
      - the instant offense involved the use of a firearm; **OR**
- Child is a fugitive from another jurisdiction; **OR**
- Child requests protection in writing under circumstances that present an immediate threat of serious physical injury; **OR**
- Child had in his/her possession a deadly weapon; **OR**
- Child has a demonstrable recent record of willful failure to comply with prior placement orders including, but not limited to, a house arrest order; **OR**
- Child is charged with an assault and battery or an assault and battery of a high and aggravated nature on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity; **OR**
- Child has no suitable alternative placement and it is determined that detention is in the child's best interest or is necessary to protect the child or public, or both.