

The State of South Carolina

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Office of the Attorney General

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April 16, 1990

Paula B. Finley, Executive Director
South Carolina Continuum of Care for
Emotionally Disturbed Children
1340 Pickens Street
Columbia, South Carolina 29201

Dear Ms Finley:

Your recent letter to Attorney General Medlock has been referred to me for response. In your letter, you asked which agency is most appropriate to transport aggressive, violent, and behaviorally out-of-control youth in crisis intervention situations. You state that commitment proceedings are normally not instituted and that the children are being transported to a crisis stabilization program with which you have contracted for services.

I have reviewed the statutes relating to your agency and find no statute which authorizes an individual or agency to provide transportation in such situations. A review of general statutes contained in the Children's Code reveals that it is the policy of this State to encourage community and local government involvement in the provision of services to emotionally disadvantaged youth. S.C. Code Ann. Section 20-7-20. It is also policy that State and local government resources are to be utilized when children or their families request aid in the prevention and resolution of problems. Id. It is further stated that this policy should be implemented through cooperative efforts of state, county, and municipal legislative, judicial, and executive branches as well as other public and private resources. Id. Additionally, the family court is authorized to seek the cooperation of societies, organizations, county, town, or municipal officials or departments to render assistance and cooperation in the protection and aid of delinquent or neglected children. S.C. Code Ann. Section 20-7-1450.

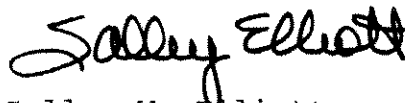
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It is possible that the language contained in these statutes could be treated as an implied duty to assist the Continuum of Care agency in crisis intervention situations. However, as specific statutes contained in other provisions particularly direct that law enforcement officials transport individuals in specific instances, it is the opinion of this Office that, absent an order of the family court directing an entity to be responsible for transportation in a crisis intervention situation, it will be necessary to resort to the legislature for a statute which specifically addresses your question. See S.C. Code 44-5-60 (law enforcement agency shall transport individuals for emergency commitment pursuant to drug and alcohol abuse); S.C. Code Ann. Sections 44-16-410 to 440, (care of prospective patients who may be mentally ill); Section 20-7-600 (law enforcement shall transport a child who is possibly delinquent as having violated a law or ordinance; S.C. Code Ann. Section 20-7-610 (law enforcement shall take a neglected child into protective custody). As to your indication that there are a variety of legal concerns to be addressed by your inquiry, I would refer you to the Associate Counsel who has been retained by the State to represent your agency.

Please feel free to contact me if you care to discuss this matter in greater detail. I have also enclosed two prior opinions of this Office which may be related to your question. The opinions are dated March 19, 1981 and May 2, 1988.

With kind regards, I am

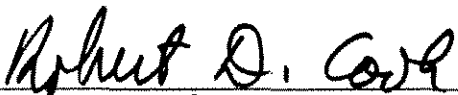
Sincerely,



Salley W. Elliott
Assistant Attorney General

SWE/nw
Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions