

1979 WL 43149 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 1, 1979

***1 RE: Parham, et al. v. J.L., et al.**

Mr. Grady A. Decell
State Director
South Carolina Department of Youth Services
P.O. Box 21487
Columbia, South Carolina 29221

Dear Mr. Decell:

You have asked this Office for an opinion regarding the application of [Parham, et al. v. J.L. et al.](#), 442 U.S. 584, 61 L.Ed.2d 101, 99 S. Ct. 2493, to your agency. Parham deals with the civil commitment of a minor to an institution for the treatment of the mentally ill.

[Section 44-23-210\(1\)](#), CODE OF LAWS FOR SOUTH CAROLINA, 1976, as amended, prescribes the procedure for the transfer of a person detained in a facility without the jurisdiction of the Department of Mental Health to a facility within the jurisdiction of the Department of Mental Health. These procedures provide procedural protection agreater than that recognized as constitutionally adequate in Parham. The procedure at [§ 44-23-210\(1\)](#) would appear to be the statutory procedure applicable to the civil commitment of individuals within the jurisdiction of Department of Youth Services to the Department of Mental Health.

Thus, the commitment of minors within the jurisdiction of Department of Youth Services and the Department of Mental Health pursuant to [§ 44-23-210\(1\)](#) is unaffected by the Court's decision in Parham.

Sincerely yours,

Edwin E. Evans
Assistant Attorney General

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