

1979 S.C. Op. Atty. Gen. 214 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-134, 1979 WL 29136

Office of the Attorney General

State of South Carolina

Opinion No. 79-134

November 30, 1979

***1 SUBJECT: Juveniles**

The release of information relative to the identity of any child under the care and custody of the Department of Youth Services as a result of the order of the family court is governed by [Section 14-21-30, South Carolina Code of Laws \(1976\)](#). Under that section, any information to be released by the Department concerning an individual child under the care and custody of the Department must be authorized by order of the family court which committed the child to the Department.

TO: Honorable Grady A. Decell
State Director
Department of Youth Services

QUESTION:

Whether the Department of Youth Services, in conducting its annual 'Your State' program, may release the identity of children under its care and custody when such care and custody results from an order of the family court?

STATUTES:

[Section 14-21-30, South Carolina Code of Laws \(1976\)](#) and [Section 14-21-510\(b\), South Carolina Code of Laws \(1976\)](#).

DISCUSSION:

You have asked several questions, all of which relate to whether the Department may publicize the identity of children who achieve some recognition during the annual 'Your State' program which is conducted annually by the Department.

Following research of the questions, I think it will be necessary that the Department obtain a court order from the proper family courts prior to the release of names or pictures of the children under the care and custody of the Department when such care and custody results from an order of the family courts.

As you are aware, [Section 14-21-30, South Carolina Code \(1976\)](#), specifically provides for the confidentiality of the names or pictures of any child under the jurisdiction of the family court. [Section 14-21-510\(b\), South Carolina Code of Laws \(1976\)](#), provides that the family court shall have jurisdiction over any child so long as, 'in the judgment of the court, it may be necessary to retain jurisdiction for the correction or education of the child.' In the context of [Section 14-21-30](#), it is my opinion that the family court has continuing jurisdiction over the children under the care and custody of the Department.

The prohibitions contained in Section 14-21-310 appear to me to be inflexible. That section provides, among other things, that the name or picture of any child under the jurisdiction of the court shall not be made public by any newspaper, radio or television station, except as authorized by order of the court.

With the foregoing Code sections in mind, I specifically advise that an order of the court be obtained prior to release of the names of the children elected Officers of 'Your State'. I further advise, and strongly so, that an order of the court be obtained before the media is permitted to televise the activities of the children.

As to your question concerning the use of children in a slide presentation, I do not see that a court order is necessary so long as the slide presentation is not made available to persons outside the Department of Youth Services. If the slide presentation is to be used outside the Department, I advise that a court order be obtained.

*2 I am aware of positive effects that the 'Your State' program has with the children in the custody of the Department. However, it is of utmost importance, as you are well aware, that the children be protected according to the law. Any doubts should be resolved in favor of the children.

CONCLUSION:

The release of information relative to the identify of any child under the care and custody of the Department of Youth Services as a result of the order of the family court is governed by [Section 14-21-30, South Carolina Code of Laws \(1976\)](#). Under that section, any information to be released by the Department concerning an individual child under the care and custody of the Department must be authorized by order of the family court which committed the child to the Department.

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