

1979 WL 43152 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 5, 1979

***1 RE: Publicity of 'Your State' Program conducted by Department of Youth Services**

Honorable Grady Decell
Director
Department of Youth Services
Post Office Box 21487
Columbia, South Carolina 29221

Dear Mr. Decell:

I have received your letter in the above-referenced matter. Following research of the questions, I think it will be necessary that the Department oblige, I think it from the proper family courts prior to the release of names or pictures of the children under the care and custody of the Department.

As you are aware, [Section 14-21-310, 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, in effect, continuing 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.'

The prohibitions contained in Section 14-21-30 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.

I will be glad to work with you in drawing proposed orders for the courts' consideration. In the event your office decides to prepare the necessary orders, I advise that you always provide a space for the consent of the parent or legal guardian of the child.

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.

Please do not hesitate to contact me if you wish this Office to assist in preparation of the necessary orders, or if you have any other questions concerning this matter.

With kind regards.

Very truly yours,

William K. Moore
Assistant Attorney General

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