

1.1.A.6 Delegation of Authority

I Policy Index:



Date Signed: 05/23/2013
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 04/27/2012
Affected Units: Juvenile Units
Effective Date: 05/24/2013
Scheduled Revision Date: March 2014
Revision Number: 6
Office of Primary Responsibility: DOC Administration

II Policy:

As guardian of juveniles committed to the Department of Corrections (DOC), pursuant to court order and SDCL §26-7A-29, the Secretary of the DOC authorizes specific staff of the Division of Juvenile Services to take actions as set forth in Section IV consistent with the best interests of the child.

III Definitions:

Staff of the Division of Juvenile Services:

Employees or contractual employees of the DOC Juvenile Division, including the Director of Juvenile Corrections, the Director of Juvenile Community Corrections, regional juvenile corrections agent supervisors, juvenile corrections agents, community corrections specialists and employees of the STAR Academy.

Guardian:

- A. A person appointed by a court to be responsible for the personal affairs of a juvenile.
- B. Guardian includes the Secretary of Corrections when appointed by court order as guardian of the person of a child committed to the DOC (See SDCL § 26-7A-92).

IV Procedures:

1. Delegation of Authority from the Secretary of Corrections:

- A. The Director of Juvenile Community Corrections may approve placements, transfers and returns to placement from aftercare of a juvenile. Such placements and transfers may be to a DOC facility or program, the Human Services Center, detention, shelter, or a group home, group care center, residential treatment center or other community-based services (See SDCL §§ 26-11A-9 and 26-11A-16).
- B. The Director of Juvenile Services may execute a discharge order for a juvenile from the DOC (See SDCL § 26-11A-20).
- C. The Director of Juvenile Community Corrections may approve the release of a juvenile to aftercare and the release of a juvenile held in temporary detention or shelter to continue aftercare supervision (See SDCL § 26-11A-17).

- D. Staff of the Division of Juvenile Services may notify the committing court and the prosecuting state's attorney fifteen days before conditionally releasing a juvenile to an aftercare program or discharging a juvenile from the DOC (See SDCL § [26-11A-22](#)).
- E. The Director of Juvenile Community Corrections, any regional juvenile corrections agent supervisor, juvenile corrections agent, or any community corrections specialist may initiate a juvenile to be taken into temporary detention or shelter if the juvenile has failed to comply with the terms and conditions of aftercare or if the purposes and objects of aftercare supervision are not being served (See SDCL § [26-11A-13](#)).
- F. Staff of the Division of Juvenile Services may release information concerning any child in the custody of the DOC to any correctional facility or detention facility that has a legitimate interest in the child (See SDCL § [26-7A-29](#)).
- G. Staff of the Division of Juvenile Services may request information concerning any child in the custody of the DOC including the child's treatment, rehabilitative, health care, education and court records (See SDCL §§ [26-7A-29](#) and [26-7A-97](#)).
- H. Staff of the Division of Juvenile Services may submit to the court a report on the DOC's actions regarding a juvenile in the custodial care of the DOC (See SDCL § [26-7A-103](#)). The Director of Juvenile Services may appear and act on the Secretary of DOC's behalf at court hearings concerning a child's discharge from the DOC (See SDCL § § [26-7A-122](#) and [26-7A-124](#)).
- I. Juvenile corrections agents and regional juvenile corrections agent supervisors may disclose to the victim(s) or the state's attorney the DOC's record of how much restitution a juvenile under the care of the DOC has paid, whether the juvenile is employed, why the juvenile has been unable to pay restitution and whether the child is placed in a facility or is on aftercare.
- J. The Director of Juvenile Services, the Director of Juvenile Community Corrections, regional supervisors, community corrections specialists and juvenile corrections agents may consent to chemical dependency, mental health and medical examination, treatment and care for juveniles under the supervision of the DOC in the community in exigent circumstances where the juvenile's parents, guardian or other custodian is unable or unwilling to consent.
- K. The Superintendent of STAR Academy may consent to chemical dependency, mental health and medical examination, treatment and care for juveniles placed at the STAR academy.

2. Best Interests of the Child:

- A. The primary consideration in taking any delegated or authorized action under this policy shall be the best interests of the child.

V Related Directives:

SDCL § § [26-7A-29](#), [26-7A-92](#), [26-7A-97](#), [26-7A-103](#), [26-7A-122](#), [26-7A-124](#), [26-11A-9](#), [26-11A-13](#), [26-11A-16](#), [26-11A-17](#), [26-11A-20](#) and [26-11A-22](#).

VI Revision Log:

May 2008: New Policy.

March 2009: Revised minor wording throughout policy.

March 2010: Revised formatting of Section 1. Added hyperlinks.

March 2011: No Changes

April 2012: Deleted "foster care specialist" and Replaced with "Community Corrections Specialists" throughout the policy. Added "or Community Corrections Specialist" to Section 1 E.

April 2013: Reviewed with no changes.

South Dakota Department Of Corrections

Policy

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Denny Kaemingk (original signature on file)

05/22/2013

Denny Kaemingk, Secretary of Corrections

Date