

1.1.A.6 Juvenile - Delegation of Authority

I Policy Index:



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Office of Primary Responsibility: Director of Juvenile Services and 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:

Division of Juvenile Services Staff:

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

Guardian:

A person appointed by a court to be responsible for the personal affairs of a juvenile. Includes the Secretary of Corrections when appointed by court order pursuant to SDCL § 26-7A-92.

IV Procedures:

1. Delegation of Authority from the Secretary of Corrections:

- A. The Director of Juvenile Services may approve the placement, transfer and return to placement from aftercare, of a juvenile. Such placements and transfers may be to the Human Services Center, detention, shelter, group home, group care center, residential treatment center, specialized transitional service or other community-based service (See SDCL §§ 26-11A-9 and 26-11A-16). Placements may be in the state or outside the state. Whenever possible, placement will be within the state.
- 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 Services may approve the release of a juvenile to aftercare, and release of a juvenile held in temporary detention or shelter, to continue aftercare supervision (See SDCL § 26-11A-17).

- D. Division of Juvenile Services staff will notify the committing court and prosecuting state's attorney fifteen (15) 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 Services, regional juvenile corrections agent supervisor, juvenile corrections agent or community corrections specialist may initiate the process of placing a juvenile in temporary detention or shelter and begin revocation proceedings only if it is alleged the juvenile has violated a condition of the aftercare contract by committing an eligible offense, as delineated in SDCL§ [26-11A-15](#).
- F. Division of Juvenile Services staff may release information concerning any juvenile in the custody of the DOC, to any correctional facility or detention facility that has a legitimate interest in the juvenile (See SDCL § [26-7A-29](#)).
- G. Division of Juvenile Services staff may request information concerning any juvenile in the custody of the DOC, including the juvenile's treatment, rehabilitative, health care, education and court records (See SDCL §§ [26-7A-29](#) and [26-7A-97](#)).
- H. Division of Juvenile Services staff 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 Corrections behalf at court hearings concerning a juvenile'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 amount of restitution a juvenile has paid while remanded to the DOC, whether the juvenile is currently employed, why the juvenile has been unable to pay restitution and whether the juvenile is placed in a facility or is on aftercare.
- J. The Director of Juvenile Services, regional supervisors, community corrections specialists and juvenile corrections agents may, in the best interest of a juvenile, give consent to chemical dependency, behavioral health and medical professionals to examine, assess, screen, and provide treatment and care to a juvenile under the supervision of the DOC in exigent circumstances where the juvenile's parent, guardian or custodian is unable or unwilling to give consent.

2. Best Interests of the Child:

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

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-15](#), [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.

March 2014: Reviewed with no changes.

March 2015: Reviewed with no changes.

March 2016: Deleted "and staff of STAR Academy" from definition of "Staff of the Division of Juvenile Services". Deleted 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. **Deleted** Director of Community Corrections from policy. **Deleted** “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” and **Replaced** with “and begin revocation proceedings only if it is alleged the juvenile has violated a condition of the aftercare contract by committing an eligible offense, as delineated in SDCL” in Section 1 E.

March 2017: Reviewed with no changes.

March 2018: Reviewed with no changes.

March 2019: Added “Placements may be in state or outside the state” in Section 1 A.

April 2020: Reviewed with no changes.

March 2021: Reviewed with no changes

Mike Leidholt (original signature on file)

03/17/2021

Mike Leidholt, Secretary of Corrections

Date