

1.1.A.6 Juvenile- Delegation of Authority

I Policy Index:



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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 Division of Juvenile Services, including the Director of Juvenile Services, regional juvenile corrections agent supervisors, juvenile corrections agents and community corrections specialists.

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 a juvenile 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 Services may approve placements, transfers and returns to placement from aftercare of a juvenile. Such placements and transfers may be to, the Human Services Center, detention, shelter, or a group home, group care center, residential treatment center, specialized transitional services or other community-based services (See SDCL §§ 26-11A-9 and 26-11A-16).
- A. 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 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 will 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 Services any regional juvenile corrections agent supervisor, juvenile corrections agent, or any community corrections specialist may initiate the process of placing a juvenile into 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. Staff of the Division of Juvenile Services 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. Staff of the Division of Juvenile Services 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. 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 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 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 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 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.

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 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.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

05/24/2016

Date