



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1200-01	PAGE NUMBER 1 OF 3
		DISTRIBUTION: Public	
		SUBJECT: Juvenile – Delegation of Authority	
RELATED STANDARDS: None		EFFECTIVE DATE: December 01, 2024	
		SUPERSESSION: 12/01/2023	
DESCRIPTION: Juvenile Services	REVIEW MONTH: November	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections' (DOC) Division of Juvenile Services to act as guardian of juveniles committed to the DOC, pursuant to court order and SDCL § 26-7A-92, and as such, 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.

## II. PURPOSE

It is the purpose of this policy to establish criteria and guidelines for the consistent management of juveniles committed by court order to guardianship by the DOC.

## III. DEFINITIONS

### Division of Juvenile Services Staff:

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 (SOC):

- 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. 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.
- 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.

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- 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.
- E. The director of Juvenile Services, regional juvenile corrections agent supervisor, juvenile corrections agent, or juvenile justice 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.
- F. Division of Juvenile Services staff may release information concerning any juvenile in the custody of the DOC, to any facility that has a legitimate interest in the juvenile. 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.
- G. 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. The director of Juvenile Services may appear and act on the secretary of corrections (SOC) behalf at court hearings concerning a juvenile’s discharge from the DOC.
- H. Juvenile corrections agents (JCAs) 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.
- I. The director of Juvenile Services, regional supervisors, juvenile justice specialist, and JCAs 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. RESPONSIBILITY

It is the responsibility of the director of Juvenile Services to conduct annual review and revision, as needed, of this policy.

## VI. AUTHORITY

- A. SDCL § [26-7A-29](#) Release of information to persons, agencies, or facilities with legitimate interest in child.
- B. SDCL § [26-7A-92](#) Guardian of placed child.
- C. SDCL § [26-7A-97](#) Order or decree of guardianship of child--Certified copy as authority for custody--Social studies, clinical reports, and other information transmitted with order.
- D. SDCL § [26-7A-103](#) Court order for report by guardian or institution.
- E. SDCL § [26-7A-122](#) Court discharge of child from Department of Corrections--Restoration to parent, guardian, or custodian or change in placement--Resisting discharge.
- F. SDCL § [26-7A-124](#) Judicial review of report--Court may issue show cause order against department.
- G. SDCL § [26-11A-9](#) Transfer of juvenile after initial placement.
- H. SDCL § [26-11A-15](#) Aftercare revocation--Hearing--Notice--Written statement of allegations--Witnesses and evidence--Representation.
- I. SDCL § [26-11A-16](#) Finding of violation or frustration of purpose--Continuance of aftercare.
- J. SDCL § [26-11A-17](#) Release of juvenile for continuance of aftercare.
- K. SDCL § [26-11A-20](#) Grounds for discharge of juvenile--Department's jurisdiction ends at age twenty-one.

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- L. SDCL § 26-11A-22 Committing court to receive notice of intent to discharge juvenile--State's attorney to notify any involved victim.

## VII. HISTORY

December 2024  
November 2023  
October 2022  
March 2021  
April 2020  
March 2019

## ATTACHMENTS

1. DOC Policy Implementation / Adjustments