

# Justice in the Balance: Courts WORK for South Dakotans

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of our work involves everyday problems that affect ordinary South Dakotans.

<p><b>Abused and Neglected Children</b></p> <p>Our courts play a life-altering role in the lives of abused and neglected children. They decide whether to:</p> <ul style="list-style-type: none"> <li>• Remove a child from a parent</li> <li>• Place a child in foster care</li> <li>• Reunite a child and parent or terminate parental rights</li> <li>• Allow adoption of a child</li> </ul> <p>There is not greater responsibility of the judiciary than determining the best interest of a South Dakota child. In FY11, South Dakota’s courts presided over 1,032 Juvenile Dependency cases.</p>	<p><b>Victims Seeking Protection</b></p> <p>By issuing no-contact and protective orders, South Dakota’s courts help shield victims of violence, abuse, and harassment from further harm. The vast majority of these are handled by parties representing themselves (without help from lawyers). In FY11, South Dakota judges processed:</p> <ul style="list-style-type: none"> <li>• 4,460 petitions for protective orders Including: <ul style="list-style-type: none"> <li>○ 2,508 domestic actions</li> <li>○ 1,952 stalking actions</li> </ul> </li> </ul> <p>Clerks of Court then notify local law enforcement officials and the department of public safety of each and every order.</p>
<p><b>Troubled Youth</b></p> <p>South Dakota’s court services officers, staff, and judges continuously work with thousands of troubled youth and their families to:</p> <ul style="list-style-type: none"> <li>• Ensure community safety</li> <li>• Hold young people accountable for their actions, including paying restitution to victims</li> <li>• Influence behavioral changes</li> <li>• Provide resources to assist families</li> </ul> <p>During FY11, CSOs worked with 648 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 5,179 youth on formal probation and supervised another 790 juveniles via case service monitoring. The court handled:</p> <ul style="list-style-type: none"> <li>• 8,159 juvenile delinquency and CHINS cases</li> </ul>	<p><b>Families in Turmoil</b></p> <p>The problems of families in crisis demand a significant amount of court time and resources. In FY11, South Dakota’s courts handled:</p> <ul style="list-style-type: none"> <li>• 4,575 divorce, annulment and separation cases and 6,994 child support modifications or foreign child support cases</li> <li>• 4,246 mental health or drug and alcohol commitment cases</li> <li>• 1,622 adoptions, guardianships, or trust cases</li> </ul> <p>In addition, the clerks of court issued 2,547 receipts for \$474,901 in child support, plus \$296,755 in alimony payments.</p> <p>To assist these families, the UJS also provides divorce packets and child support visitation enforcement packets for the self-represented.</p>

## Civil Justice

South Dakotans from every walk of life, whether in their private or business relationships, rely on the courts to resolve their civil legal problems. Providing a forum for the effective resolution of these disputes is an essential part of the mission of the courts. In FY11, our courts handled:

- 31,971 small claims cases
- 16,999 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims
- 2,567 probate cases
- 450 judicial review of agency action cases

Civil cases can take anywhere from months to years before they are resolved, depending on a variety of factors. As a result, the courts experience and overlap in civil cases from year to year.

The clerk of court office is responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.

## Collection and Disbursement of Money

While the court system does not generate revenue for its own sustainability, it is responsible for taking in and distributing fines, fees, penalties, and costs that are owing to victims, cities, counties, school districts, and the state. In FY11, clerks of court receipted (along with other amount) the following:

- \$3,729,883 to victims of crime
- \$9,372,522 for school districts
- \$71,044 for local domestic abuse programs
- \$317,115 for advocates and attorneys for abused and neglected children
- \$2,639,575 for court appointed attorneys, public defenders, and other legal aid
- \$611,549 to municipal general funds
- \$2,559,901 to county general funds
- \$389,959 to other state funds
- \$5,896,618 for court automation
- \$3,276,854 for law enforcement officer and judicial education and training

## Criminal Justice

Criminal cases dominate court time and resources. South Dakota's judges and court staff spend more time on criminal cases than on any other type of case. During FY11, our courts heard:

- 6,456 felony or extradited cases including 996 3<sup>rd</sup>- and subsequent offense DUI cases.
- 19,929 aggravated or serious misdemeanor cases, of which 38.9% (7,748) were 1<sup>st</sup> and 2<sup>nd</sup> offense DUI cases.
- 28,243 contested minor misdemeanor cases.
- 84,610 uncontested minor misdemeanor matters were processed by clerks of court.

In addition, court services officers formally supervised 6,257 adults in felony matters, and 1,769 adults on misdemeanor cases, plus informally supervised another 2,835 adults via case service monitoring. For example, Northern Hills Drug Court supervised 27 individuals on felony matters in 2011 and the cost savings to the system was \$398,690.43.

## Case History Information and Other Services

South Dakota's employers, landlords, media, and general public rely on our clerks of court for accurate information about criminal defendants, sentencing histories, and money owed on judgments. In FY11, the clerks responded to 147,225 requests for records and substantiated 12,685 demographic records with duplicate or incomplete information.

In addition, the circuit clerks of court handled:

- 1,165 passport applications
- 879 weddings

The clerk of the Supreme Court processed:

- 321 appeals
- 30 intermediate appeals
- 15 original proceedings
- 1,195 orders, writs, and judgments

The Board of Bar Examiners processed 18 applications from those seeking admission to practice law here.