

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 South Dakotans.

<p>Abused and Neglected Children</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"> • Remove a child from a parent • Place a child in foster care • Reunite a child and parent or terminate parental rights • Allow adoption of a child <p>There is no greater responsibility of the judiciary than determining the best interest of a South Dakota child. In FY16, South Dakota’s courts presided over 567 Juvenile Abuse and Neglect cases.</p>	<p>Victims Seeking Protection</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 FY16, South Dakota judges processed:</p> <ul style="list-style-type: none"> • 4,647 petitions for protective orders which included: <ul style="list-style-type: none"> ○ 2,785 domestic actions ○ 1,862 stalking actions <p>Clerks of court then notify local law enforcement officials and the Department of Public Safety of each and every order.</p>
<p>Troubled Youth</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"> • Ensure community safety • Hold young people accountable for their actions, including paying restitution to victims • Influence behavioral changes • Provide resources to assist families <p>During FY16, CSOs worked with 673 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 2,789 youth on formal probation and supervised another 338 juveniles via case service monitoring. In totality, the court handled:</p> <ul style="list-style-type: none"> • 4,381 juvenile delinquency and CHINS cases 	<p>Families in Turmoil</p> <p>The problems of families in crisis demand a significant amount of court time and resources. In FY16, South Dakota’s courts handled:</p> <ul style="list-style-type: none"> • 4,447 divorce cases • 7,376 child support modifications and foreign child support cases • 5,005 mental health or drug and alcohol commitment cases • 1,554 adoptions, guardianships or trust cases <p>To assist these families, the UJS provides self-represented litigants with UJS approved forms, which include divorce and parenting time enforcement.</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 FY16, our courts handled:

- 27,701 small claims cases
- 13,699 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims
- 2,361 probate cases
- 235 judicial review of agency action cases and expungement filings

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 an overlap in civil cases from year to year.

The clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.

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 FY16, our courts heard:

- 10,800 felony or extradited cases
- 22,055 aggravated or serious misdemeanor cases, of which 40.3% (8,883) were 1st and 2nd offense (Class 1 Misdemeanor) DUI cases
- 22,291 contested Class 2 misdemeanor cases.
- 92,154 uncontested Class 2 misdemeanor matters were processed by clerks of court

In addition, court services officers formally supervised 8,634 adults in felony matters, and 1,133 adults on misdemeanor cases, plus informally supervised another 1,947 adults via case service monitoring.

Collection 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 FY16, clerks of court receipted (along with other amounts) the following:

- \$3,406,668 for victims of crime
- \$10,104,011 for school districts
- \$80,097 for local domestic abuse programs
- \$319,919 for advocates and attorneys for abused and neglected children
- \$3,031,988 for court appointed attorneys, public defenders, and other legal aid
- \$472,564 for municipal general funds
- \$2,515,120 for county general funds
- \$316,458 for other state funds
- \$6,668,139 for court automation
- \$3,305,831 for law enforcement officer and judicial education and training

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 FY16, the clerks responded to 153,499 requests for records.

In addition, the circuit clerks of court handled:

- 629 passport applications
- 824 weddings

The Clerk of the Supreme Court processed:

- 298 appeals
- 83 intermediate appeals
- 30 original proceedings
- 1,150 orders, writs, and judgments

The Board of Bar Examiners processed 156 applications from those seeking admission to practice law here.