IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE ADOPTION	RULE 16-01
OF A NEW RULE RELATING TO)
ESTABLISHING A JUVENILE	,)
GRADUATED RESPONSE GRID)

A hearing was held on January 13, 2016, at Pierre, South Dakota, relating to the adoption of a new rule relating to establishing a juvenile graduated response grid and the Court having considered the proposed rule thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the adoption of a new rule relating to establishing a juvenile graduated response grid be and it is hereby adopted to read in its entirety as follows:

Section 1. Pursuant to SDCL 26-7A-125, the Supreme Court hereby adopts the following juvenile graduated response grid and rules to guide court services officers in determining the appropriate response to a violation or compliance with the conditions of juvenile probation. It is the policy of the Unified Judicial System that violations of probation be addressed in a timely, consistent and reasonable manner by use of a graduated response grid. The use of graduated sanctions and incentives is intended to achieve public safety by holding juvenile offenders accountable for their behavior and reinforcing positive behavior.

Section 2. The response grids attached to this rule as Appendix A are hereby adopted for statewide use by court services officers. The response grids shall be utilized statewide for all juvenile delinquency and child in need of supervision (CHINS) cases supervised through court services.

Section 3. Court services officers should utilize the incentives grid to provide incentives for compliance with the conditions of probation. Incentives should be individualized to the juvenile and provided in a manner that acknowledges achievements and reinforces positive behavior.

Section 4. These response grids shall be made a standard condition of juvenile probation and the juvenile probationer shall be informed that they may seek review of any moderate or serious sanction imposed by requesting review by the chief court

services officer for the judicial circuit. In the event the supervising court services officer is the chief court services officer, the probationer may request review of such determination by a chief court services officer from another judicial circuit which shall be assigned by the director of trial court services. The decision made by the chief court services officer concerning the imposition of a sanction is final. Any requests for review shall be documented by the court services officer.

Section 5. The response grid applies to conduct that is a violation of the terms and conditions of juvenile probation including an arrest for a new offense. If a juvenile probationer is arrested for a violent offense or an offense that involves substantial threat of violence or a sex offense the court services officer shall submit a probation violation report to the state's attorney and file a petition to modify or revoke probation with the court. If a juvenile probationer's conduct demonstrates a significant risk to public safety the court services officer shall immediately submit a probation violation report.

Section 6. A court services officer shall respond to a violation through the application of the sanctions grid by utilizing the appropriate cells based on the juvenile probationer's risk level and the type of violation. The imposition of sanctions within a grid cell is vested to the discretion of the supervising court services officer. A court services officer may deviate up or down from the cell with supervisor approval. Not all responses in each grid may be appropriate for all violations or for all juvenile probationers. Graduated responses may be used individually or in combination and include formal and informal responses to probation violations. The imposition of any sanction or incentive shall be documented by the court services officer.

Section 7. Court services officers shall consider the risk the juvenile probationer poses to the community, the severity of any violation, prior history on probation, previous violations or sanctions, and the deterrent effect when imposing a sanction. The court services officer shall also employ positive reinforcement for a probationer's compliance with the conditions of supervision and completion of benchmarks during the term of supervision.

Section 8. Detention shall only be requested in conjunction with the filing of a formal petition to modify or revoke probation.

Section 9. A sanction cannot extend the term of probation.

Section 10. There is hereby established a juvenile response grid oversight committee to consider recommendations to the graduated response grid and make such changes as the committee determines appropriate by majority vote. The committee shall be

appointed by the Chief Justice of the South Dakota Supreme Court. The committee shall consist of nine members and be composed of two judges, two chief court services officers, one deputy chief court services officers that are not chief or deputy chief court services officers, one state's attorney and one defense attorney. The director of trial court services shall also serve as a non-voting member of the committee. The committee shall meet within 180 days from appointment and at least annually thereafter.

Section 11. Nothing in this rule shall be construed to limit the sentencing court's ability to respond to a probation violation or modify the terms and conditions of probation.

Section 12. This rule shall become effective February 1, 2016.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 22nd day of January, 2016.

BY THE COURT:

David Gilbertson, Chief Justice

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Clerk of the Supreme Court

SUPREME COURT
STATE OF SOUTH DAKOTA
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South Dakota's Juvenile Supervisory Responses (JSR)

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South Dakota's Juvenile Supervisory Responses (JSR) -Sanctions-

 Adjust Curfew? Behavior Modification Group CD Evaluation 		 Adjust Curfew Behavior Modification Group CD Evaluation 	Adjust Curiew Beiravior Modification Group CD Evaluation	- Adjusi - Bejjav - Group - CD-Ev	Undesired Milderage Undesired Milderage Undesired Milderage
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Appropriate per Violation	٠				
Discretion of CSO,		Appropriate per Violation			
 Parent-Child Conference 		 Discretion of CSO, 	Appropriate per Violation	App	
Electronic Monitoring		 Parent-Child Conference 	Discretion of CSO,	 Disc 	
 Day/Evening Reporting 		 Electronic Monitoring 	Day/Evening Reporting	• Day,	
if Behaviors Continue		 Day/Evening Reporting 	if Behaviors Continue	if Be	
Review of Future Sanctions		if Behaviors Continue	Review of Future sanctions	Revi	
Meeting with CSO		 Review of Future Sanctions 	Meeting with CSO	Mee	
 Scheduled Problem-solving 		Meeting with CSO	Scheduled Problem-Solving	 Sche 	
 Youth Proposed Sanction 		 Scheduled Problem-solving 	Youth Proposed Sanction	Yout	
Written Assignment	_	 Youth Proposed Sanction 	Written Assignment	 Writ 	
 Weekly Counseling Reports 	_	 Written Assignment 	Weekly Counseling Reports	Wee	
 School Progress Reports 		 Weekly Counseling Reports 	School Progress Reports	Scho	
 Restrict Privileges/Friends 	_	 School Progress Reports 	Restrict Privileges/Friends	 Rest 	
Parent Proposed Sanction	_	 Restrict Privileges/Friends 	Parent-Child Conference	 Pare 	
Friends		 Parent Proposed Sanction 	Parent Proposed Sanction	Pare	
 Limit Overnight with 		 Limit Overnight with Friends 	Limit Overnight with Friends	• Limit	
 Increase Phone Contact 	_	 Increase Phone Contact 	Increase Phone Contact	Incre	
 Increase Face to Face 	_	 Increase Face to Face 	Increase Face to Face	Incre	
House Arrest		 House Arrest 	House Arrest	• Hous	PBT of .08 or Higher
Support Parental Rules		 Support Parental Rules 	Support Parental Rules •	• Supp	from Programming
Counseling Service		 Counseling Service 	Counseling Service -	Cour	Discharged Unsuccessfully
Community Service		 Community Service 	Community Service •	Com	Vandalism, Graffiti etc.
CD Evaluation		 CD Evaluation 	CD Evaluation •	• CD E	 Gang Involvement-Moderate
Group		Group		Group	 New Nonviolent Offense
Behavior Modification		 Behavior Modification 	Behavior Modification •	 Beha 	Undesired Minor Behaviors
Adjust Curfew	_	 Adjust Curfew 	Adjust Curfew •	 Adju 	 Continuous or Repetitive
Verbal Consequence		 Verbal Consequence 	Verbal Consequence •	Verb	Moderate
		ons-	-Sanctions-		

South Dakota's Juvenile Supervisory Responses (JSR) -Sanctions-

Positive UA other il Contact with sictim Possession of unqui weapon 'New violent others substantial threat of Sex offense 'Abscord'	Behaviors Tampering
Possession elunquim Possession elunquim New violent of unquimession Substantial threat of violence Sex ellense 'Austond	Behäviors Hampering with BA
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Support Parental Rules House Arrest Electronic Monitoring Court Observation Increase Face to Face Increase Phone Contact Increase Phone Contents Increase Proposed Sanction Parent Proposed Sanction Parent Emposed Sanction School Progress Reports Weekly Counseling Reports Weekly Counseling Reporting School Proposed Sanction Parent Proposed Sanction Parent Proposed Sanction School Proposed Sanction Parent Proposed Sanction School Proposed Sanction Parent Proposed	Counseling Service
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appropriate in response to behavior. *Officer is required to submit a probation violation. For all other cells the officer has discretion to submit a probation violation report as

South Dakota's Juvenile Supervisory Responses (JSR)

-Incentives-

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Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
Compliant .	• VerbaliPraise	Verbal Praise Written Braise	• Written Praise
(Contemplation Stage of Change)	DESWING Homa Prize Bucket	Drawing from a Prize Bucket	• Prawing from a Prize
[Preparation-Stage of Change]	Regorminan for Child	Fintourage School Staff Recognition for Child	Reduce Meetings
Destred behavior would be that the	рестеазерирне Сонкаст	Decrease Phone Contact	Allow Overaights with
probation of these showings.	Recommended incentives	Recogniended latentives	Encourage School Staff
condinous		Reduce geetings Eliminate Electronic	Decrease Phone Contact
-More problem recognition		 Allow overnights with 	Parent and Juyenile Recommended Incentives
-Increased commitment		Friends	Regadue dicestification in the Electronic supplies and the Electronic supplies supplies and the Electronic supplies and the Electronic supplies supplies and the Electronic supplies su
Change becomes priority Shift in view from past to tulture			Allow overnights with Eriends
			Job Shanowing Hyloderate Financial Reward
			Igilt card gartivity lees
			efc)
			Condition
		• Verhal Praise	Verbal Praise
Demonstrated improvement	Written Praise	Written Praise	Written Praise
(Action Stage of Change)	Moderate Financial Reward	 Moderate Financial Reward 	 Moderate Financial Reward (gift cards, activity fees,
Desired behavior would be a	6		

South Dakota's Juvenile Supervisory Responses (JSR) -Incentives-

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juvenile's progress in meeting the		tickets, recreational passes,		tickets, recreational passes,		tickets, recreational passes,
conditions of probation and showing		memberships under \$15		memberships under \$15		memberships under \$15
a commitment for improvement that		etc.)		etc.)		etc.)
goes beyond mere compliance.	•	Reduced Probation	•	Reduced Probation	•	Reduced Probation
1		Condition		Condition		Condition
-Strategies for change are chosen and	•	Reduced UAs/PBTs	•	Reduced UAs/PBTs	•	Reduced UAs/PBTs
Active modification of behavior	•	Drawing from a Prize Bucket	•	Drawing from a Prize Bucket	•	Drawing from a Prize
thoughts feelings and environment	•	Reduce Meetings	•	Reduce Meetings		Bucket
-Treatment and /or self help	•	Allow Overnights with	•	Allow Overnights with	•	Reduce Meetings
, , , , , , , , , , , , , , , , , , ,		Friends		Friends	•	Allow Overnights with
	•	Encourage School Staff	•	Encourage School Staff		Friends
		Recognition for Child		Recognition for Child	•	Encourage School Staff
	•	Extend Curfew	•	Decrease Phone Contact		Recognition for Child
	•	Decrease Phone Contact	•	Graduation	•	Backpack Program- food,
	•	Graduation		Certificate/Ceremonies for		school supplies
		Certificate/Ceremonies for		Accomplishments	•	Increase Driving Privileges
		Accomplishments	•	Reduce Telephone Contact	•	Extend Curfew
	•	Reduce Telephone Contact	•	Higher Level Financial	•	Decrease Phone Contact
	•	Higher Level Financial		Rewards (gift cards, activity	•	Graduation
		Rewards (gift cards, activity		fees, tickets, recreational		Certificate/Ceremonies for
		fees, tickets, recreational		passes, memberships over		Accomplishments
		passes, memberships over		\$15 etc.)	•	Reduce Telephone Contact
		\$15 etc.)	•	Job Shadowing	•	Higher Level Financial
	•	Job Shadowing	•	Eliminate Electronic		Rewards (gift cards, activity
	•	Recommend Reduced		Monitoring		fees, tickets, recreational
		Probation Term	•	Acknowledgement by the		passes, memberships over
	•	Eliminate Electronic		Judge for Positive Behaviors		\$15 etc.)
		Monitoring	•	Parent and Juvenile	•	Job Shadowing
	•	Acknowledgement by the		Recommended Incentives	•	Recommend Reduced
		Judge for Positive Behaviors	•	College/Career Planning		Probation Term
	•	Parent and Juvenile		Session	•	Eliminate Electronic
		recommended incentives	•	School Spirit Wear		Monitoring
	•	College/Career Planning	•	Backpack Program- food,	•	Acknowledgement by the

South Dakota's Juvenile Supervisory Responses (JSR) -Incentives-

Sustauring newhabits -Working to prevent galapses -Taking personal responsibilities and - in Encoura credit for change Watching out for dangeraus people - Backpac places and things - Moving toward a halanced lifestyle - Increase		Significant Improvement						- Scientification	session	
e Allowiove Friends Friends Friends Friends Recognitio k Program-food, k Program-food, briving Privileges * Extend Cur	SSC(S)	Verbal Praise Withen Braise Woderate Individues Reward Woderate Individues Reward				Hours	Reduce Co	Extend Curfew	•	113001161403
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South Dakota's Juvenile Supervisory Responses (JSR) -Incentives-

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^{*}Incentives should be individualized to the juvenile and this list is not exclusive.

** Incentives should be applied with a 4:1 ratio when compared to Sanctions.