

South Dakota Courts
State Fiscal Year 2020
Annual Statistical Report of the
South Dakota Unified Judicial System

Chief Justice

David Gilbertson

State Court Administrator

Greg Sattizahn

October 2020



South Dakota Unified Judicial System

Our mission:
Justice for All

Our vision:
We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.

Members of the South Dakota Supreme Court in 2020



Justices of the Supreme Court, left to right: Hon. Mark E. Salter, Sioux Falls, Second District; Hon. Janine M. Kern, Rapid City, First District; Hon. David Gilbertson, Chief Justice, Lake City, Fifth District; Hon. Steven R. Jensen, Dakota Dunes, Fourth District; and Hon. Patricia J. DeVaney, Pierre, Third District.



State of South Dakota
Unified Judicial System
Office of the State Court Administrator



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October 2020

Dear Friends:

It is my pleasure to present this Annual Report which highlights the workload and other activities undertaken by the Unified Judicial System from July 1, 2019 through June 30, 2020. This information is compiled and maintained by the State Court Administrator's Office and encompasses the work of South Dakota's Supreme Court, Circuit Courts, Magistrate Courts and the State Court Administrator's Office.

The statistics presented in this Annual Report would not be possible without the contributions of all our judicial personnel and the vital component they play in the process of reporting quality data. Should information you seek about the courts not be found in this Report nor on our website, please contact us.

Sincerely,

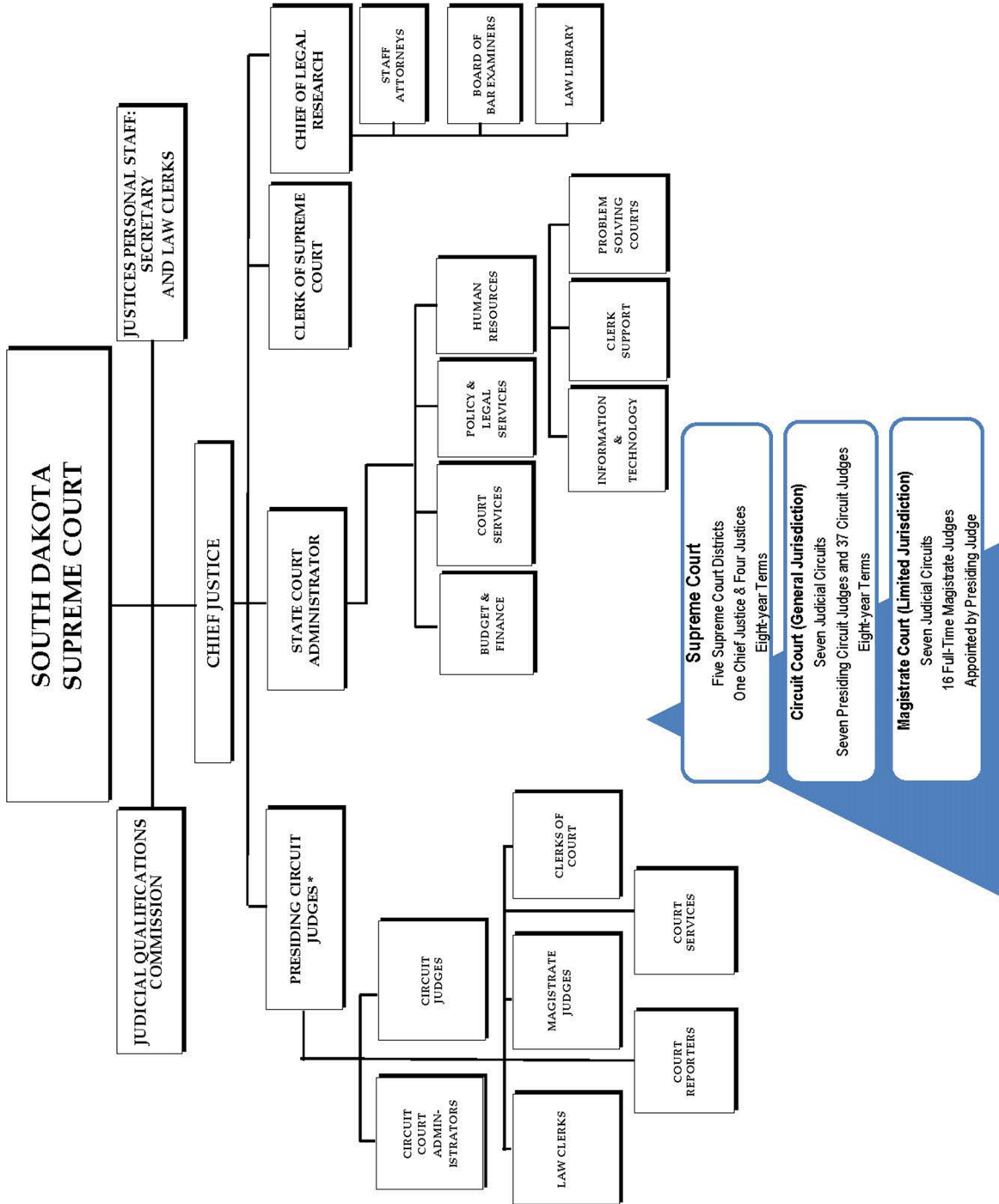
Gregory Sattizahn
State Court Administrator

Our Mission: Justice for All
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South Dakota Unified Judicial System Organizational Chart



* One presiding judge per circuit.

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 FY2020, South Dakota’s courts presided over 608 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 majority of these are handled by parties representing themselves (without help from lawyers). In FY2020, South Dakota judges processed:</p> <ul style="list-style-type: none"> • 4,030 petitions for protection orders which included: <ul style="list-style-type: none"> ○ 2,312 domestic actions ○ 1,718 stalking actions <p>Clerk of Court offices then notify local law enforcement officials and the Department of Public Safety of 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 FY2020, CSOs worked with 409 youth to address their conduct without formal delinquency or CHINS petitions being filed. They also supervised 1,296 youth on formal probation and supervised another 99 juveniles via case service monitoring. In totality, the court handled:</p> <ul style="list-style-type: none"> • 5,721 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 FY2020, South Dakota’s courts handled:</p> <ul style="list-style-type: none"> • 4,028 divorce cases • 5,488 child support modification and foreign child support cases • 4,844 mental health and drug and alcohol commitment cases • 1,307 adoption, guardianship and trust cases <p>To assist these families, the UJS provides self-represented litigants with UJS approved forms, which include divorce and parenting time implementation and enforcement forms.</p>

Justice in the Balance: Courts Work for South Dakotans (Cont.)

<p>Civil Justice</p> <p>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 FY2020, our courts handled:</p> <ul style="list-style-type: none"> • 25,976 small claims cases • 13,085 contract cases, liability and malpractice cases, employment issues, law and equity matters, and tort claims • 2,524 probate cases • 218 judicial review of agency action cases and expungement filings <p>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.</p> <p>The clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for any trials.</p>	<p>Criminal Justice</p> <p>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 FY2020, our courts heard:</p> <ul style="list-style-type: none"> • 13,476 felony and extradited cases • 19,725 aggravated or serious misdemeanor cases, of which 45.2% (8,906) were 1st and 2nd offense (Class 1 Misdemeanor) DUI cases • 26,925 contested Class 2 misdemeanor cases. • 65,839 uncontested Class 2 misdemeanor matters were processed by clerks of court <p>In addition, court services officers formally supervised 9,583 cases in felony matters, and 348 cases on misdemeanor cases, plus informally supervised another 198 cases via case service monitoring.</p>
<p>Collection of Money</p> <p>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 owed to victims, cities, counties, school districts, and the state. In FY2020, clerks of court receipted (along with other amounts) the following:</p> <ul style="list-style-type: none"> • \$3,277,260 for victims of crime • \$7,798,857 for school districts • \$74,126 for local domestic abuse programs • \$246,617 for advocates and attorneys for abused and neglected children • \$2,179,600 for court appointed attorneys, public defenders, and other legal aid • \$411,873 for municipal general funds • \$3,719,044 for county general funds • \$262,582 for other state funds • \$6,295,013 for court automation • \$2,548,375 for law enforcement officer and judicial education and training 	<p>Case History Information and Other Services</p> <p>South Dakota’s employers, landlords, media, and the public rely on our clerks of court for accurate information about criminal defendants, sentencing histories, and money owed on judgments. In FY2020, there were 217,708 record search requests, 4,668 search warrants and 25,581 small claims filings processed.</p> <p>In addition, the circuit clerks of court handled:</p> <ul style="list-style-type: none"> • 540 passport applications • 365 weddings <p>The Clerk of the Supreme Court processed:</p> <ul style="list-style-type: none"> • 244 appeals • 24 intermediate appeals • 31 original proceedings • 1,180 orders, writs, and judgments <p>The Board of Bar Examiners processed 122 applications from those seeking admission to practice law in South Dakota.</p>

SUPREME COURT

The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the chief justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

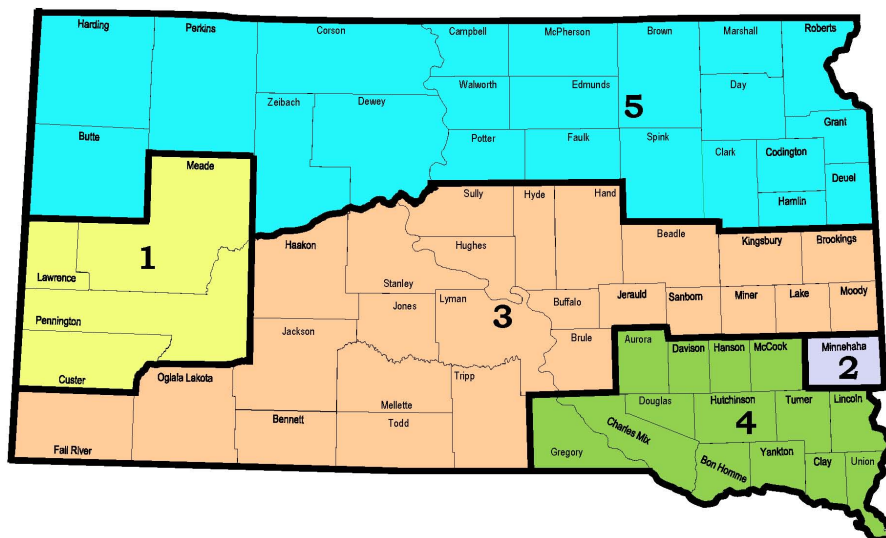
Chief Justice and Four Justices

Duties and Responsibilities of the Supreme Court include:

- Original jurisdiction in cases involving interests of the state;
- Issues original and remedial writs;
- Renders advisory opinions to Governor on issues involving executive power;
- Appellate jurisdiction over circuit court decisions;
- Rule-making authority over court practice and procedure;
- Administrative leadership for the legal and judicial system; and
- Controls admissions to and disciplines members of the State Bar.

Pursuant to a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map below).

South Dakota Supreme Court Districts



Supreme Court Workload

The workload of the Supreme Court is shown below and on the following page. The categories noted are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL §15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.

**Chart 1. Supreme Court Caseload Comparison
by Fiscal Year**

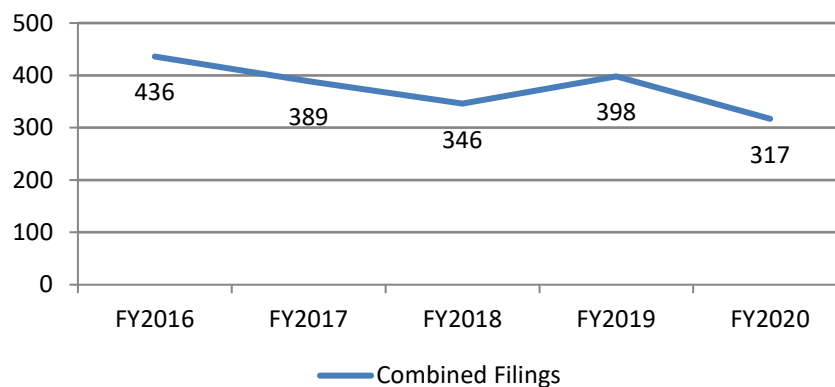


Table 1. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

Fiscal Year:	FY2016	FY2017	FY2018	FY2019	FY2020
FILINGS:					
Appeals	298	271	244	276	244
Intermediate Appeals	83	29	25	31	24
Original Proceedings	30	66	56	60	31
Notice of Review	12	13	11	17	10
Certificates of Probable Cause	12	10	10	12	8
Reinstatements	1	0	0	2	0
Rehearings Granted	0	0	0	0	0
COMBINED FILINGS	436	389	346	398	317
DISPOSITIONS:					
Appeals / Original Proceedings	108/114	97/149	103/126	69/86	78/90
Orders of Dismissal/Dispositional Remands	103	97	96	102	108
Denial of Intermediate Appeals	28	20	21	23	18
Original Proceedings (by Order)	24	60	46	41	32
Dispositive Remand	0	1	2	1	0
Summary Dispositions	84	109	84	70	89
COMBINED DISPOSITIONS	353	436	375	324	337
PENDING CASES:					
Submitted and Pending	23	28	20	40	44
Ready for Submission	44	32	41	46	42
Not Ready for Calendar	120	107	80	95	88
Other (in Suspense)	3	4	6	3	5
TOTAL PENDING CASES AT YEAR-END	190	171	147	184	179
ADMINISTRATIVE:					
Hearings on Rules and Related Matters	2	3	2	2	2
Internal Procedure Rules Adopted or Amended	7	4	1	3	2
Supreme Court Rules Adopted or Amended	125	7	22	15	6
Administrative Conferences	22	21	21	22	25
JUDICIAL:					
Orders, Writs and Judgments Entered	1150	1145	1130	1200	1180
Bar Admissions (includes reciprocity)	96	91	106	108	92
Bar Admissions (pursuant to SDCL 16-18-2)	18	15	15	14	15
Oral Arguments (Actions/Submission)	32/42	26/36	22/29	30/36	35/51
Cases Submitted on Briefs	141/159	160/192	132/144	117/133	114/122
Case Conference Days	19	18	17	20	23
LEGAL RESEARCH:					
Appeals Screened	436	389	346	398	317
Cases That Briefs Were Received In	235	238	190	195	173
Per Curiams Assigned	37	31	30	24	23
BAR ADMISSIONS:					
Applications Processed	156	164	188	174	122
Bar Inquiries Answered	1350	1425	1475	1450	1450

JUDICIAL QUALIFICATIONS COMMISSION

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and who must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor and who are not of the same political party. The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission. The purpose of the Judicial Qualifications Commission is to:

- ◆ Receive and investigate complaints against justices or judges;
- ◆ Conduct confidential hearings to determine whether complaints are justified;
- ◆ Recommend censure, removal or retirement of a judge to the Supreme Court;
- ◆ Investigate applicants for vacancies on the Supreme Court or circuit court bench; and
- ◆ Nominate two or more of the most qualified applicants to the Governor.

Chart 2. JQC Complaints Received by Fiscal Year

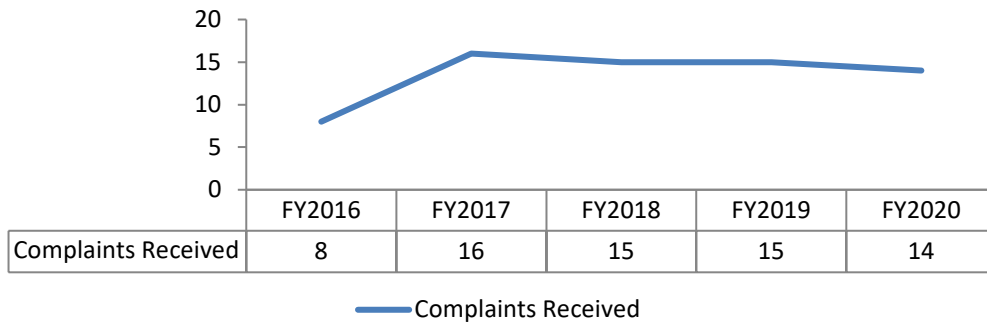


Chart 3. JQC Investigations of Applicants by Fiscal Year

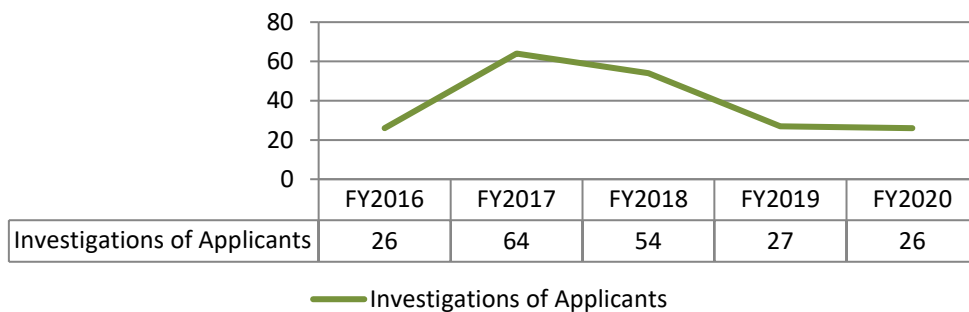


Table 2.
Judicial Qualifications Commission
Complaints Received and Dispositions

	FY2016	FY2017	FY2018	FY2019	FY2020
Written Complaints Received ¹	8	16	15	15	14
Complaints Disposed of ²	7	16	15	12	11
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	0	3	1	3	2
Divorce/Child Custody/Child Support Issues	2	4	5	2	2
Protection Order Cases	1	1	1	2	1
Civil Trial Issues (Includes Decisions)	1	0	1	2	2
Criminal Trial Issues (Includes Sentencing)	2	7	2	4	5
Personal Conduct	1	0	1	1	0
Small Claims	2	1	2	2	2
Guardianship/Conservatorship	0	0	0	1	0
Other	0	0	1	0	0
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	1	5	4	1	5
On Bench Abuse of Authority	1	4	2	3	0
Lack of Demeanor/Decorum	1	0	0	0	0
Bias/Appearance of Bias	5	6	4	3	5
Unhappy with Result	1	8	8	10	7
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint and/or Complainant Uncooperative)	0	0	0	1	0
b. Lack of Jurisdiction ³	0	0	0	0	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	0	3	0	0	0
e. No Violation Found	6	12	14	13	11
2. Private Reprimand	1	0	1	0	0
3. Deferred Disciplinary Agreement	0	1	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
JQC Applicants:					
Judicial Vacancies	3	8	8	6	5
Applicant Interviews	26	64	54	26	26
Investigation of Applicants	26	64	54	27	26

¹Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

²Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

³JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.

STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts. The State Court Administrator serves as the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office (SCAO) provides centralized administrative assistance and support services to the entire Unified Judicial System.

The following is a brief summary of the functions of the SCAO:

- ▶ Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards;
- ▶ Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, the State Court Administrator's Office, the Supreme Court, and national, state, and local offices and organizations directly concerned with court administration, including tribal entities;
- ▶ Fosters the use of the principles and techniques of modern management in the field of court and judicial administration; and
- ▶ Endeavors to improve administrative practice and procedure in all state courts in South Dakota as well as increase the services received by the public.

FINANCING THE JUDICIAL SYSTEM

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees incurred while defending the indigent. Counties are also required to provide operational facilities for the court. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

FY2020 Expenditures

Chart 4. Budget Breakdown
FY2020 Expenditures by Program

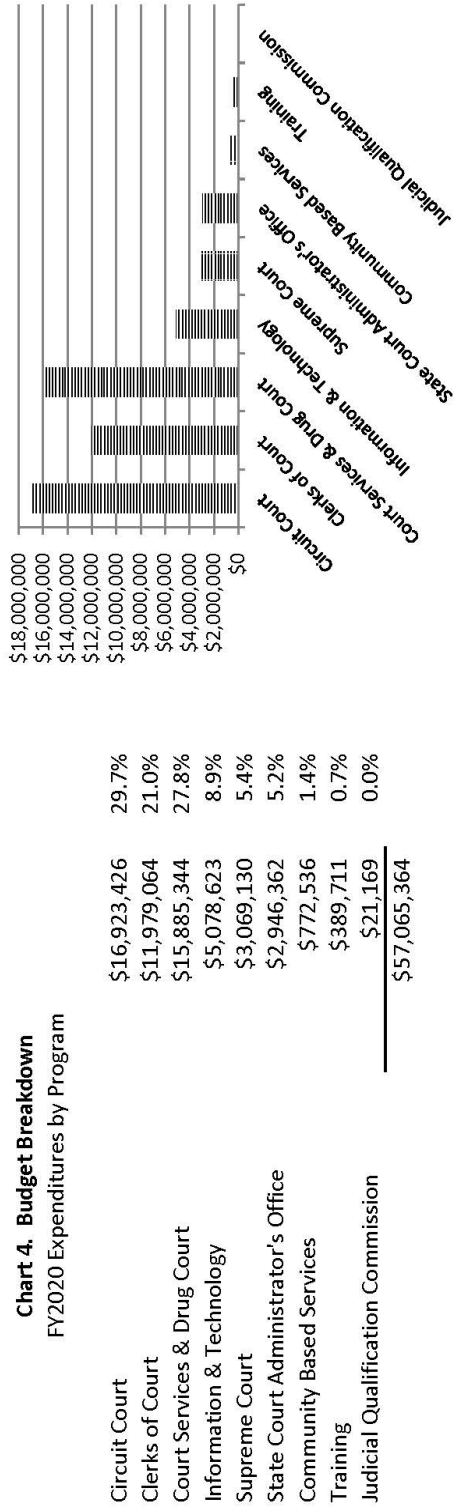
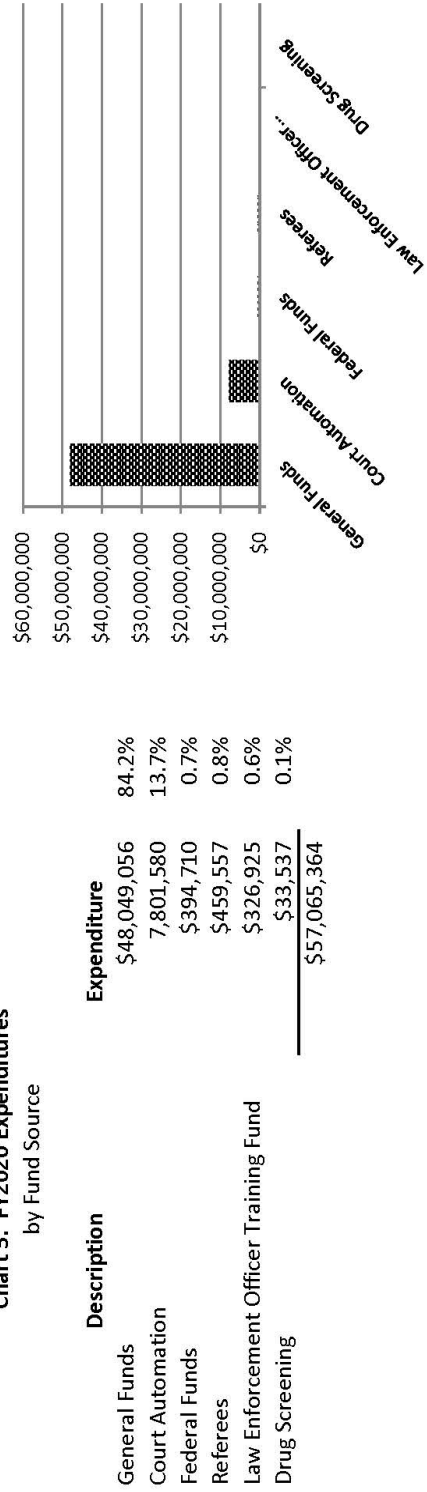


Chart 5. FY2020 Expenditures
by Fund Source



CIRCUIT COURT

Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits (map on following page), 44 circuit judges and 16 magistrate judges. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

**7 Presiding Judges and 37 Circuit Court Judges in 7 Circuits
have the following:**

- ▶ Original jurisdiction in all civil and criminal actions,
- ▶ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts, and
- ▶ Appellate jurisdiction over magistrate court decisions.

MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judges:

16 full-time in 7 circuits:

- ▶ Are Committing magistrates for all courts

Conduct:

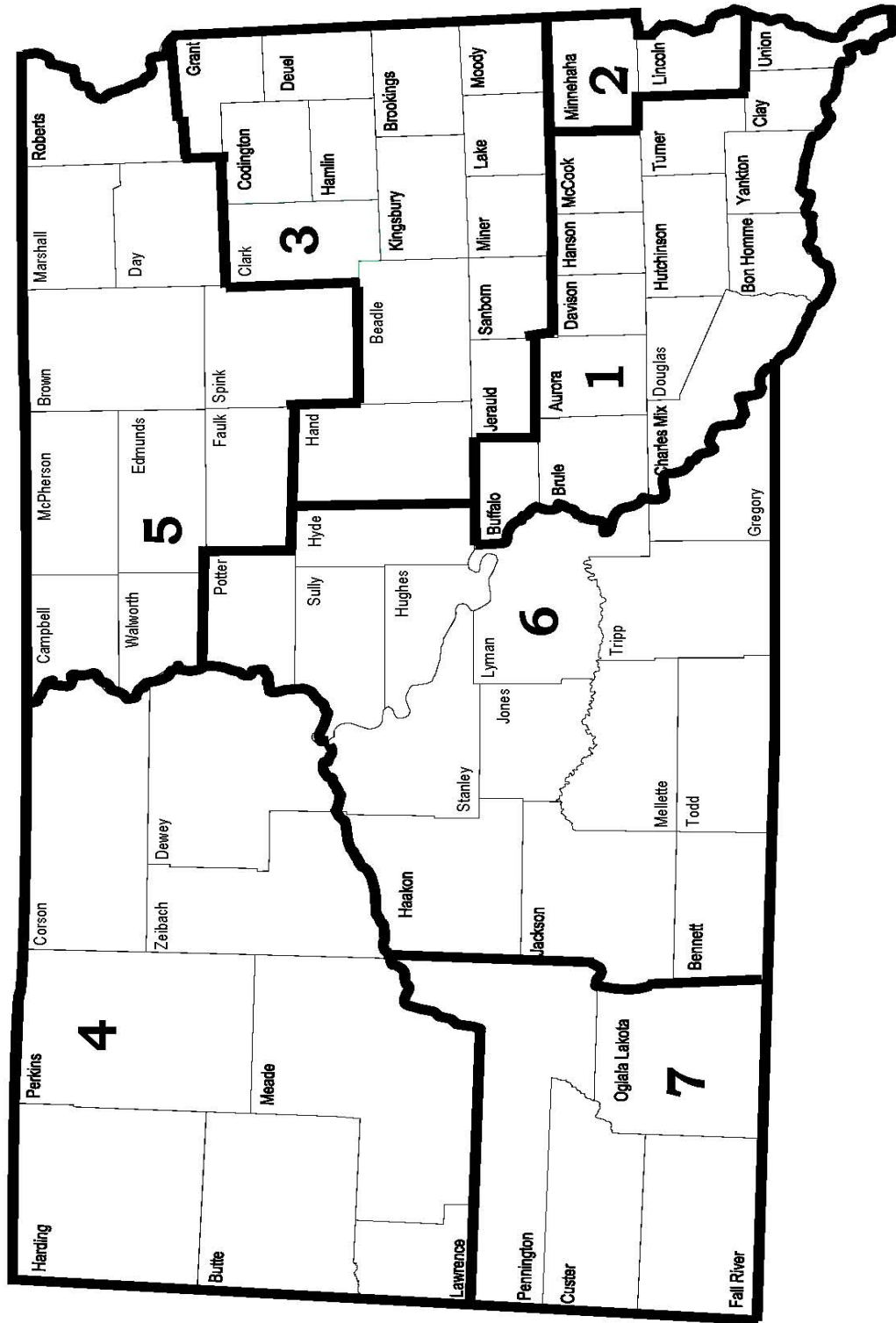
- ▶ Preliminary hearings for all criminal prosecutions;
- ▶ Trials of criminal misdemeanor;
- ▶ Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000; and
- ▶ Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000.

Clerk Magistrates (Specially-Trained):

Functions usually performed by clerks:

- Concurrent jurisdiction with magistrate courts to:
- ▶ Receive depositions;
 - ▶ Issue warrants;
 - ▶ Conduct certain preliminary hearings;
 - ▶ Set bail;
 - ▶ Appoint counsel;
 - ▶ Accept pleas for Class 2 misdemeanors;
 - ▶ Conduct hearings for petty offenses;
 - ▶ Render judgments for uncontested small claims; and
 - ▶ Perform marriages.

South Dakota Judicial Circuits and Counties



**Table 3. South Dakota Unified Judicial System
Statewide Workload
Five-Year Caseload Filings⁴**

	FY2016 Filings	FY2017 Filings	FY2018 Filings	FY2019 Filings	FY2020 Filings
Class 2 Misdemeanor Non-Contested ¹ Filings	92,154	94,561	86,150	77,821	65,839
Class 2 Misdemeanor Contested ¹ Filings	22,291	19,670	29,634	26,605	26,925
Class 1 Misdemeanor Filings	22,055	21,884	22,144	20,827	19,725
Felony & Extradited Filings	10,800	11,512	12,259	12,527	13,476
TOTAL CRIMINAL	147,300	147,627	150,187	137,780	125,965
Divorce Filings	4,447	4,413	4,032	4,104	4,028
Protection Order Filings	4,647	4,589	4,549	4,244	4,030
Modification Proceedings/UIFSA Filings	7,376	7,342	6,364	6,140	5,488
Juvenile Dependency & Neglect Filings	567	562	662	607	610
Juvenile Delinquency & CHINS Filings	4,381	4,177	4,418	4,557	3,825
Juvenile Citations ²	N/A	2,643	1,519	1,344	1,286
Adoptions/Guardianships/Terms of Parental Rights Filings	1,554	1,327	1,254	1,487	1,417
Probate (Informal) Filings	2,108	2,202	2,208	2,095	2,253
Probate (Formal) Filings	253	260	242	246	271
Mental Illness & Drug & Alcohol Commitment Filings	5,005	4,789	4,971	4,896	4,844
Civil Filings	13,699	13,189	14,227	13,079	13,085
Small Claims Filings	27,701	28,916	26,111	26,949	25,976
Search Warrants	3,711	3,765	4,178	4,228	4,667
Administrative Appeals & Expungements	235	186	168	204	218
TOTAL CIVIL FILINGS	75,684	78,360	74,903	74,180	71,998
TOTAL CRIMINAL & CIVIL FILINGS	222,984	225,987	225,090	211,960	197,963
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	298	271	243	276	243
Record Searches & Money Judgment Searches ³	153,499	192,131	204,680	230,176	217,803
Passport Applications	629	724	722	933	540
Weddings	824	632	524	483	365

¹ Includes petty offense filings and municipal ordinance violations.

² Beginning in FY2017, Juvenile Citations were included.

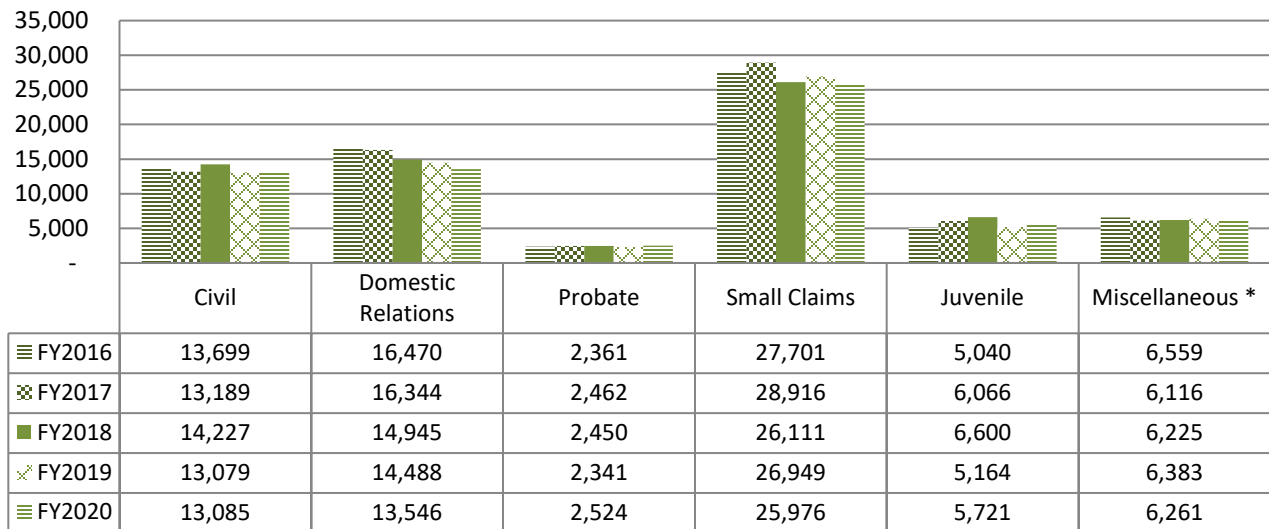
³ Includes PARS Searches

* Includes Cases Reopened

Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

Chart 6. Civil Caseload Comparison

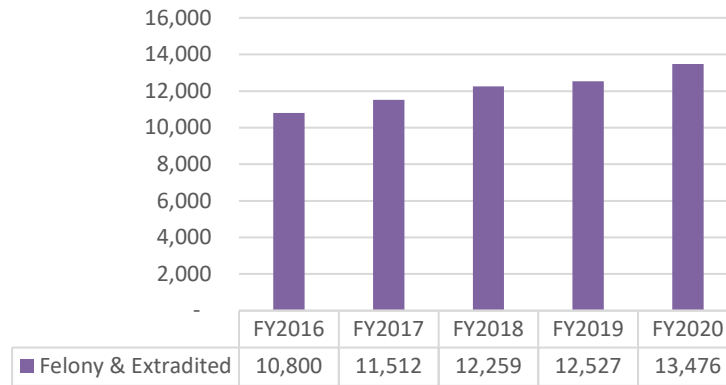


* Miscellaneous includes Adoptions, Guardianships, Trusts, Mental Illness, Termination of Parental Rights and Drug & Alcohol Commitment filings.

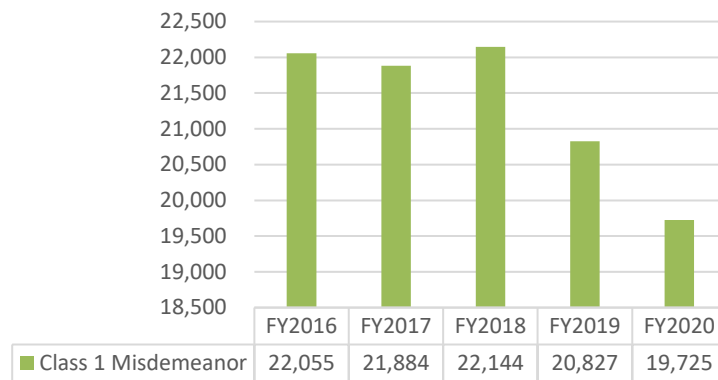
Criminal Caseload

The following chart below compares criminal case filings for the past five fiscal years. Felony and Extradited filings have increased steadily in the past five fiscal years while misdemeanors have decreased.

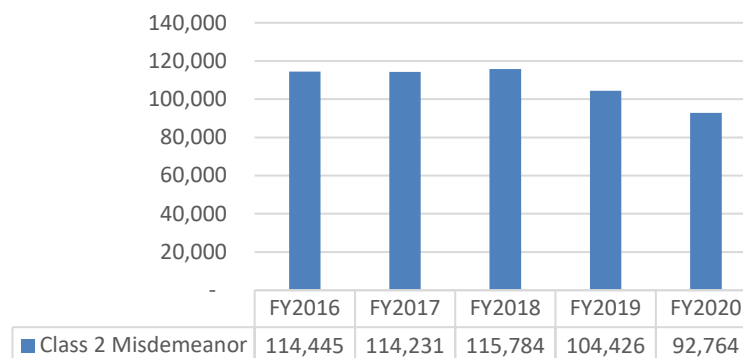
Felony & Extradited



Class 1 Misdemeanor



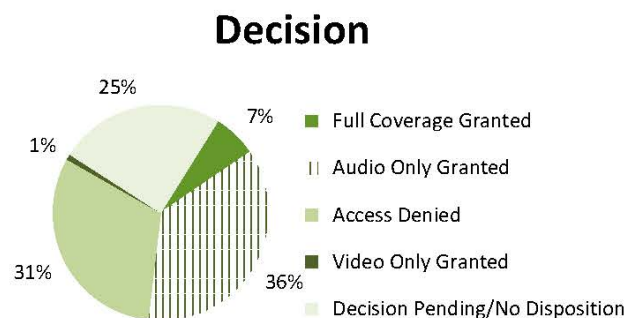
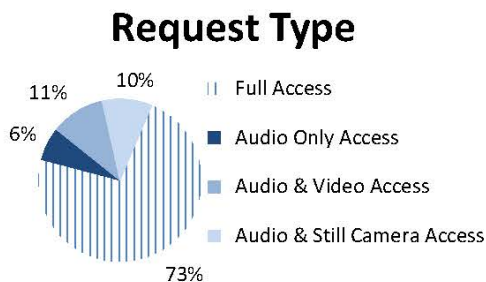
Class 2 Misdemeanor



**Table 4. Expanded Media Coverage Summary Statewide
South Dakota Unified Judicial System
FY2012 through FY2020 Combined**

The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage consisting of audio, still photo, or video coverage is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even if all parties have not consented to expanded media coverage. Under either option, certain proceedings such as juvenile hearings and portions of other proceedings closed by state law are not subject to expanded media coverage. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. The information below is a summary of the requests in the trial courts since FY2012.

CIRCUIT	1st	2nd	3rd	4th	5th	6th	7th	TOTAL
# of Requests Received	23	61	14	2	10	5	6	121
Request Type:								
Full Access	15	52	7	1	6	1	6	88
Audio Only Access	1	0	6	0	1	0	0	8
Audio & Video Access	4	7	0	0	0	2	0	13
Audio & Still Camera Access	3	2	1	1	3	2	0	12
Decision:								
Full Coverage Granted	0	5	2	0	0	1	0	8
Audio Only Granted	9	29	2	0	1	3	0	44
Access Denied	10	12	1	2	6	1	6	38
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	4	14	9	0	3	0	0	30



RECEIPTS

Chart 8 below shows various types of receipts for the past five fiscal years. (See Appendix A for definitions of receipt categories or the UJS website for further receipt information by county and circuit).

Chart 8. Court-Appointed Attorney Fees, Cash Fees and Restitution Receipts

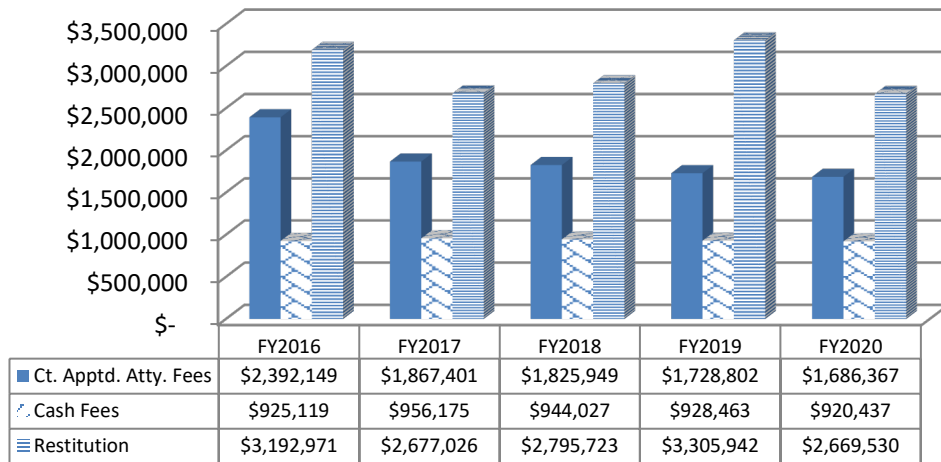
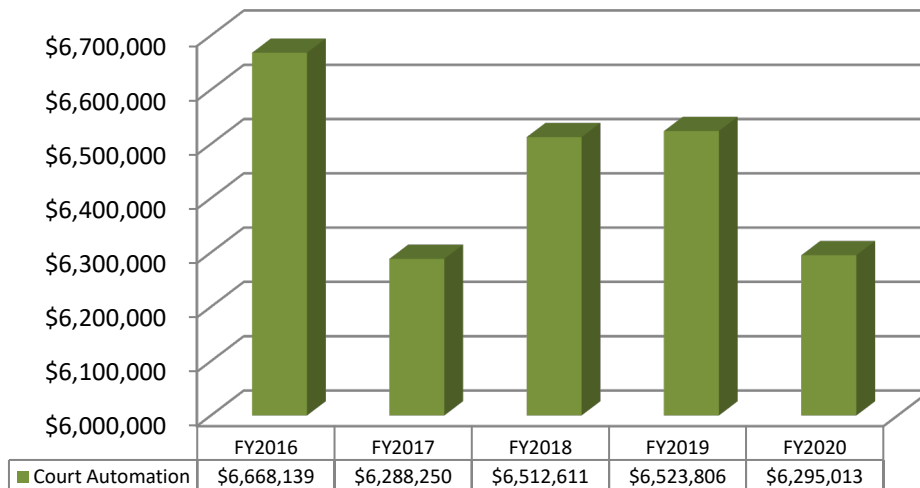


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

Chart 9. Court Automation Receipts



DISBURSEMENTS

Charts on this page illustrate the volume of receipts disbursed by clerks of court.

Disbursements to cities are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures, and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.

Disbursements to the state include liquidated costs and the 35% of city fines mentioned above.

Disbursements to counties include state fines - including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota Constitution - costs, forfeitures, and various fees for civil filings.

Chart 10. Select Revenue Disbursements

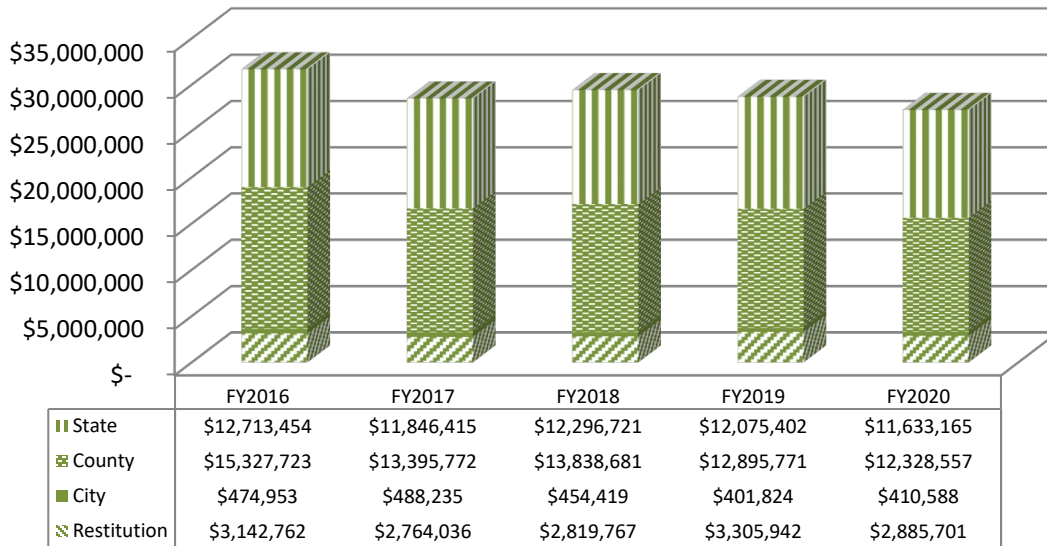


Table 5. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON

RECEIPTS \$\$\$	FY2016	FY2017	FY2018	FY2019	FY2020
ADULT COMPACT FEES	19,523	20,200	21,250	21,930	20,217
ALIMONY	12	562	12	612	12
CASH FEES	925,119	956,175	944,027	928,463	920,437
CHILD SUPPORT *	8,276	20,800	6,850	8,956	6,380
CITY COSTS	7,653	6,116	7,331	5,686	6,980
CITY FINES	701,221	746,866	666,878	608,109	615,890
CITY FORFEITURES	163	426	-	421	153
CITY PENALTIES	13,864	7,364	6,032	4,284	6,869
CIVIL PASS THROUGH	3,583	391,507	15,448	192,155	12,144
CIVIL PENALTIES	50	300	150	0	55
COLLECTIONS AGENCY PASS THROUGH	-	31,761	24,848	20,909	34,115
COUNTY COSTS	638,461	586,535	641,192	604,614	614,894
COUNTY FINES	9,193	10,043	10,012	5,600	6,107
COUNTY FORFEITURES	4,250	1,775	6,490	1,800	1,710
COUNTY PENALTIES	465	435	217	260	240
COURT APPOINTED ATTORNEY FEES **	2,392,149	1,867,401	1,825,949	1,728,802	1,686,367
DIVORCE FEES	124,513	121,500	117,400	124,950	119,100
DOMESTIC ABUSE SURCHARGE	17,840	14,889	15,170	13,742	14,576
DRAWDOWN ACCOUNTS	4,546,096	4,824,266	5,466,796	5,979,049	5,773,131
DRUG CONTROL FEE	139,671	115,434	128,992	140,943	134,117
DRUG TEST FEES AND MONITORING FEES	14,452	14,231	14,070	12,451	8,552
DUI COST	119,674	192,450	213,468	195,607	193,505
INTEREST-BEARING TRUST FUNDS	914	257	237,473	71	1,043,593
LAW LIBRARY FEES	137,615	158,205	140,507	139,701	139,679
LIQUIDATED COSTS	4,265,589	4,022,346	3,976,940	3,654,420	3,288,225
MARRIAGE FEES	16,240	12,450	10,480	9,660	7,300
CHILD SUPPORT MODIFICATION FEES	56,260	59,830	111,525	121,050	112,632
NSF CHECK CHARGES	6,341	6,008	4,315	4,229	2,821
OTHER-OVERPAYMENTS	21,647	21,578	16,193	23,015	29,470
PASSPORT FEES	19,150	18,303	17,955	23,275	13,405
PETTY OFFENSE	216,967	219,537	313,371	267,804	212,498
POSTAGE (SMALL CLAIMS)	226,550	302,259	229,991	243,579	242,988
POSTED BONDS	8,601,411	8,742,973	12,427,217	8,184,533	7,871,342
RESTITUTION	3,192,971	2,677,026	2,795,723	3,056,942	2,669,530
SEARCH FEE - LEOTF	1,015,989	956,945	1,020,138	1,094,720	1,087,404
SFPD - DRUG FEE	10,854	27,124	22,318	34,261	22,288
STATE COSTS	79,828	97,811	65,308	65,811	80,382
STATE FINES	9,150,775	7,971,397	8,132,943	7,665,881	7,016,550
STATE FORFEITURES	445,832	449,867	430,369	414,050	388,980
STATE PENALTIES	953,236	876,137	834,609	778,446	782,307
SURCHARGE-COURT AUTOMATION	6,668,139	6,288,250	6,512,608	6,523,806	6,295,013
SURCHARGE-VICTIM COMPENSATION	263,906	247,257	245,067	398,829	391,559
TRUST FUND	451,069	13,976	318,970	91,170	2,143
TOTAL RECEIVED \$\$\$	\$45,487,510	\$43,100,570	\$47,996,603	\$43,394,593	\$41,875,662
DISBURSEMENTS \$\$\$	FY2016	FY2017	FY2018	FY2019	FY2020
ALIMONY	12	562	12	612	12
BOND REFUNDS (Converted Bonds, Odyssey)	8,313,347	8,591,690	11,112,930	9,930,398	7,666,101
CHILD SUPPORT *	8,276	20,800	6,850	8,956	6,380
CIVIL PASS THROUGH	3,583	220,264	77,463	287,141	25,744
COLLECTION AGENCY PASS THROUGH	-	26,464	26,710	22,340	31,258
DRAW DOWN ACCOUNTS	4,370,656	4,783,247	5,352,582	5,234,567	5,770,754
INTEREST-BEARING TRUST FUNDS	640,531	-	230,260	689,245	7,501
OVERPAYMENTS	21,767	22,552	16,724	20,761	27,996
REMIT TO SIOUX FALLS POLICE DEPARTMENT	9,095	25,712	22,255	33,425	23,184
REMITTED TO ATTORNEY GENERAL (DRUG FUND)	139,835	118,545	128,152	138,361	135,546
REMITTED TO CITY	474,953	488,235	454,419	401,824	410,588
REMITTED TO COUNTY	15,327,723	13,395,772	13,838,681	12,895,771	12,328,557
REMITTED TO STATE	12,713,454	11,846,415	12,296,721	12,075,402	11,633,165
RESTITUTION	3,142,762	2,764,036	2,819,767	2,907,107	2,885,701
SMALL CLAIMS POSTAGE	226,510	238,981	236,519	239,885	243,416
TRUST FUND	471,121	27,003	-	221,141	174,325
TOTAL DISBURSED \$\$\$	\$45,863,625	\$42,570,276	\$46,620,045	\$45,106,938	\$41,370,226

* Reduction in Child Support collection reflect statutory changes shifting collection responsibilities to Department of Social Services effective October 1, 1998.

** Court Appointed Attorney Fees included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

Table 6. Court Services Activities - FY2016 to FY2020

SERVICE CATEGORIES	FY2016	FY2017	FY2018	FY2019	FY2020
Juvenile Service:					
Pre-hearing Social Case Studies	119	147	98	210	270
90-Day Diversion Services Added	673	502	572	416	409
Placed on Probation During	1,323	1,465	1,546	1,626	1,296
Active Probation Cases at End of FY	649	647	780	819	656
Restitution Collected	\$115,720	\$100,424	\$90,415	\$71,810	\$100,157
Case Services Monitoring:					
Placed in Program During FY	220	139	154	119	99
Active Cases at End of FY	64	62	85	75	59
Interstate Compact Cases-In	19	16	7	11	15
Interstate Compact Cases-Out	25	16	23	26	18
Intensive Probation:					
Placed In Program During FY	180	138	116	98	104
Transferred In	0	0	0	0	0
Transferred Out	0	0	0	0	0
JIPP Unavailable	7	3	5	1	4
Successfully Completed Program	72	68	44	74	48
Failed Program and sent to DOC	42	20	19	13	24
Failed Program (Other)	34	64	44	32	18
Active Cases at End of FY	111	91	94	72	82
Adult Service, Misdemeanor:					
Pre-Sentence Investigation Reports	87	105	92	31	23
Placed on Probation	361	370	321	268	198
On Probation at End of FY	630	569	507	407	348
Restitution Collected	\$944,669	\$719,839	\$882,719	\$753,619	\$704,700
Adult Service, Felony:					
Pre-Sentence Investigation Reports	3,099	3,037	3,127	3,962	3,336
Placed on Probation	3,106	3,367	3,811	4,033	3,775
On Probation at End of FY	5,708	5,874	6,052	6,560	9,583
Restitution Collected	\$1,029,776	\$880,026	\$916,093	\$1,309,935	\$1,105,319
Case Services Monitoring Program (F&M):					
Placed in Program	481	118	102	84	94
Active Cases at End of FY	1,272	466	233	232	198
Adult Interstate Compact Caseload (F&M):					
Total Placed on Probation - In & Out	240	301	294	291	245
On Probation at End of FY	1,070	1,142	1,110	1,100	1,007

STANDARD PROBATION SUPERVISION COSTS
Court Services Department
FY 2020
(Personal, Operating, Community Based and
Juvenile Home-Based Services)

114 Court Services Officers

Juvenile Cases under supervision as of 6/30/2020	774
Adult cases under supervision as of 6/30/2020	7,936
Total	8,710

Juvenile Social Histories (11 hours per)	270
Adult Felony Pre-Sentence Investigations (11 hours per)	3,336
Misdemeanor Pre-Sentence Investigations (3 hours per)	23

FY 2020 Expenditures (actual)

Personal Services	\$10,220,470
Operating Services	\$579,274
Community Based Services	\$574,322
Miscellaneous Grant Items	\$12,124
Total	\$11,386,190

Cost per Court Services Officer hour = \$48.02

Cost per Social History = \$528.22

Cost per Felony Pre-Sentence Investigation = \$528.22

Cost per Misdemeanor Pre-Sentence Investigation = \$144.06

Total Cost of Prepared Reports for FY 2020	\$1,908,075
Cost for Supervision for FY 2020	\$9,478,115

**AVERAGE DAILY COST OF
STANDARD PROBATION SUPERVISION
FY 2020**

Adult

• Intensive Probation	\$15.27 per day
• High Supervision (1.81 hours per month)	\$ 4.01 per day
• Medium Supervision (1.27 hours per month)	\$ 2.81 per day
• Low Supervision (0.60 hours per month)	\$ 1.33 per day
• Administrative Supervision (0.08 hours per month)	\$.18 per day
• Case Service Monitoring (0.08 hours per month)	\$.18 per day
Average Cost of Adult Probation Supervision	<u>\$3.96 per day</u>

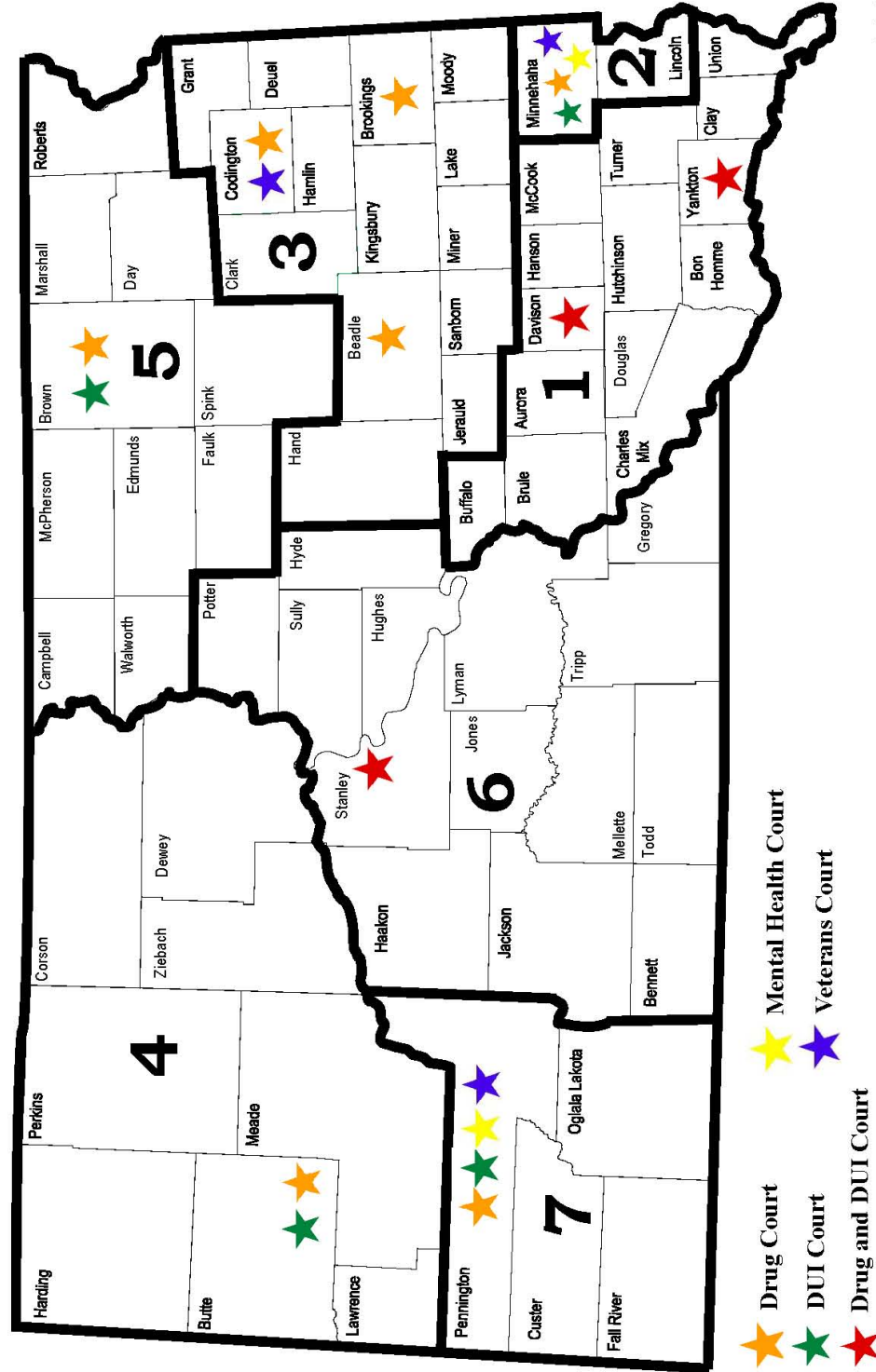
Juvenile

• Intensive Probation	\$19.21 per day
• High Supervision (2.89 hours per month)	\$ 6.40 per day
• Medium Supervision (2.45 hours per month)	\$ 5.43 per day
• Low Supervision (0.91 hours per month)	\$ 2.02 per day
• Administrative Supervision (0.32 hours per month)	\$.71 per day
• Informal Diversion Case (0.36 hours per month)	\$.80 per day
• Case Service Monitoring (0.23 hours per month)	\$.51 per day
Average Cost of Juvenile Probation Supervision	<u>\$5.01 per day</u>

Average Cost of Supervision – All Categories **\$4.53 per day**

Problem Solving Courts

South Dakota Unified Judicial System



Revised 5/6/2019

APPENDIX A

Definitions of Receipt Categories

Adult Compact Fees: A fee of \$50.00 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

Alimony Payments: An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

Cash Fees: Fees charged for filing various civil actions. This money is paid into the county general fund.

Child Support: Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998, all child support payments made as a result of a new or modified court order will be processed through the South Dakota Dept. of Social Services.

Civil Pass Through: Payments ordered by the court from one party to be paid to the court for the benefit of another or a third party in a civil action.

Child Support Modification Fees: A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the "equal access to our courts" fund to be awarded as grant funds to legal services entities.

City/County Fines/Penalties: Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

City/County Costs: Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

City/County Forfeitures: Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

Collection Agency Pass Through: Payments received from a party that is passed through the courts to the Obligation Recovery Center.

Court-Appointed Attorney Fees: Costs recovered from defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

Divorce Fees: A fee of \$50.00 charged for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

Domestic Abuse Surcharge: A fee of \$25.00 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. Costs are remitted to the county to deposit into the county domestic violence program fund.

Draw Down Accounts: Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

Drug Control Fee: Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

Drug Testing and Monitoring Fees: Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

DUI Costs: (32-12-48): If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver license, accompanied by a fee of seventy-five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty-five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy-five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

Interest-Bearing Trust Funds: Interest-bearing money deposited with a clerk pending a decision regarding ownership.

Law Library Fee: A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

Liquidated Costs: 23-3-53: Collection by clerk of courts-Transmittal to state treasurer-Disposition. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit monthly to the state treasurer. The state treasurer shall place thirty dollars of the forty dollar fee into the law enforcement officers training fund, six dollars of the forty dollar fee into the court-appointed attorney and public defender payment fund, two dollars of the forty dollar fee into the court-appointed special advocates fund, one dollar of the forty dollar fee into the 911 telecommunicator training fund, and one dollar of the forty dollar fee into the abused and neglected child defense fund.

Marriage Fees: Fees collected for processing marriage license applications. These funds are paid into the state general fund.

APPENDIX A (Cont.)

Modification Petitions and Motions Fees (Except Title 28 benefits): A fee of \$50.00 for child support modification filings. These funds are paid into the state general fund.

NSF Check Charges: A fee of \$30.00 charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

Other-Overpayments: Collections that do not fit any of the foregoing categories.

Passport Fees: 16-2-27.1. Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

Petty Offense Judgment: A judgment of \$20.00 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

Postage-Small Claims: Postage fees charged for processing small claims actions.

Posted Bonds: Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

Restitution: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Costs: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Fines/Penalties: Fines/penalties collected for violation of state laws. These fines and penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Forfeitures: Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

Surcharge-Court Automation Fund: 16-2-39. A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is: \$0 to \$3,999.99	\$ 6.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$ 8.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

--Electronic Filing Fees: A fee of \$1.00 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

--Record Searches: 16-2-29.5. A fee of \$20.00 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15.00 of the \$20.00 fee goes to the Court Automation Fund and \$5.00 goes to the law enforcement officers training fund. A fee of \$5.00 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

--Web Judgment Searches: A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

--Non-Resident Attorney Admissions: A \$100.00 portion of the \$200.00 admission fee is paid to the Supreme Court and the remaining \$100.00 portion is paid to the state bar.

Surcharge-Victims Compensation Fund: A fee of \$5.00 assessed in any criminal action for a violation of state law or county or municipal ordinance, in addition to any other liquidated cost, penalty, assessment, surcharge, or fine provided by law; it shall be levied a crime victims compensation surcharge on each Class 2 misdemeanor, Class 1 misdemeanor, or felony conviction.

**Most receipts collected according to SDCL 16-2-29, unless otherwise noted.*

APPENDIX B – Web Resources

<http://ujis.sd.gov>

Visit the UJS website for further information

Bench Personnel by Judicial Circuit
Court Appointed Attorney Costs
Expenditures & Repayment for Court Appointed Attorney Costs
Civil Caseload Detail
Protection Order Filings
Abuse & Neglect Petitions
Criminal Caseload Detail
DUI Cases
Traffic Violations Summary
Insufficient Funds
Failure to Maintain Financial Responsibility Arrests (No proof of insurance)
Tobacco Violations
Court Services Detail

Compiled by
The State Court Administrator’s Office
Pierre, South Dakota
November 2020

Any questions or comments regarding the Annual Report should be directed to the State Court Administrator’s Office, 500 East Capitol Avenue, Pierre, SD 57501-5070.

This Annual Report document is only available online.
An abbreviated version is also available online or by calling (605) 773-3474.