IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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

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 officer, two 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

ATTEST:

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JAN 22 2016

Clerk

South Dakota's Juvenile Supervisory Responses (JSR)

-Sanctions-

Undesired Behavior- Severity Level	Low/Admin Risk Juvenile (YLS)	Medium Risk Juvenile (YLS)	High Risk Juvenile (YLS)
Minor • Disruptive Behaviors/Disobedience • Dishonesty • Failure to Complete Assignment/Directive • Truancy • Failure to Attend Probation Meeting • Association with Prohibited Peers • Failure to Pay Court-Ordered Financials • Failure to Complete Community Service • School Infractions • Runaway • Driving without Permission • Positive Drug Test • PBT of .07 or lower • House Arrest Violation • Intimidating/Threatening Others • Gang Association (minor colors, drawings etc.) • Curfew Violation • Missed Programming Appointment (first time) • Refusal to UA/PBT • Admitted Ingestion	• Verbal Consequence • Adjust Curfew • Homework Verification • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Written Assignment • Youth Proposed Sanction • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Homework Verification • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Written Assignment • Youth Proposed Sanction • Behavior Modification Group • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Homework Verification • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-solving meeting with CSO • Behavior Modification Group • Discretion of CSO, Appropriate per Violation

South Dakota's Juvenile Supervisory Responses (JSR)

-Sanctions-

Undesired Behavior- Severity Level	Low/Admin Risk Juvenile (YLS)	Medium Risk Juvenile (YLS)	High Risk Juvenile (YLS)
Moderate • Continuous or Repetitive Undesired Minor Behaviors • New Nonviolent Offense • Gang Involvement-Moderate Vandalism, Graffiti etc. • Discharged Unsuccessfully from Programming • PBT of .08 or Higher	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-Solving Meeting with CSO • Review of Future sanctions if Behaviors Continue • Day/Evening Reporting • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-solving Meeting with CSO • Review of Future Sanctions if Behaviors Continue • Day/Evening Reporting • Electronic Monitoring • Parent-Child Conference • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-solving Meeting with CSO • Review of Future Sanctions if Behaviors Continue • Day/Evening Reporting • Electronic Monitoring • Parent-Child Conference • Discretion of CSO, Appropriate per Violation

South Dakota's Juvenile Supervisory Responses (JSR)

-Sanctions-

Undesired Behavior- Severity Level	Low/Admin Risk Juvenile (YLS)	Medium Risk Juvenile (YLS)	High Risk Juvenile (YLS)
Serious • Continuous or Repetitive Undesired Minor Behaviors • Continuous or Repetitive Undesired Moderate Behaviors • Tampering with UA • Positive UA other than THC • Contact with victim • Possession of unauthorized weapon • *New violent offense or substantial threat of violence • *Sex offense • *Abscond	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Electronic Monitoring • Court Observation • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem Solving Meeting with CSO • Day/Evening Reporting • Violation Report with the Court- Detention Request • Increase in Risk Level/Supervision Level • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Electronic Monitoring • Court Observation • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-Solving Meeting with CSO • Day/Evening Reporting • Violation Report with the Court- Detention Request • Discretion of CSO, Appropriate per Violation	• Verbal Consequence • Adjust Curfew • Behavior Modification Group • CD Evaluation • Community Service • Counseling Service • Support Parental Rules • House Arrest • Electronic Monitoring • Court Observation • Increase Face to Face • Increase Phone Contact • Limit Overnight with Friends • Parent Proposed Sanction • Parent-Child Conference • Restrict Privileges/Friends • School Progress Reports • Weekly Counseling Reports • Written Assignment • Youth Proposed Sanction • Scheduled Problem-Solving Meeting with CSO • Day/Evening Reporting • Violation Report with the Court-Detention Request • Discretion of CSO, appropriate per violation

*Officer is required to submit a probation violation. For all other cells the officer has discretion to submit a probation violation report as appropriate in response to behavior.

2/1/2016

South Dakota's Juvenile Supervisory Responses (JSR)

-Incentives-

Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
Compliant **(Contemplation Stage of Change)** **(Preparation Stage of Change)** Desired behavior would be that the juvenile is meeting the conditions of probation or has shown an improvement in meeting those conditions. -More problem recognition -Decisional balance -Increased commitment -Ready to make choices -Sharing plans for change -Change becomes priority -Shift in view from past to future	• Verbal Praise • Written Praise • Drawing from a Prize Bucket • Encourage School Staff Recognition for Child • Reduce Telephone Contact • Parent and Juvenile Recommended Incentives	• Verbal Praise • Written Praise • Drawing from a Prize Bucket • Encourage School Staff Recognition for Child • Reduce Telephone Contact • Parent and Juvenile Recommended Incentives • Reduce meetings • Eliminate Electronic Monitoring • Allow overnights with Friends	• Verbal Praise • Written Praise • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Reduce Telephone Contact • Parent and Juvenile Recommended Incentives • Reduce meetings • Eliminate Electronic Monitoring • Allow overnights with Friends • Reduced UAs/PBTs • Job Shadowing • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Extend Curfew

South Dakota's Juvenile Supervisory Responses (JSR)

-Incentives-

Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
Demonstrated Improvement **(Action Stage of Change)** Desired behavior would be a juvenile's progress in meeting the conditions of probation and showing a commitment for improvement that goes beyond mere compliance. -Strategies for change are chosen and pursued -Active modification of behavior, thoughts, feelings, and environment -Treatment and/or self help	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Extend Curfew • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Job Shadowing • Recommend Reduced Probation Term • Eliminate Electronic Monitoring	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Job Shadowing • Eliminate Electronic Monitoring • Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Job Shadowing

South Dakota's Juvenile Supervisory Responses (JSR)

-Incentives-

Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
	• Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile recommended incentives • College/Career Planning session • School Spirit Wear	Recommended Incentives • College/Career Planning Session • School Spirit Wear • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Reduce Community Service Hours	• Recommend Reduced Probation Term • Eliminate Electronic Monitoring • Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile Recommended Incentives • College/Career Planning Session • School Spirit Wear • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Reduce Community Service Hours

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

Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
Significant Improvement **(Action Stage of Change)** **(Maintenance Stage of Change)** Desired behavior would indicate a demonstration of commitment and progress to meeting the terms of probation and would be associated with a level of improvement that shows effective change by the juvenile. -Sustaining new habits -Working to prevent relapses -Taking personal responsibilities and credit for change -Watching out for dangerous people, places and things -Moving toward a balanced lifestyle	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Photo ID Costs • Job Shadowing	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Photo ID Costs • Job Shadowing	• Verbal Praise • Written Praise • Moderate Financial Reward (gift cards, activity fees, tickets, recreational passes, memberships under $15 etc.) • Reduced Probation Condition • Reduced UAs/PBTs • Drawing from a Prize Bucket • Reduce Meetings • Allow Overnights with Friends • Encourage School Staff Recognition for Child • Backpack Program- food, school supplies • Increase Driving Privileges • Extend Curfew • Graduation Certificate/Ceremonies for Accomplishments • Reduce Telephone Contact • Higher Level Financial Rewards (gift cards, activity fees, tickets, recreational passes, memberships over $15 etc.) • Photo ID Costs

South Dakota's Juvenile Supervisory Responses (JSR)

-Incentives-

Desired Behaviors	Low Level Incentive	Moderate Level Incentive	High Level Incentive
	• Recommend Reduced Probation Term • Eliminate Electronic Monitoring • Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile Recommended Incentives • Reduce Community Service Hours • Recommend Court Reduction in Fines or Fees. • College/Career Planning Session • School Spirit Wear • Payment for GED Testing	• Recommend Reduced Probation Term • Eliminate Electronic Monitoring • Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile Recommended Incentives • Reduce Community Service Hours • Recommend Court Reduction in Fines or Fees. • College/Career Planning Session • School Spirit Wear • Payment for GED Testing	• Job Shadowing • Recommend Reduced Probation Term • Eliminate Electronic Monitoring • Acknowledgement by the Judge for Positive Behaviors • Parent and Juvenile Recommended Incentives • Reduce Community Service Hours • Recommend Court Reduction in Fines or Fees. • College/Career Planning Session • School Spirit Wear • Payment for GED Testing

*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.

2/1/2016