

AN ACT

ENTITLED, An Act to allow certain adjudicated children to be placed in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center pursuant to chapter 26-11A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 26-11A-8 be amended to read as follows:

26-11A-8. If a juvenile is committed to the Department of Corrections, the department shall determine the extent of security and treatment services that are in the best interest of the juvenile and in the best interest of the state. When the department makes its determination, it shall place the juvenile in a juvenile correctional facility under the department's control pursuant to § 1-15-1.4 or a group home, group care center, or residential treatment center.

Section 2. That § 26-8B-6 be amended to read as follows:

26-8B-6. If a child has been adjudicated as a child in need of supervision, the court shall enter a decree of disposition according to the least restrictive alternative available in keeping with the best interests of the child. The decree shall contain one or more of the following alternatives:

- (1) The court may place the child on probation or under protective supervision in the custody of one or both parents, guardian, custodian, relative, or another suitable person under conditions imposed by the court;
- (2) The court may require as a condition of probation that the child report for assignment to a supervised work program, provided the child is not placed in a detention facility and is not deprived of the schooling that is appropriate to the child's age, needs, and specific rehabilitative goals. The supervised work program shall be of a constructive nature designed to promote rehabilitation, shall be appropriate to the age level and physical ability of the child and shall be combined with counseling by a court services officer or other guidance personnel. The supervised work program assignment shall be made for a period

of time consistent with the child's best interests, but may not exceed ninety days;

- (3) If the court finds that the child has violated a valid court order, the court may place the child in a detention facility, for purposes of disposition if:
 - (a) The child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals;
 - (b) The child had a due process hearing before the order was issued;
 - (c) Before the issuance of such order, a local interagency team, authorized pursuant to § 27A-15-56 shall review the behavior of the child and the circumstances under which such child was brought before the court and made subject to such order; determine the reasons for the behavior that caused such child to be brought before the court and made subject to such order; determine that all dispositions, including treatment, other than placement in a detention facility or the Department of Corrections, have been exhausted or are clearly inappropriate; and submit to the court a written report stating the results of the review and determinations made;
- (4) The court may require the child to pay for any damage done to property or for medical expenses under conditions set by the court if payment can be enforced without serious hardship or injustice to the child;
- (5) The court may commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center pursuant to chapter 26-11A;
- (6) The court may place a child in an alternative educational program;
- (7) The court may order the child to be examined and treated at the Human Services Center;
- (8) The court may impose a fine not to exceed five hundred dollars;
- (9) The court may order the suspension or revocation of the child's driving privilege or restrict the privilege in such manner as it sees fit or as required by § 32-12-52.4.

No adjudicated child in need of supervision may be incarcerated in a detention facility except as provided in subdivision (3) of this section.

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I certify that the attached Act originated in the

SENATE as Bill No. 41

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 41
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State