



South Dakota Legislative Research Council

Issue Memorandum 94-35

OVERVIEW OF JUVENILE SERVICES IN SOUTH DAKOTA

Introduction

The State of South Dakota provides many services to juveniles. Some services provide assistance in education, mental and physical health, or substance abuse treatment. Many are not pleasant, but still of great importance. Such services would include assessing possible abusive situations, or providing services once a juvenile comes in contact with the law. These services are provided by several different state agencies. These agencies include: the Departments of Social Services, Human Services, Education and Cultural Affairs, Health, and Corrections, in addition to the Unified Judicial System. Sometimes, services encompass the duties of more than one agency. The services provided by these agencies, and the cost of providing them, are discussed in this report.

Department of Social Services

The Department of Social Services provides a variety of services to juveniles through its Office of Child Protection Services (CPS). This office is charged with the responsibility of determining whether children have been abused and neglected and providing appropriate assistance. One type of service is an out of home placement, which depending on the extent of the child's needs, can consist of any of a variety of forms of care. In addition, the CPS

program offers a variety of services to families to prevent the removal of children from their homes. These efforts attempt to achieve two valuable goals: allowing kids to safely remain with their parents and saving the state the cost of more expensive out of home services.

Children who are placed out of the home enter one of several levels of care depending on their needs. Basic foster care is available for children who require alternative supervision in a family setting, and specialized treatment foster care provides a family environment for children with greater treatment needs. When children are determined to be unable to function in a family setting, they are placed in group or residential treatment center care. For children who need to be permanently removed from the custody of their parents, subsidized adoptions and guardianships are available. These subsidies apply only to children with special needs who may be older children, children with disabling conditions, sibling groups, or Native American children. Finally, the department offers emergency foster care to children who need to be placed out of the home immediately. This care is provided on a short-term basis until the child can be placed elsewhere. The following table shows the number of children in each type of care and the average cost per child in the month of June for each of the last three years.

Number, Cost and Type of Child Placements			
Level of Placement	1992 Number/Avg. Cost	1993 Number/Avg. Cost	1994 Number/Avg. Cost
Basic Foster Care	398 / \$ 237	423 / \$ 240	394 / \$ 262
Specialized Treatment Foster Care	98 / \$ 503	107 / \$ 522	93 / \$ 535
Group Homes and Residential Center Care	97 / \$2239	122 / \$2404	152 / \$2394
Subsidized Adoptions and Guardianships	491 / \$1925	555 / \$1854	625 / \$1950
Emergency Care	173 / \$ 139	112 / \$ 128	123 / \$ 127

As the table demonstrates, the various forms of family care are much less expensive than care in a group home or residential treatment center. In each type of care, the number of children in particular months has been volatile, but the trend has been toward more group care and subsidized adoptions. On the other hand, the caseloads in foster care programs have not changed significantly in recent years. The effect of the department's attempts to preserve families is not clear. The total number of placements has increased in the last few years; however, the increase might be much larger without efforts to limit placements.

When a child is placed outside the home into any alternative care, the cost is typically split between the state and the federal government. The Department of Social Services receives federal money from four different grants to provide for the needs of children who must be removed from their homes. Each of these grants has different restrictions and requires different amounts of state participation in the cost of care. The following is a discussion of each of the federal fund sources used to pay for child placements:

Title IV-A: This program provides money for emergency care of children who must be immediately placed outside their homes. At this time, the amount a state can receive in any one year is unlimited, but it can only be accessed for care that qualifies under the definition of an emergency. While much of this money is used by the department for emergency foster care, significant funding from Title IV-A is used for other forms of foster care and group placement. Placements under this program can be reimbursed for 364 days, after which the necessary services must be funded from some other source. Under this title, the federal government will pay 50 percent of all the costs, with the state responsible for covering the rest.

Title IV-B: This program funds a variety of child welfare services, including basic foster care and subsidized adoptions. It cannot be used to fund any form of group placement, emergency care, or specialized foster care. Under this program, states are entitled to receive an annual allotment and are required to fund 25 percent of the cost of the services. Decreases in the allotment in recent years have meant that the state has been forced to depend

more on other sources to provide these services. In order to receive funding under Title IV-B, the state must meet several planning requirements, including a review of all children within six months of placement and a dispositional hearing within eighteen months. The focus of this program is on allowing

children to live in family settings; thus, it funds basic foster care and subsidizes adoptions. In addition, money from this program can be used to provide preventive services which attempt to avoid placements and assist family reunification. The following table shows Title IV-B expenditures for the last three fiscal years.

Title IV-B Expenditures			
Year	State Funds	Federal Funds	Total Funds
FY 92	\$ 381,985	\$1,145,956	\$1,527,941
FY 93	\$ 304,611	\$ 913,834	\$1,218,445
FY 94	\$ 136,549	\$ 409,646	\$ 546,195

Title IV-E: This program is the most significant federal initiative to provide for the needs of children who must be placed outside their homes. Services under this program are made available to all children who would meet the eligibility requirements for Aid to Families with Dependent Children (AFDC); this program is not capped, thus funding is available to all children who are eligible. The department uses money from this program to fund all types of placements that the state offers; however, the majority of placements funded by this program

are subsidized adoptions and basic foster care. Services under this program are funded at the Federal Medical Assistance Percentage Rate, which means that currently the state must pay approximately 30 percent of the cost. Due to increases in median income in recent years, the state has been paying a greater percentage of the program costs with each successive year. The state must also contribute part of the cost of training personnel and administering the program. The following table illustrates Title IV-E expenditures over the last three years.

Title IV-E Expenditures				
Year	State Funds	Federal Funds	Total Funds	Percent of Funds from State
FY 92	\$1,465,870	\$2,363,588	\$3,829,458	38.3
FY 93	\$1,934,772	\$2,935,984	\$4,870,756	39.7
FY 94	\$2,359,406	\$3,315,244	\$5,674,650	41.6

Title XX: This federal fund source is also known as the Social Services Block Grant

Unlike the other programs used to provide services to children, Title XX allows the state

considerable latitude in the use of the funds. This block grant has been appropriated by Congress at the same level for several years, and it is distributed to states based on their populations. The department uses this money to fund services for both senior citizens and children. In order to provide as many services as possible, the department requests an additional state general fund appropriation to augment the block grant every year.

States are allowed to decide how best to spend these funds, but they must conform to some

limits. For example, this money cannot be used to fund subsistence programs, such as basic foster care. The Office of Child Protection Services uses their portion of the grant to provide emergency placements as well as group care. In addition, they use some of the money to provide counseling and family support services which are intended to preserve families and prevent placements. The following table shows the amounts of the Social Services Block Grant budgeted for services to children in recent fiscal years.

Title XX Expenditures for Childrens' Services				
Year	State Funds	Federal Funds	Total Funds	Percent of Funds from State
FY 93	\$1,769,599	\$6,274,032	\$8,043,631	22
FY 94	\$1,636,874	\$5,803,461	\$7,440,335	22
FY 95	\$1,615,018	\$4,845,054	\$6,460,072	25

The Department of Social Services offers many other services to children in addition to covering the cost of out of home placements. All children who are placed out of their homes are granted Medicaid eligibility, which allows them to receive necessary medical care paid for through a combination of state and federal funding. The department will also reimburse families for the cost of transportation necessary to receive medical services for any Medicaid eligible child. In addition, the Office of Child Protection Services offers a variety of services to families which intend to provide a safer environment for children without removing them from the home.

The department offers intensive, one-on-one home-based services to many families in an

attempt to prevent the removal of children from a home after substantiated incidents of abuse or neglect, and these services are also used to expedite the return home of children who have been placed elsewhere. Additionally, The Office of Child Protection Services also offers more in-depth parental functioning services to families with children who have been placed outside the home or are at risk of needing to be placed.

The Office of Child Protection Services funds day care for parents who need to attend therapy or other treatment as a condition of their children remaining in the home. Planning and counseling services are also provided to unwed parents in an attempt to avoid future problems with the child's well-being. Finally, the

department refers parents and children to appropriate outside services, including group therapy, substance abuse treatment, and more. As a whole, these programs represent a comprehensive set of services which are intended to create safe and supportive conditions so that children may remain in their homes to the maximum possible extent.

The Office of Child Protection Services also administers a small program known as the Children's Trust Fund, which was created by the 1984 Legislature. This grant program is funded with a \$40,000 annual federal grant and a \$60,000 appropriation from a trust fund created by a fee on birth certificates. Grants are awarded based on a competitive process and are limited to \$5,000 annually; in the last grant cycle, eighteen projects won awards. These projects are required to focus on four areas, which are parental skills training, abuse and

neglect prevention education, parental support projects, and pre-natal and post-natal care.

Department of Human Services

The Department of Human Services provides a variety of services to juveniles, including prevention and treatment of substance abuse and mental illness, as well as assistance to individuals with developmental disabilities. The department operates three facilities which provide direct services to those with the most complex needs; however, the majority of recipients are served in their homes or private institutions. Both the department's facilities and the home and community based services are funded by a variety of federal grants, in addition to state general funds. The following table indicates the number of adolescents served by each of the department's programs and the cost of these services.

Department of Human Services Programs for Children								
Program	Number		Cost					
	FY94	FY95	FY94			FY95		
			General	Federal	Total	General	Federal	Total
Developmental Disabilities	157	165	\$1,262,347	\$2,909,191	\$4,171,538	\$1,345,671	\$2,918,697	\$4,264,368
Mental Health	5223	5223	\$1,599,078	\$1,465,710	\$3,064,788	\$1,599,078	\$1,465,710	\$3,064,788
Alcohol and Drug Abuse	2700	3375	\$18,500	\$3,242,053	\$3,260,553	\$18,500	\$3,781,082	\$3,799,582
Human Services Center	22	22	\$624,031	\$183,368	\$807,399	\$855,044	\$17,609	\$872,653
SDDC: Custer	12	12	\$256,824	\$590,500	\$847,324	\$297,540	\$619,661	\$917,201
SDDC: Redfield	13	12	\$266,354	\$612,411	\$878,765	\$278,471	\$579,947	\$858,418
Total	8127	8809	\$4,027,134	\$9,003,233	\$13,030,367	\$4,394,304	\$9,382,706	\$13,777,010

The developmental disabilities program provides coordinated services which endeavor to assist individuals in living successfully in a

community setting. This program funds day care, various residential programs, and support and advocacy services; these services are not

provided directly by the Department of Human Services, instead they are purchased from private organizations. The developmental disabilities program is funded by Title XIX, which means that all recipients must be certified as Medicaid eligible. Under the current match rate, the department must fund approximately 30 percent of the cost of services under this program with the federal government covering the remainder.

The alcohol and drug abuse program provides a combination of treatment and prevention services. The department contracts with local providers to conduct 800 community prevention programs which will reach as many as 17,500 youth in fiscal year 1995. In addition, they contract with providers throughout the state to provide a variety of levels of treatment, including residential, outpatient, detoxification, and after care. The prevention services for juveniles are financed through two federal block grants, the Substance Abuse Block Grant and the Governor's Discretionary Block Grant. Neither of these grants requires the state to fund any portion of the services.

Alcohol and drug abuse treatment services for juveniles are financed in part by the Substance Abuse Block Grant. The department augments this funding by covering approximately 17 percent of the costs with general funds. The block grant does not require a specific match by the state, but the department is constrained by "maintenance of effort" requirements. These rules stipulate that in order to receive federal money, the state must continue to spend at least the same amount on substance abuse treatment from year to year.

The mental health program provides a wide variety of treatment services to juveniles. As in the drug abuse program, the department

contracts with many providers throughout the state to provide a comprehensive set of services, including home-based counseling, case management, and inpatient and outpatient care. These services are funded through two significant federal sources. Some juveniles are eligible for reimbursement under Medicaid, which means that the state must pay approximately 30 percent of their care with general funds with the remainder federally funded. In addition, the state receives money from the Mental Health Services Block Grant. This grant does not require a specific match by the state, but maintenance of effort requirements do force the state to appropriate additional general funds in order to receive its allotment.

The developmental centers, at both Redfield and Custer, provide comprehensive services to individuals with significant developmental disabilities which prevent them from functioning effectively in non-institutional settings. These programs provide patients with medical and pharmaceutical services, physical, occupational and speech therapy, and behavioral, habilitative, educational, and daily living assistance. Both facilities serve a comparatively small number of juveniles, with the majority of residents being adults. The services provided by the developmental centers are eligible for reimbursement under Medicaid, and most patients meet the eligibility requirements; thus, the state is responsible for only about 30 percent of the costs with the federal government paying the remainder.

The Human Services Center provides inpatient treatment services to individuals who are suffering from mental illness or chemical dependency. As with the developmental centers, the vast majority of Human Services Center patients are adults. Some residents of

his facility are eligible for Medicaid; however, his funding source is limited since few juvenile patients meet the eligibility requirements. Due to the lack of any other federal funding source for the treatment services provided, the majority of treatment costs at the Human Services Center are covered with general funds.

In recent years, an increasing number of individuals have been placed in facilities outside the state because their behavioral problems are too complex to be treated by any local provider. To remedy this situation, the Department of Human Services proposed a new program to begin in fiscal year 1995 which would serve twelve emotionally disturbed young males who could not be placed in any other facility in South Dakota. After receiving feedback from the Legislature, the department decided to work with the non-profit community to identify a non-governmental provider of this program. Recently, the department has announced that a facility will be open in Sioux Falls by October 1 of this year.

Placements in the program are limited to males between the ages of 14 and 21 with low-level intellectual functioning and severe behavioral disorders. This program will handle several individuals who have currently been placed out of state by the judicial system and Department of Social Services; the state should realize some savings since the daily rate for these services will be less under the new program. This facility will serve a total of eight young men at a time in the first year; in subsequent years, the department intends for this facility to provide services to as many as twelve patients simultaneously. These services will be funded through the Medicaid program. In the fiscal year 1995 budget, the department has \$285,320 in general funds to finance the match for services in this program. However, this

funding will probably not all be used, since that figure was budgeted based on a program operating for the full year with twelve patients.

Department of Education and Cultural Affairs

The Department of Education and Cultural Affairs administers the Auxiliary Placement Program, which pays for the cost of providing educational services to juveniles who have been placed outside the home. In some cases, juveniles attend schools in the district where they are placed. This program provides funding to the districts which serve these students, in an attempt to alleviate the burden districts face in educating children from elsewhere in the state. During fiscal year 1994, approximately 330 students were served in this manner.

In addition, the Auxiliary Placement Program provides funding to place teachers in juvenile detention centers, drug and alcohol treatment facilities, and other programs serving juveniles in a residential setting. These teachers are placed with several service providers, both in and out of state, and they work with varying numbers of students depending on the number of current placements at each facility. In fiscal year 1994, between 400 and 500 students were served by teachers who were located in residential facilities.

The funding for the Auxiliary Placement Program is included in the Department of Education and Cultural Affairs' budget, and the money is entirely general funds. In fiscal year 1993, \$3.5 million was appropriated for this program, and the amount appropriated in fiscal year 1994 was increased to \$3.9 million. In fiscal year 1995, the department has been appropriated \$6.2 million for this program. This significant increase will allow the program

to serve an increasing caseload and to improve the reimbursement to school districts and teachers placed with service providers.

The Youth at Risk Education Trust Fund was created in 1990, when the collection of sales tax was accelerated. The permanent trust fund began with the \$7,854,446 which the state gained by collecting sales tax more quickly.

The principal in the fund is not used to fund any programs, although the Department of Corrections has taken and repaid loans from the fund to finance capital projects. The interest on the fund is appropriated to community projects serving youth at risk of dropping out of school or experiencing other problems. The following table illustrates the interest income and expenditures from the fund since its creation:

Youth at Risk Trust Fund Income and Expenditures		
Year	Interest Income	Expenditures
FY92	\$490,730	\$419,752
FY93	\$438,929	\$290,869
FY94	\$831,446	\$434,506

The Youth at Risk Education Trust Fund is administered by the Youth and Family Alliance, which is made up of staff from various state departments. The Attorney General, Commerce and Regulation, Corrections, Education and Cultural Affairs, Health, Human Services, Indian Affairs, Labor, Social Services, Board of Regents, Unified Judicial System, and Governor's Office are represented on the alliance. This group gives final approval for all grants, which are awarded based on a review of submitted proposals. In order to receive a grant, local entities are required to provide matching funds equal to 25 percent of the costs in the first year of a project, increasing to 50 percent in the second year, and 75 percent in the third. Awards are made on an annual basis, and ongoing projects must submit a new proposal each year. In fiscal year 1994, funds were appropriated to 26 projects impacting a total of 6,300 children.

Grants from the Youth at Risk Education Trust Fund can be used to provide any of a number of services which are specified in statute. Grants can be used for: alternative high school programs, dropout prevention programs, early identification efforts, health and medical services programs, juvenile aftercare, parental involvement projects, school-to-work transition projects, career exploration and vocational education programs, early childhood projects, family based services, institutional care, mental health services, prevention awareness initiatives, and substance abuse prevention. Since the creation of the trust fund, grants have been made for all these purposes, but the most typical grants are made to school districts for services provided in their facilities, particularly dropout prevention and alternative education efforts.

Department of Health

The Department of Health provides a variety of health services to juveniles, which address education, nutrition, immunization, and other needs. The majority of these services are

funded with federal grants; general funds are used to supplement the cost of some programs. The following table illustrates the number of youth provided with various services and the cost of each in the last two fiscal years:

Department of Health Programs for Children								
Program Area	Fiscal Year 1994				Fiscal Year 1995			
	Number	General Funds	Federal and Other Grant Funds	Total Funds	Number	General Funds	Federal and Other Grant Funds	Total Funds
Family Day Care Food	10,800	\$0	\$2,900,000	\$2,900,000	11,000	\$0	\$3,300,000	\$3,300,000
Perinatal, Child and Adolescent Health	43,541	\$300,000	\$624,188	\$924,188	45,000	\$300,000	\$625,000	\$925,000
CSHS	11,614	\$500,000	\$795,533	\$1,295,533	12,000	\$500,000	\$796,000	\$1,296,000
Comprehensive School Health Education	60,000	\$0	\$250,000	\$250,000	65,000	\$0	\$300,000	\$300,000
Immunization	261,000	\$200,000	\$1,300,000	\$1,500,000	280,000	\$200,000	\$1,500,000	\$1,700,000
AIDS	1,500	\$0	\$200,000	\$200,000	1,500	\$0	\$200,000	\$200,000
Tuberculosis	1,075	\$30,000	\$100,000	\$130,000	1,500	\$30,000	\$100,000	\$130,000
Injury Prevention	6,400	\$0	\$130,000	\$130,000	6,400	\$0	\$130,000	\$130,000

As the table illustrates, general funds are used for only a small portion of the services provided to children by the Department of Health. The Family Day Care Food program provides money for food for poor families who have children in day care services; it is fully funded by a federal grant. The Perinatal, Child and Adolescent Health efforts are intended to expand the availability of health services for all young people in the state. This program is funded with federal grants including the State Systems Development Initiative and the Preventive

Health and Health Services Block Grant, and the department requests additional general funds in each budget year.

The Children's Special Health Services Program provides treatment and services to medically indigent children who would otherwise be unable to pay for such services. It is partially funded with payments from families and federal grants such as the Maternal and Child Health Services Block Grant. This block grant requires a match to be made by the state; thus, \$500,000 in

general funds have been included in each of the last two budgets. The Comprehensive School Health Education program pays for instruction in health issues for students throughout the state; it is funded entirely from federal grants, including the Drug Free Schools Grant and the Sexually Transmitted Disease Control Program.

The Immunization Program funds education and promotion of proper immunization practices, as well the cost of immunizations in some cases. This program is funded largely with a federal grant, and it is supplemented by some general funds. The number of participants for this program listed in the chart includes adults and children, so the actual number of children served is somewhat lower. The AIDS Program covers drug reimbursement and home health care for HIV infected people under the federal government's Ryan White Title II HIV Care Grant. Again, the number of children served is overstated because the chart includes participants of all ages.

The Tuberculosis Program coordinates efforts by public and private providers to test for and treat tuberculosis throughout the state; these activities are entirely funded by the federal government's Tuberculosis Control and Elimination Grants. Once again, the chart includes all participants and not just children. The Injury Prevention Program is funded by a grant passed through from the Department of Commerce and Regulation; it provides educational services which are intended to decrease the likelihood of accidents among young people.

Department of Corrections

The juvenile correctional facilities in South Dakota consist of the State Training School, the Youth Forestry Camp, and the Lamont Youth Development Center. These institutions are geared toward treatment and rehabilitation of the youth committed to their care.

All youth correctional facilities offer accredited substance abuse programs which provide chemical dependency assessments, chemical dependency treatment, prevention education, dependency group services, and children of alcoholics groups. Opportunities for self help in the form of Narcotics Anonymous and Alcoholics Anonymous are also provided.

As juveniles complete their respective programs at one of these institutions, release is considered. Arrangements for release are made by staff and Court Services, who work with the youth's family to identify an appropriate placement for the youth upon release.

State Training School

The State Training School is located in Plankinton, South Dakota. For fiscal year (FY) 1995 the State Training School's budget totals \$2,902,625. By statute, only youths adjudicated as delinquent may be committed to the Training School. Status offenders and children in need of supervision (CHINS) may not be ordered to this facility.

The Training School houses both males and females. Students may range from 12 to 20 years of age. This facility has a capacity of 105 youths (94 males and 11 females).

There is usually a waiting list for admissions to the Training School. In FY 1994, there was an average of 30.7 males and 8.3 females on the waiting list. The average wait for admittance to the Training School was 2 months for males and 3.5 months for females.

During FY 1994, there were 139 male and 19 female youths received at the Training School and 136 males and 19 females were released. The average length of stay for male students was 250 days, while female students averaged 244 days.

Upon admittance to the Training School, each student is placed in a group of peers who are close to the same level of sophistication as relating to the Positive Peer Culture Model. A trained adult group leader is involved with each group and guides the group in a manner which teaches the students to care for each other. An alternative behavior modification program is provided for those students unable to function in the Peer Culture Program.

The Training School provides an academic program known as Lincoln School. Lincoln School is fully accredited and awards both eighth grade and high school diplomas to those students who complete the required course work. The school provides remedial instruction in math and reading and also provides a comprehensive program of vocational education in five course areas. The GED test is also administered to eligible students.

Youth Forestry Camp

The Youth Forestry Camp is located in Custer State Park, two miles southeast of Legion Lake in the Black Hills. For FY 1995, the Youth Forestry Camp has a total budget of \$1,428,799. Adolescent males who have been

adjudicated as either delinquent or as a child in need of supervision are eligible for admission to the Forestry Camp. Campers range from 15 to 20 years of age. Capacity of the camp is 52 male youths.

Like the Training School, there is typically a waiting list for admission to the Forestry Camp. On average, there are 3.5 youths waiting for admission to the Forestry Camp. The average time spent waiting for admission is only about one month in this case. During FY 1994, there were 71 admissions to the Forestry Camp and 72 releases.

The intent of the Youth Forestry Camp is to offer these young men an opportunity to develop a sense of self worth, learn self-control, gain some insight into the problems that brought them to the court's attention, and develop work skills and constructive work habits. The work portion of the program is based on the concept that all youth committed to the camp be taught to work to the best of their ability.

The Forestry Camp operates under a two-camp concept. Upon admittance, a youth begins at Camp I, where a basic orientation is given. Assessments are performed at Camp I to identify the needs of the youth and to formulate short-term goals. While at Camp I, the youths are trained in fire suppression, first aid, and work safety principles. Work crews from Camp I are normally assigned to timber thinning in Custer State Park. A minimum of 80 days is spent in Camp I.

The youth are transferred to Camp II when they have met their short-term goals and have demonstrated positive progress in their attitude, respect, and work habits. While at Camp II, the youths complete a 120-hour vocational

education program and continue to work on their educational goals. The average combined length of stay for both Camps I and II is 278 days. The Youth Forestry Camp has an Alternative Learning Center which provides educational services. Youths at Camp II are assigned to work details throughout Custer State Park.

Lamont Youth Development Center

The Lamont Youth Development Center (LYDC) is located on the grounds of the South Dakota Developmental Center at Redfield. The aggregate budget for the LYDC for FY 1995 is \$413,836.

The Lamont Youth Development Center accepts female adolescents who have been adjudicated as either delinquent or as a child in need of supervision. Capacity of the LYDC is 24 female youths, ranging from 14 to 18 years of age.

Lamont Youth Development Center admitted 52 youths in FY 1994. There were also 52 individuals released. The average length of stay at Lamont was 193 days. As in the cases of the Forestry Camp and Training School, there is usually a wait for admittance to Lamont. There was an average of 6.4 individuals waiting for admittance to Lamont in FY 1994. Typically, the wait was approximately one month.

Lamont Youth Development Center consists of four primary program components: counseling, employment, education, and substance abuse services.

Upon arrival at the facility, each juvenile is assigned a counselor to assist the youth in addressing the issues that brought them to the court's attention. Individual and group

counseling is utilized. Each student is assisted with the establishment of short-term goals which guide their progress through the program. Prior to release, each student sets long-term goals which will benefit them in their aftercare placement.

Each youth is assigned a job in some area of the Developmental Center such as laundry, food service, or physical plant, where they are supervised by institutional staff. As part of the Job Training Partnership Act, each student is provided instruction in job seeking and keeping skills while at the facility.

Unified Judicial System

Court services officers and their support staff provide the foundation for delivering services under the auspices of the Unified Judicial System (UJS). Court services officers are authorized, and restricted, to provide services primarily to two classifications of juveniles: (1) "Delinquent Child," as defined by SDCL 26-8C-2 and (2) "Child in Need of Supervision," as defined by SDCL 26-8B-2.

The first step taken by court services officers, in the case of minor offenses, is to carry out a "90-day diversion" program developed in association with the local state's attorney. These procedures are termed informal, and the youth in question is not formally brought before the court. The state's attorney, in cooperation with the court services officer, determines an appropriate form of punishment. Common examples of diversionary punishment would include restitution or community service work. Typically, these sentences are 90 days or less. In FY 1994, diversion procedures dealt with 2,815 cases. If the offending youth completes the sentence to the court's satisfaction, the case is closed.

Should the youth commit an offense of a more egregious nature or suffer a repeat offense, then the formal process begins. Another means by which the offender can end up in court is to refuse the diversion punishment offered. SDCL 26-7A-88 authorizes the first step of the formal process.

The first step is a pre-hearing of social case studies. These case studies are prepared by court services officers and presented to the court. There were 678 cases in FY 1994 involving pre-hearing social case studies. The purpose of these studies is to assess the children and their families to ensure that the judges have pertinent and reliable information to consider during the next step in the process, the dispositional hearing.

The statutory basis for dispositional services provided to delinquent children and children in need of supervision is provided in SDCL 26-8B-6 and 26-8C-7. At this point, the court has several options. The most common course taken is probation, which accounted for 2,754 cases during FY 1994. Services associated with probation include: counseling, referrals to community-based services, and self-discipline assistance.

There are different aspects of community-based services. These alternatives include financial restitution, referrals to other agencies in the community, and community service. In FY 1994, juveniles paid \$219,659.19 in cash restitution to victims of the juveniles' offenses. A referral to another agency within the community often includes treatment for chemical dependency or a mental health evaluation. Data was unavailable detailing the number of community service hours worked.

Another option for less serious offenses is case service monitoring. There were 862 cases handled in this manner in FY 1994. This program is less formal than probation. Case service monitoring is a short-term option, with the court able to monitor an offender for a 30-, 60-, or 90-day period of time. This approach attempts to prevent an out-of-home placement or to assist the juvenile in completing a successful transition from a placement. These services can also be used for probationers at risk of being placed out of home, as well as aftercare from the alternative care program of UJS (to be discussed later), and from Department of Corrections institutions. Aftercare could include monitoring whether a malefactor is complying with terms of the agreement reached with the court. Examples would include supervising the payment of attorney's fees, victim restitution, compliance with chemical dependency treatment, or fulfillment of community service requirements.

Another possibility for the court to consider is one of the various types of alternative care. One option that is popular with court services officers is home-based services. In FY 1994, there were 106 placements into home-based services. The reason this option is preferred is that, when suitable to the case, it allows treatment with the least upheaval. Here, the juvenile can remain at home, stay in school, and complete the sentence handed down. This is less expensive to the taxpayers and allows the juvenile to remain in a familiar environment. Cost of these services totaled \$230,534 in FY 1994. Much of this was paid from the child's (or the juvenile's family's) own resources. This option, of course, is not as attractive if the court feels the home environment is part of the problem.

Family therapy, in the form of counseling, for instance, is also included in home-based services. Here, the focus is on such treatment as parenting skills, chemical dependency treatment, etc. The key issue with family therapy is to provide treatment or assistance to family members, other than the offending youth, that might be contributing to the problem. If such therapy is done on an outpatient basis, the cost is covered by Medicaid, not the Unified Judicial System.

The most-exercised alternative care option is group/residential care. There were 321 placements into group/residential care in FY 1994. These group/residential facilities are private, non-profit organizations that are not a part of state government. These living arrangements have the advantage of inpatient chemical dependency treatment and also remove the juvenile from the home environment. This is beneficial when the court finds that the home environment is detrimental. The state does incur some costs, however. A total of \$1.8 million in general funds were spent in FY94 to provide services, including education, to individuals in residential care.

Another alternative care possibility is family foster care. This option had 18 placements in FY 1994. This service is funded through the Department of Social Services. The total cost of this option during FY 1994 was \$24,304.

The remaining choice for the court under alternative care is independent living. Independent living is a gradual, phase-in process in which assistance is provided to juveniles as they adapt to living alone. This service is far-ranging. Training in bookkeeping, help in completing applications for work or additional schooling, or even in

purchasing necessary home supplies are part of independent living. There are three facilities, McCrossan's Boys Ranch and Turning Point of Sioux Falls and Black Hills Special Services Cooperative of Sturgis and Belle Fourche, that provide the first phase of the independent living process.

The key to independent living is to avoid putting the juvenile back into an environment that has contributed to the youth's troubles. Independent living is available to juveniles age 17 and older who have been in an out-of-home placement during the previous six months. During FY 1993, there were 17 juveniles placed in independent living. Through three quarters of FY 1994, the total stood at 14.

In the event that the youth continues to offend or none of the choices available to the court provides satisfactory results, the judge can order the youth to be admitted to one of the three youth facilities operated by the Department of Corrections.

Once a juvenile's assigned program has been completed, there is one more form of treatment available. This is known as aftercare. Aftercare is a category of services intended to integrate juveniles back into their families and society upon returning to their home communities. Any service the court feels would help the youth reintegrate into the community can be ordered. Further counseling (individual, family, chemical dependency, etc.), probation, and independent living are just a few of the aftercare choices available to the court. This is most commonly used when youths are returning to their home communities from a state institution or one of the private, non-profit group/residential facilities.

Service Coordination Efforts

Recognizing the complexity of the delivery system for services to juveniles, the Governor's Office has led an effort in recent years to provide coordination of services. An interagency team from the departments which administrate programs established four goals, including accessing additional federal funds for services, creating programs to serve children in the state, assuring children awaiting placement in a correctional facility of appropriate temporary services, and expanding contacts between agencies.

The efforts of the interagency team have led to several significant accomplishments. In 1993, a database was compiled to determine the total number of special needs children receiving services from the state. This Kids Count

project found that many children receive services from multiple agencies, and the data collected will be used to better serve children in the future. The interagency group also designed a single intake form, which will allow children to receive services from multiple agencies without preparing numerous forms. In addition, the interagency group has established an information and referral telephone hotline which provides citizens with information on all the services available throughout state government. The efforts of the interagency group have made progress, but the complexity of the various programs and services, which is largely due to the categorical nature of federal funding for juvenile services, continues to pose a challenge to those who require assistance.

This issue memorandum was written by Jeff Bostic and Chris Eitemiller, Fiscal Analysts for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
