

2014

**Statutory Responses to Domestic
Minor Sex Trafficking Victims**

South Dakota



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Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

Temporary custody may be taken by law enforcement officer or court services officer without court order if child is a runaway, or is endangered by his/her environment

Placement:

- Release to parents
- Foster care
- Shelter as designated by the court

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Child in Need of Supervision ("CHINS")

Authority for Initial Custody:

Temporary custody may be taken by law enforcement or court services officer if child:

- Is a runaway or endangered by environment
- Is under the influence of drugs or alcohol

Placement:

- Release to parents, guardian or custodian
- Shelter or detention as designated by the court

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Delinquent Child

Authority for Initial Custody:

Law enforcement may take temporary custody if child is:

- Subject to arrest
- Under influence of drugs or alcohol

Placement:

- Release to parents, custodian or guardian
- Detention or temporary care facility for up to thirty days if sight and sound separated from adult prisoners

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Trafficking Victims in South Dakota

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Release to parents, guardian or custodian
- Continue the temporary custody of the child under the terms and conditions for duration and placement that the court requires, including placement of temporary custody of the child with the Department of Social Services, in foster care or shelter

Adjudication or Referral to Alternate Process

Adjudication:

Following an advisory hearing on a petition, clear and convincing evidence standard

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Family reunification
- Placement with a fit and willing relative
- Adoption
- Legal guardianship referral

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours of temporary custody

What are the placement options?

- Release to parents, guardian or custodian
- Continue the temporary custody of the child under the terms and conditions for duration and placement that the court requires, including placement of temporary custody of the child with the Department of Social Services, in foster care or shelter

Adjudication:

Following an advisory hearing on a petition, proof beyond a reasonable doubt standard

Or Alternate Process

N/A

Dispositional Outcomes

- Probation or protective supervision
- Supervised work program
- Foster/group home/care center
- Residential treatment / community-based services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 hours of temporary custody

What are the placement options?

- Release to parents, guardian or custodian
- Shelter
- Detention

Adjudication:

Following an advisory hearing on a petition, proof beyond a reasonable doubt standard

Or Alternate Process

N/A

Dispositional Outcomes

- Incarceration in detention facility
- Fine, suspension of license
- Supervised probation
- Alternative educational program

Dispositional Outcomes

N/A