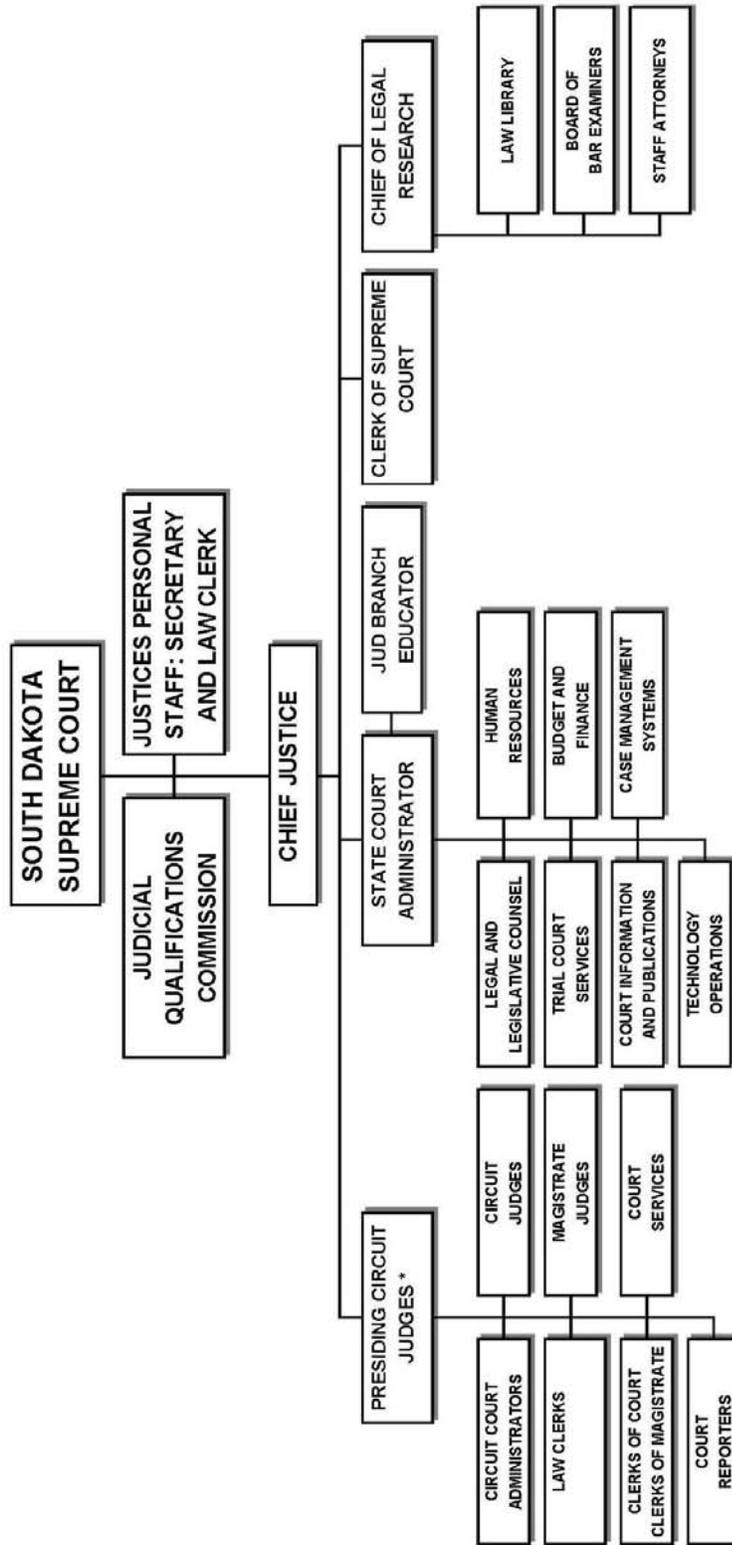


**Table 1.
Unified Judicial System**



SOUTH DAKOTA JUDICIAL SYSTEM
UJS Strategic Plan

Created: October 2009

Key UJS Philosophical Values

Fairness & Impartiality

We will interpret and apply the rule of law in a manner that is unbiased and that provides equal protection to all who seek our services.

Respect

We will encourage respect for the law, the administration of justice, and the people we interact and work with each day. We will promote and exemplify high standards of cooperation and courtesy to those within and outside the UJS.

Competence

We will continue to develop our technical and academic knowledge. We will strive for a standard of excellence in all we do through accurate, timely, reliable, consistent, and efficient performance.

Judicial Independence

We will uphold the principle that our courts should not be subject to improper influence from the other branches of government, or from private or partisan interests.

Integrity

We will conduct business in accordance with the highest ethical and legal standards. We will strive to maintain a reputation of honesty, reliability, and trustworthiness in all our activities.

Service

We will provide equal access to the judicial process, to anyone who needs our services. We will offer assistance, act with sincerity in our activities, and encourage cooperative efforts to achieve our mission.

PAAC is the Supreme Court's Planning and Administrative Advisory Council. PAAC conducted a survey of UJS employees, judges and justices, and the South Dakota Bar Association. After the results were analyzed, PAAC recommended the Strategic Plan to the Supreme Court. It exists to provide leadership to the Supreme Court, Circuit Courts, and the State Court Administrator's Office on best practices and consistent business policies that affect internal court operations, resources, and priorities; to advise them on long-term statewide planning for the UJS; and to recommend system-wide responses to changing expectations of the judicial environment, such as future trends, technological developments, economic and societal patterns, and shifting demographics. PAAC will work in concert with the Supreme Court's Technology Council and the Presiding Judges' Council to offer recommendations that will allow the UJS to anticipate and address those areas in a clear, active, and well-coordinated manner.

Six Focus Areas of UJS

To make our vision a reality, we will achieve results in the following areas:

1. **Technology.** We will seek to acquire modern resources that will provide technical options, solutions, and resolutions for UJS offices, other justice system agencies, and the public. This includes a new case management system, networking capabilities, e-filing and electronic document management.

2. **Staffing Recruitment and Retention.** Our most valuable asset is our employees. We will evaluate our existing compensation and classification system to ensure equitable treatment of our employees, fair wages, and satisfactory working conditions. We will continue to provide personal and professional development opportunities to all judges and staff.

3. **Budget & Resource Management.** The UJS will provide open and accountable administration of all resources available to it. We will explore alternative and additional funding options. We will evaluate current business practices to determine where efficiencies can be gained, without sacrificing effectiveness.

4. **Small and Rural Courts Issues.** We will assess the need for improved physical access to court facilities; uniformity and availability of services; workload distribution options; and the impact of serving rural areas of our state.

5. **Access to Justice.** We will form partnerships with diverse individuals, organizations, and communities; identify resources; demystify the courts; and develop user-friendly instructional pamphlets and forms to assist our customers in using the court system.

6. **Public Trust & Confidence.** It is our responsibility to ensure that the public has confidence in our work and trust that we are operating efficiently, effectively, and without bias or prejudice. We will be leaders in the effort to educate the citizens we serve about the judicial process.

* * * * *

Each year, we will move forward in these Six Focus Areas by:

- Reviewing our strategies against the changing environment and against our mission, vision, goals, and values, and adjusting as needed;
- Evaluating the prior year's programs and performance;
- Making budget and resource allocation decisions within the context of the strategic plan; and
- Conducting operational reviews of administrative practices, procedures, rules, and organizational structures to identify changes that improve the quality of service, control costs, streamline procedures, and to promote access to justice.

2009-2010 Major UJS Accomplishments

Technology

- Contracted with Tyler Technologies for development of the Odyssey Case Management System.
- Managed 116 “digital” installations (Interactive Video Conferencing, FTR, Court Smart) and over 1,100 hearings and meetings held.
- Began migration to Windows 7 and Office 2010.
- Updated Abuse & Neglect training video and added to UJS website.

Staffing Recruitment & Retention

- Implemented orientation for new judges, presiding judges, circuit administrators and other staff.
- Implemented a deputy court clerk career development program.
- Conducted a Leadership Institute for 100+ UJS employees.
- Established a resource lending library for UJS employees.
- Published internal HR dashboard and wellness information.
- Implemented an exit questionnaire for employees.

Budget & Resource Management

- Streamlined the voucher process.
- Aligned the infrastructure of State Court Administrator’s Office.
- Piloted remote receipting project.
- Streamlined UJS collections project.

Small & Rural Courts Issues

- Served as faculty for improving Rural Courts Network.
- Facilitated Statewide Drug Court Symposium.
- Developed and implemented an on-line, searchable clerk procedural manual.

Access to Justice

- Updated UJS juror orientation video and made available on our Jury Management website.
- Established Court Interpreter Committee.
- Revised self-represented litigant forms and added to UJS website.
- Upgraded UJS website.

Public Trust & Confidence

- Budgeting and resource allocation decisions made within the context of the strategic plan.
- Conducted operational reviews of administrative practices, procedures, rules, and organizational structures to identify changes that improve the quality of service, control costs, streamline procedures, and promote access to justice.

SUPREME COURT

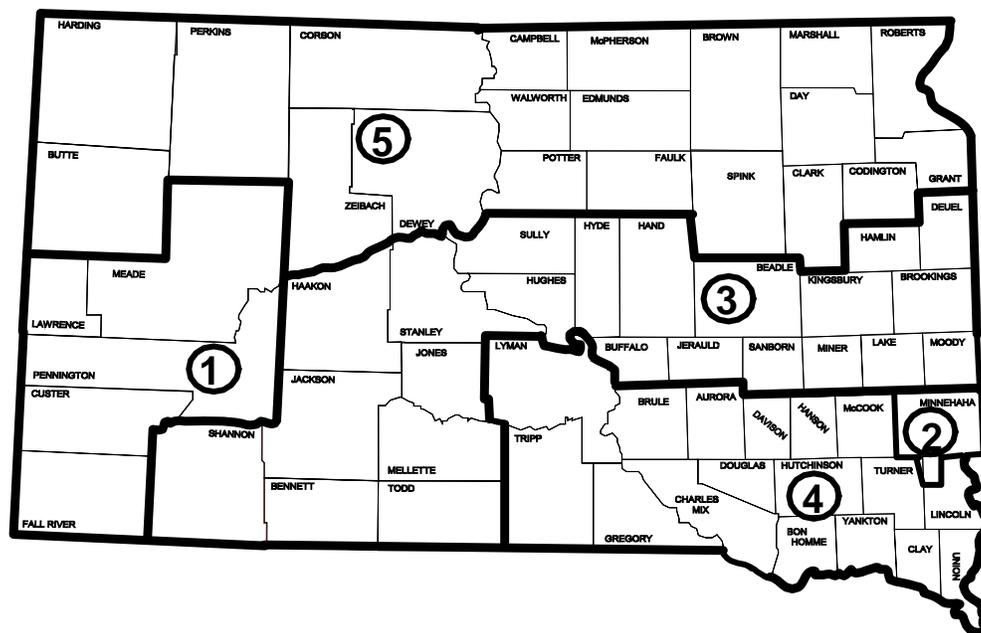
As the state's highest court and the court of last resort for state appellate actions, the chief justice and four justices comprising the South Dakota Supreme Court are the final judicial authority on all matters involving the legal and judicial system of South Dakota.

Chief Justice and Four Justices Duties and Responsibilities

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

Under the terms of 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 1 below).

Map 1. South Dakota Supreme Court Appointment Districts



Supreme Court Workload

The Supreme Court workload information is shown on Pages 6 and 7. The categories shown 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

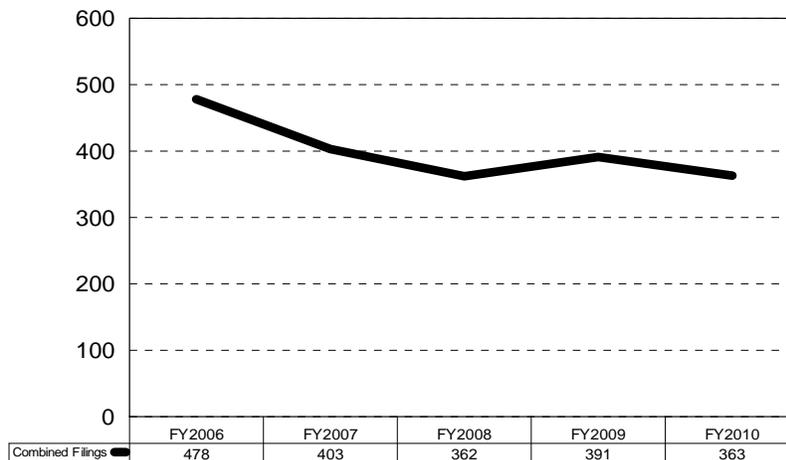


Table 2. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

Fiscal Year:	FY2006	FY2007	FY2008	FY2009	FY2010
FILINGS:					
Appeals	346	282	279	310	301
Intermediate Appeals	62	46	29	20	25
Original Proceedings	32	40	17	25	17
Notice of Review	23	12	12	16	4
Certificates of Probable Cause	15	23	24	20	14
Reinstatements	0	0	1	0	1
Rehearings Granted	0	0	0	0	1
COMBINED FILINGS	478	403	362	391	363
DISPOSITIONS:					
Appeals / Original Proceedings	101/120	124/134	120/140	130/141	112/128
Orders of Dismissal/Dispositional Remands	87	78	80	95	83
Denial of Intermediate Appeals	52	24	18	27	17
Original Proceedings (by Order)	24	34	31	41	31
Dispositive Remand	0	0	0	0	0
Summary Dispositions	117	112	75	92	116
COMBINED DISPOSITIONS	400	382	344	396	375
PENDING CASES:					
Submitted and Pending	52	49	35	27	20
Ready for Submission	16	38	37	38	49
Not Ready for Calendar	140	77	76	74	89
Other (in Suspende)	1	9	11	3	4
TOTAL PENDING CASES (6/30/2010)	209	173	159	142	162
ADMINISTRATIVE:					
Hearings on Rules and Related Matters	3	2	2	3	3
Internal Procedure Rules Adopted or Amended	1	1	2	3	0
Supreme Court Rules Adopted or Amended	71	11	11	12	6
Administrative Conferences	24	22	22	25	22
JUDICIAL:					
Orders, Writs and Judgments Entered	1090	1080	1085	1095	1090
Bar Admissions	108	109	88	97	110
Bar Admissions pursuant to SDCL 16-18-2	14	24	18	10	6
Oral Arguments (Actions/Submission)	52/55	59/67	63/69	57/63	52/61
Cases Submitted on Briefs	166/195	174/184	144/155	140/150	148/155
Case Conference Days	23	27	27	27	30
LEGAL RESEARCH:					
Appeals Screened	478	402	362	392	405
Cases Briefs Were Received In	218	222	213	213	210
Per Curiams Assigned	65	55	43	43	49
Circuit Judge Opinions Issued	22	15	6	6	14
BAR ADMISSIONS:					
Applications Processed	138	130	125	125	148

JUDICIAL QUALIFICATIONS COMMISSION

The Judicial Qualifications Commission was created by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the Judicial Conference; three attorneys, appointed by the President of the State Bar; and two lay persons, appointed by the Governor. The four-year terms of the members are staggered to promote administrative continuity.

- Receives and investigates complaints against justices or judges
- Conducts confidential hearings to determine whether complaints are justified
- Recommends to the Supreme Court censure, removal or retirement of a judge
- Reviews applicants for vacancies on the Supreme Court or circuit court bench
- Nominates two or more of the most qualified applicants to the Governor

Chart 2. JQC Complaints Received

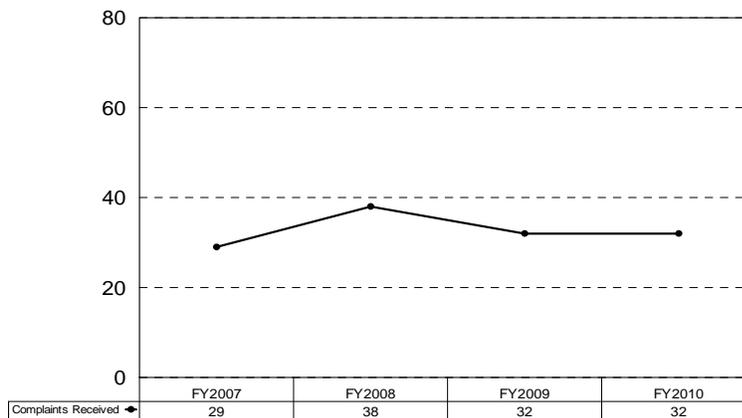


Chart 3. JQC Investigations of Applicants

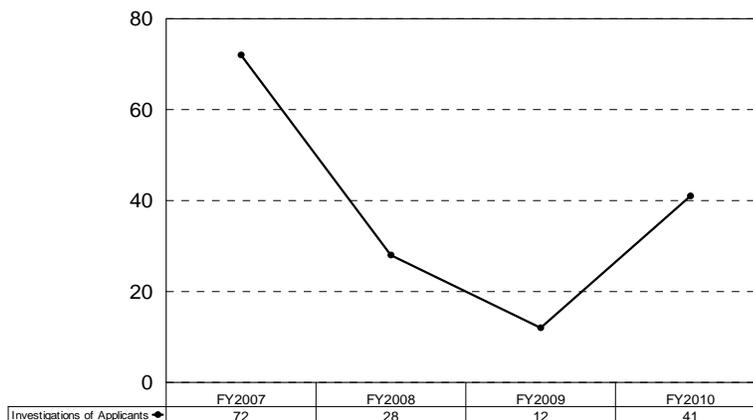


Table 3. Judicial Qualifications Commission
State of South Dakota

Complaints Received and Dispositions

	FY2007	FY2008	FY2009	FY2010
Oral Complaints/Inquiries *	15	4	5	5
Formal Written Complaints Received *	14	34	27	27
Complaints Disposed of **	15	32	32	20
Type of Cases:				
Prisoner Complaints (Includes Habeas Corpus)	7	6	4	6
Divorce/Child Custody/Child Support Issues	4	10	11	3
Protection Order Cases	0	0	0	1
Civil Trial Issues (Includes Decisions)	0	6	6	5
Criminal Trial Issues (Includes Sentencing)	1	6	2	3
Personal Conduct	0	1	0	1
Small Claims	2	5	3	3
Guardianship/Conservatorship	2	0	0	0
Unknown	0	0	1	0
Nature of Claims in Complaints:				
Inappropriate Conduct/Abuse of Position	2	3	2	4
On Bench Abuse of Authority	3	0	0	1
Lack of Demeanor/Decorum	2	7	4	1
Bias/Appearance of Bias	4	8	5	10
Unhappy with Result	10	16	16	6
Commission Dispositions:				
1. Dismissal due to:				
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	3	13	2	10
b. Lack of Jurisdiction***	2	13	2	10
c. Resigned Due to JQC Investigation	0	0	0	0
d. Unsubstantiated	4	8	6	0
e. No Violation Found	6	5	16	0
2. Private Reprimand	0	0	3	3
3. Deferred Disciplinary Agreement	0	0	0	0
4. Public Censure	0	0	0	0
5. Recommendation for Suspension	0	0	0	0
6. Recommendation for Removal	0	0	0	0
JQC Applicants				
Judicial Vacancies	2	1	4	2
Applicant Interviews	28	12	40	20
Investigations of Applicants	72	28	12	41

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

***Complaints 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 the same fiscal year.*

****JQC 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 and is 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 provides centralized administrative assistance and support services to the entire Unified Judicial System. Detailed information about the seven divisions within the SCAO is available on our website at <http://ujls.sd.gov>.

- 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, within the State Court Administrator's Office, the Supreme Court, and with national, state, 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
- Endeavors to improve administrative practice and procedure in, and to increase the efficiency and effectiveness of, all state courts in South Dakota

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 for defense of the indigent. Counties are also required to provide operational facilities for the circuit court, magistrate court, clerk of court, and court services. 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.

Chart 4. Budget Breakdown FY2010 Expenditures

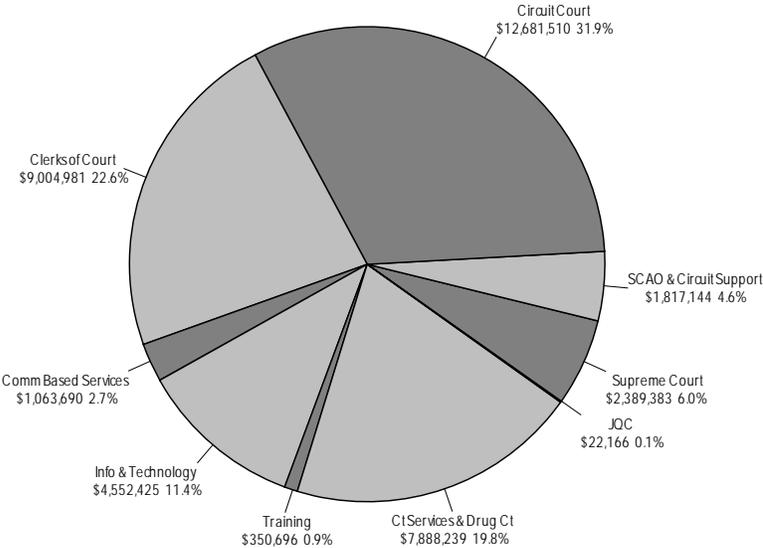
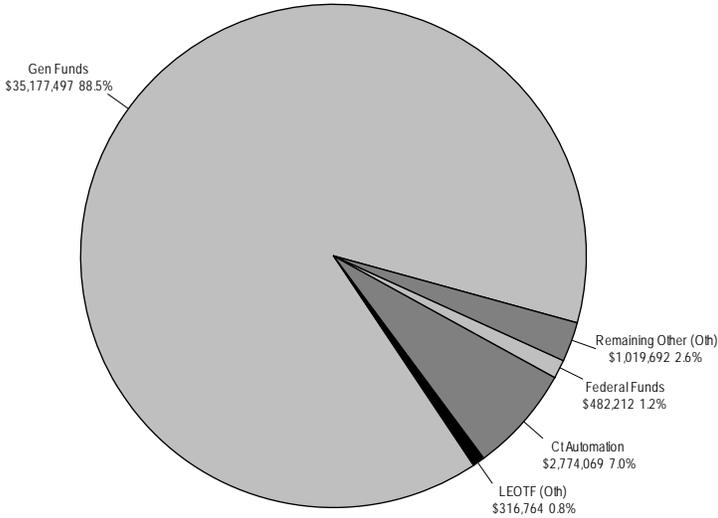


Chart 5. FY2010 Expenditures by Fund Source



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 circuits (Map 2 on page 13), 41 circuit judges and 13 magistrate judges. Circuit judges are elected by the voters of 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 34 Circuit Court Judges in 7 Circuits (FY2010)

- 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
- 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 of limited jurisdiction 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 (lay) magistrate presides. Clerk (lay) magistrates are not attorneys. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judge

12 full-time, 1 part-time in 7 circuits (FY2010)

- Committing magistrate for all courts

Conducts:

- 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
- Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000

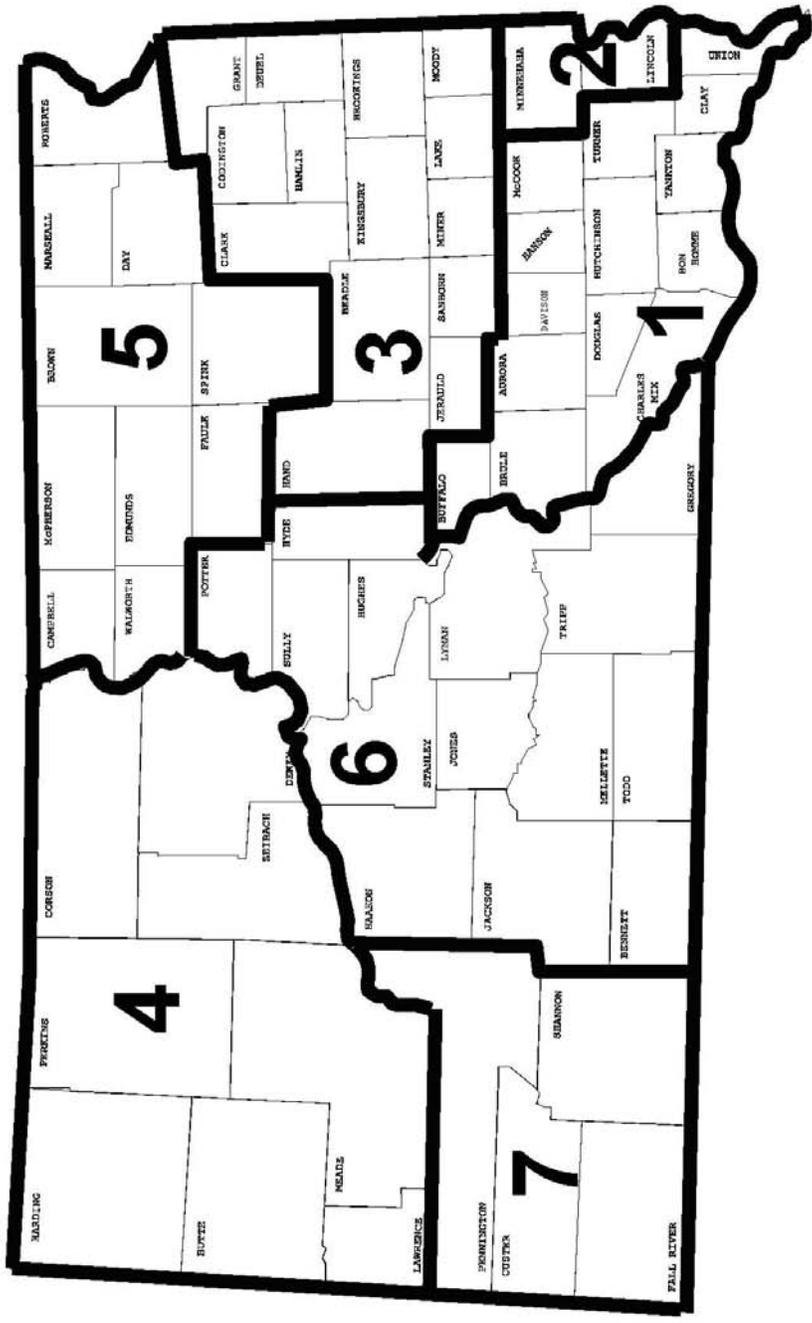
Clerk Magistrate

Functions usually performed by clerks

Concurrent jurisdiction with circuit 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
- Perform marriages

Map 2. South Dakota Judicial Circuits and Counties



**Table 4. South Dakota Unified Judicial System
Statewide Workload**

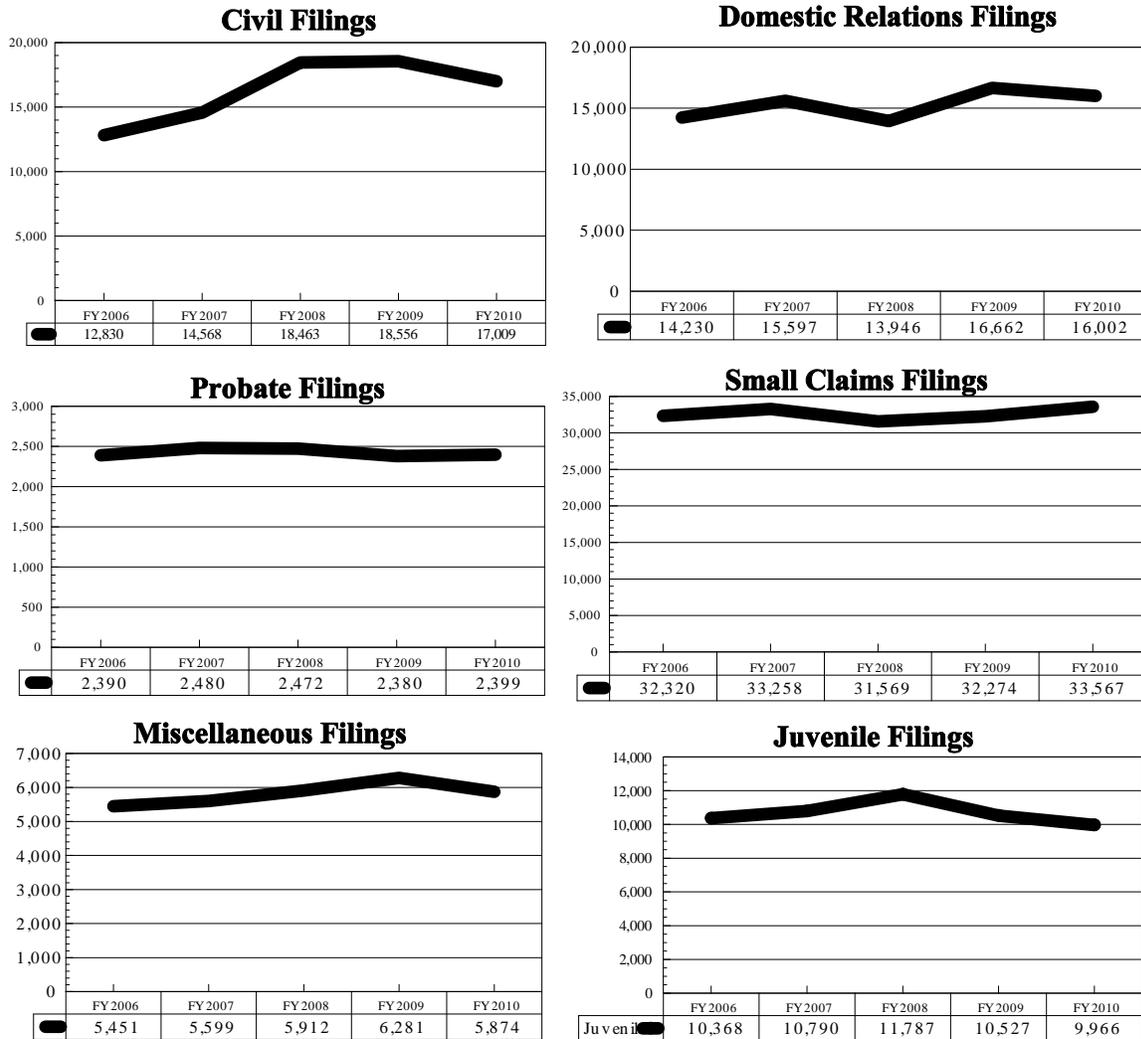
	FY2006 Filings	FY2007 Filings	FY2008 Filings	FY2009 Filings	FY2010 Filings
Class 2 Misdemeanor Non-Contested	107,947	106,865	106,613	104,008	95,533
Class 2 Misdemeanor Contested	33,455	33,068	32,647	30,609	29,432
Class 1 Misdemeanor Filings	24,064	23,464	22,613	21,896	20,141
Felony & Extradited Filings	6,970	5,660	5,797	5,745	6,126
TOTAL CRIMINAL	172,436	169,057	167,670	162,258	151,232
Divorce/Annulment/Separation	4,074	4,208	4,268	4,567	4,548
Protection Order Filings	4,341	4,085	4,437	4,523	4,578
Modification Proceedings/UFSA Filings	5,815	7,304	5,241	7,572	6,876
Juvenile Dependency & Neglect Filings	1,458	849	991	1,034	1,045
Juvenile Delinquency Filings	8,910	9,921	10,796	9,493	8,921
Adoptions/Guardianships/Trusts Filings	1,740	1,944	1,866	1,551	1,452
Probate (Informal) Filings	1,993	2,116	2,125	2,050	2,044
Probate (Formal) Filings	397	362	347	330	355
Mental Illness/Drug & Alcohol Commitments	3,393	3,353	3,693	4,330	4,000
Civil Filings	12,830	14,568	18,463	18,556	17,009
Small Claims Filings	32,320	33,258	31,569	32,274	33,567
Administrative Appeals Filings	318	302	353	400	422
TOTAL CIVIL FILINGS	77,589	82,270	84,149	86,680	84,817
TOTAL CRIMINAL & CIVIL FILINGS	250,025	251,327	251,819	248,938	236,049
MISCELLANEOUS ACTIVITIES					
FY10 Supreme Court Appeals	360	286	279	309	294
FY10 Child Support Receipts	8,841	6,940	5,356	4,290	3,176
FY10 Record Searches ¹	135,646	153,234	140,553	123,581	121,494
FY10 Search Warrants	748	714	747	730	706
FY10 Record Merges	23,571	56,141	34,048	27,190	18,393
FY10 Passports	1,224	2,217	2,555	1,389	1,124
FY10 Weddings	979	941	1,055	894	884

¹ Criteria changed in FY2009 for tracking record searches

Civil Caseload

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

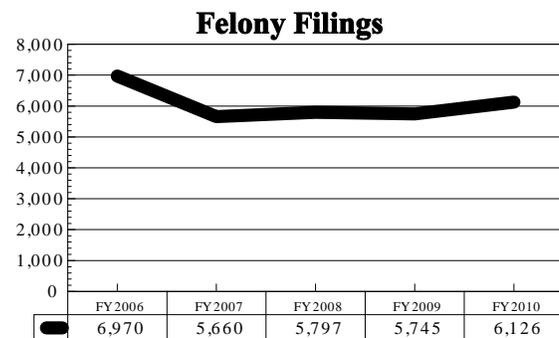
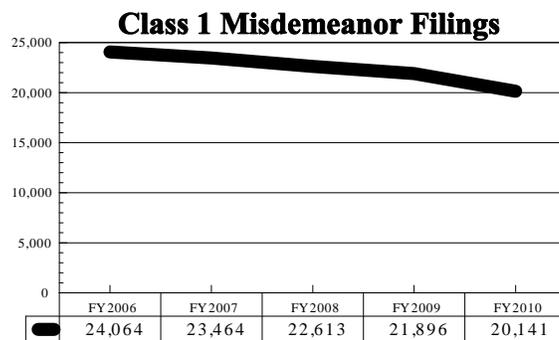
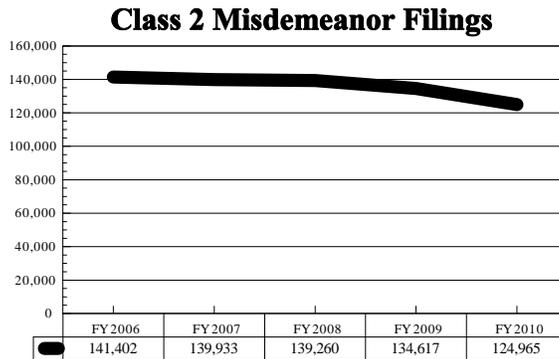
Chart 6. Civil Caseload Comparison



Criminal Caseload

The charts below compare criminal case filings for the past five fiscal years.

Chart 7. Criminal Caseload Comparison



RECEIPTS

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

**Chart 8. Selected Receipts Compared
Court-Appointed Attorney Repayment, Cash Fees and Restitution**

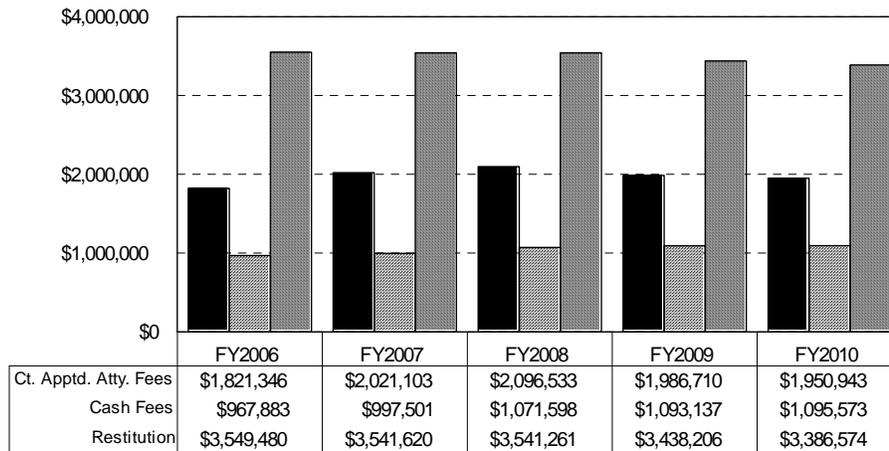


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

**Chart 9. Selected Receipts Compared
Court Automation**

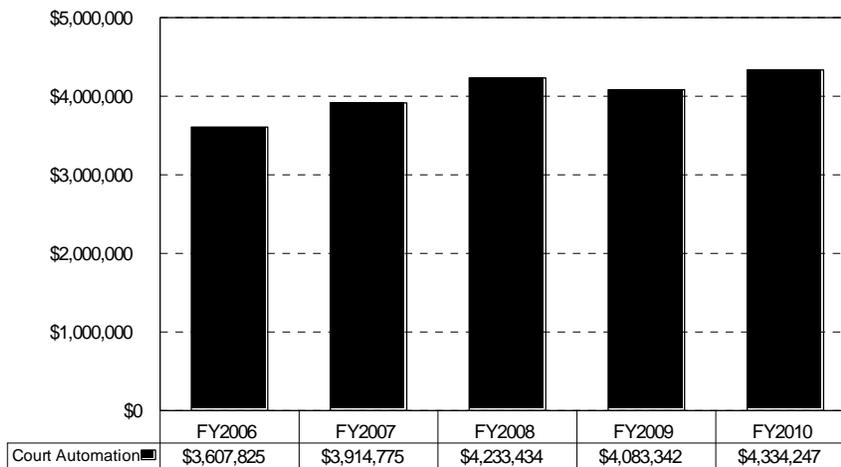


Table 5. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON

	FY2006	FY2007	FY2008	FY2009	FY2010
RECEIPTS					
BONDS/UNDERTAKINGS/NO-INT TRUSTS	5,507,010	9,180,374	6,656,632	5,969,704	6,659,305
CITY FINES	1,317,280	1,305,177	1,218,300	1,168,420	1,011,000
CITY COSTS	9,982	8,861	10,412	10,770	8,602
CITY FORFEITURES	2,661	4,808	4,391	3,779	2,884
CITY PENALTIES	8,244	10,842	362	30	20
COUNTY FINES	19,183	24,895	13,555	8,208	7,794
COUNTY COSTS	140	236	816	356	237
COUNTY FORFEITURES	0	0	0	0	0
COUNTY PENALTIES	0	0	50	0	75
STATE FINES	9,574,061	9,982,519	10,119,207	9,748,551	9,193,693
STATE COSTS	596,646	780,569	820,345	790,899	749,188
STATE FORFEITURES	427,088	432,366	481,907	436,191	279,820
STATE PENALTIES	699,663	721,532	923,098	738,030	722,291
LIQUIDATED COSTS	4,045,500	4,012,434	5,101,649	5,028,560	4,661,907
COURT AUTOMATION FUND	3,607,825	3,914,775	4,233,434	4,083,342	4,334,247
VICTIM COMPENSATION - SURCHARGE	331,120	329,218	326,474	314,180	290,377
CASH FEES	967,883	997,501	1,071,598	1,093,137	1,095,573
DIVORCE FEES	129,450	135,575	132,550	138,600	141,460
LAW LIBRARY FEES	144,721	158,091	171,445	172,548	168,659
POSTAGE (SMALL CLAIMS)	188,620	199,729	211,255	221,872	241,663
PETTY OFFENSE	263,483	271,890	253,081	329,201	357,137
RESTITUTION	3,549,480	3,541,620	3,541,261	3,438,206	3,386,574
COURT APPOINTED ATTORNEY FEES *	1,821,346	2,021,103	2,096,533	1,986,710	1,950,943
NSF CHECK CHARGES	11,790	11,090	11,144	10,680	10,180
PASSPORT FEES	36,720	66,510	65,185	35,050	27,975
MARRIAGE FEES	19,580	18,820	18,040	16,960	17,660
DRUG TEST FEES AND MONITORING FEES	32,001	46,027	228,738	481,307	693,610
MODIFICATION FEES	0	0	0	0	64,550
CHANGE OF VENUE	5,920	5,462	5,028	6,952	5,496
CHILD SUPPORT	2,340,689	1,769,147	1,309,787	989,201	670,725
CIVIL PASS THROUGH	59,692	72,003	94,965	94,986	82,320
ALIMONY	472,715	462,389	425,579	363,903	300,354
INTEREST-BEARING TRUST FUNDS	632,812	348,318	82,138	23,339	1,938,056
OTHER	152,385	217,811	192,992	175,178	114,311
TOTAL RECEIVED	\$36,975,689	\$41,051,691	\$39,821,952	\$37,878,850	\$39,188,686
DISBURSEMENTS					
BOND REFUNDS	5,950,752	8,194,905	6,260,106	6,019,146	7,611,646
REMITTED TO STATE	8,556,115	8,869,877	10,417,495	10,383,233	10,458,128
REMITTED TO CITY	873,302	867,398	805,396	772,719	667,640
REMITTED TO COUNTY	14,636,949	15,517,563	16,079,424	15,439,558	14,664,113
CHANGE OF VENUE	5,920	5,462	5,028	6,952	5,496
RESTITUTION	3,610,207	3,459,260	3,669,351	3,390,465	3,397,542
POSTAGE (SMALL CLAIMS)	188,620	199,729	211,255	221,872	241,664
CHILD SUPPORT	2,340,689	1,769,147	1,309,787	989,200	670,725
CIVIL PASS THROUGH	59,692	72,003	94,965	94,986	82,320
ALIMONY	472,715	462,389	425,579	363,903	300,355
INTEREST-BEARING TRUST FUNDS	545,933	33,685	485,953	98,692	1,531,402
OTHER	126,375	212,615	182,488	162,005	129,399
TOTAL DISBURSED	\$37,367,270	\$39,664,032	\$39,946,828	\$37,942,731	\$39,760,429

* The "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.

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

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, and forfeitures, and various fees for civil filings.

Chart 10. FY2010 UJS Selected Disbursements

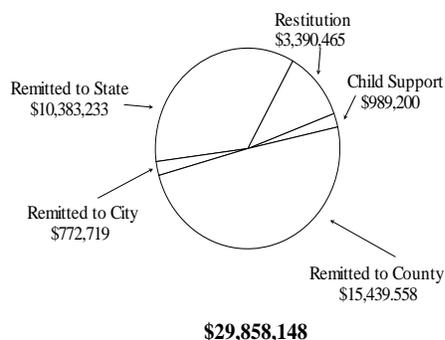


Chart 11. UJS Selected Disbursements Compared

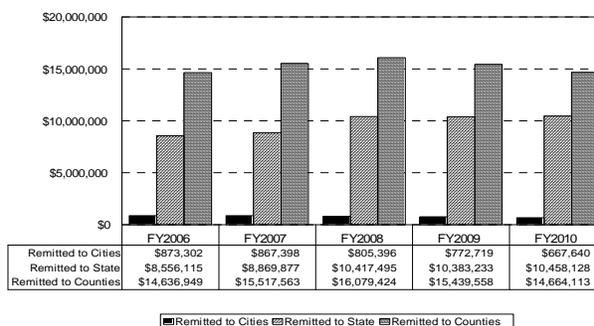


Chart 12. UJS Selected Revenue Disbursements

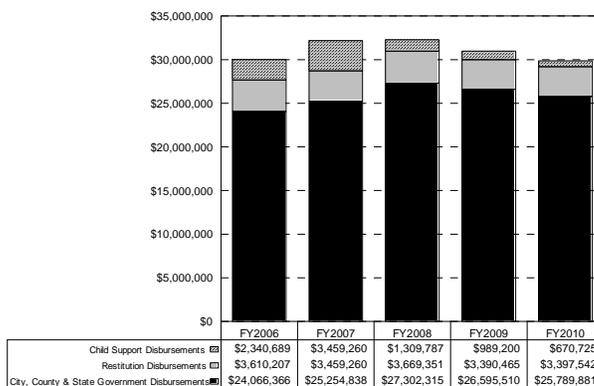


Table 6. Court Services Activities - FY2006 to FY2010

SERVICE CATEGORIES	FY2006	FY2007	FY2008	FY2009	FY2010
Juvenile Service:					
PHSCS	593	643	702	673	652
90-Day Diversion Services Added	970	860	851	840	719
Placed on Probation During	2,723	2,777	3,096	2,832	2,915
Active Probation Cases at End of FY	1,878	1,838	2,110	1,903	1,995
Restitution Collected	\$265,321	\$284,920	\$260,279	\$299,184	\$278,268
Case Services Monitoring:					
Placed in Program During FY	468	676	399	602	561
Active Cases at End of FY	262	404	236	364	336
Interstate Compact Cases-In	28	18	19	22	17
Interstate Compact Cases-Out	16	11	17	28	41
Intensive Probation:					
Placed In Program During FY	N/A	176	187	188	216
Transferred In	N/A	N/A	N/A	N/A	2
Transferred Out	N/A	N/A	N/A	N/A	9
Successfully Completed Program	N/A	93	96	91	92
Failed Program and sent to DOC	N/A	77	78	94	82
Failed Program (Other)	N/A	10	5	5	14
Active Cases at End of FY	N/A	107	115	113	134
Adult Service, Misdemeanor:					
PSI Reports	182	143	272	287	264
Placed on Probation	290	422	671	638	815
On Probation at End of FY	254	607	749	718	1094
Restitution Collected	\$1,018,919	\$1,010,723	\$1,207,203	\$1,445,333	\$1,386,646
Adult Service, Felony:					
PSI Reports	2,870	2,657	2,628	2,483	2,354
Placed on Probation	1,709	1,522	1,580	1,686	1,466
On Probation at End of FY	3,446	3,582	3,629	3,684	3,557
Restitution Collected	\$2,265,242	\$2,245,978	\$2,073,779	\$1,693,688	\$1,721,661
Adult Service, Drug Court:					
Drug Court Participants	N/A	N/A	9	19	18
Drug Court Sessions	N/A	N/A	41	50	52
Case Services Monitoring Program (F&M):					
Placed in Program	1,305	1,417	1,581	1,519	1,193
Active Cases at End of FY	1,190	1,106	1,229	1,307	1,470
Adult Interstate Compact Caseload (F&M):					
Total Placed on Probation - In & Out	N/A	348	329	368	350
On Probation at End of FY	872	899	851	822	785

FY2010 SUPERVISION COSTS

105 Court Services Officers

Juvenile Probationers as of 6/30/2010	2,600
Adult Probationers as of 6/30/2010	<u>6,906</u>
Total	9,506

652 Juvenile Social Histories (avg 11 hours per report)
2,354 Adult Felony Pre-Sentence Investigations (avg 11 hours per report)
264 Misdemeanor Pre-Sentence Reports (avg 3 hours per report)

FY 2010 Expenditures (actual)

Personal Services	\$7,061,533
Operating Expenses	\$ 381,114
Adult & Juvenile Counseling Services	\$ 585,288
Juvenile Home Based Services	<u>\$ 477,969</u>
Total	\$8,505,904

Cost per Court Services Officer hour = \$38.95

Cost for Adult Felony Pre-Sentence Investigation = \$428.45

Cost per Juvenile Social History = \$428.45

Cost for Adult Misdemeanor Pre-Sentence Investigation = \$116.85

Total Cost of Prepared Reports for FY 2010	<u>\$1,318,769</u>
Cost for Supervision for FY 2010	\$7,187,135

FY2010 AVERAGE COST OF GENERAL PROBATION SUPERVISION PER DAY

ADULT

- Intensive Probation Case (currently in 2 locations) \$12.46 per day
- High Supervision Probation Case (1.62 hours per month) \$2.91 per day
- Medium Supervision Probation Case (1.17 hours per month) \$2.10 per day
- Low Supervision Probation Case (0.44 hours per month) \$.79 per day
- Administrative Supervision Case (0.27 hours per month) \$.48 per day
- Case Service Monitoring Case (0.09 hours per month) \$.16 per day

JUVENILE

- Intensive Probation Case (currently in 11 locations) \$15.58 per day
- High Supervision Probation Case (1.78 hours per month) \$3.20 per day
- Medium Supervision Probation Case (1.63 hours per month) \$2.93 per day
- Low Supervision Probation Case (0.71 hours per month) \$1.28 per day
- Administrative Supervision Case (0.33 hours per month) \$.59 per day
- Informal Diversion Case (0.23 hours per month) \$.41 per day
- Case Service Monitoring (0.10 hours per month) \$.18 per day

Average Cost of Supervision – All Categories **\$2.91 per day**

APPENDIX A

Definitions of Receipt Categories

Bonds/Undertakings/Non-Interest Trusts/Prepaid Court Appointed Attorney Fees:

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.

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%).

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

State Costs: Money collected in conjunction with state fines to cover county costs. These are deposited in the county general fund.

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

Court Automation Fund:

–Court Automation Surcharge: A surcharge is assessed on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule effective March 1, 2010:

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	\$12.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$16.00	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		

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

–Record Searches: A Fee of \$15 for each name search of court records if the search is being conducted for a person who is not a party to a pending state or federal action. A fee of \$5 for each name search of court records if the search is being conducted in conjunction with a pending state court 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 portion of the \$200 admission fee. The other \$100 portion is paid to the state bar.

Victim Compensation Surcharge: A charge of \$2.50 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

Liquidated Costs: A \$40.00 surcharge assessed for all criminal convictions. Thirty dollars is deposited into the law enforcement officers training fund, six dollars into the court-appointed attorney and public defender payment fund, two dollars goes to the court appointed special advocates fund (CASA), one dollar into the 911 telecommunicator training fund, and one dollar into the abused and neglected child defense fund. The money is paid into the State Treasury for distribution (SDCL 23-3-53.)

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

Divorce Fee: A \$50 fee 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.

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.

Petty Offense Judgment: A judgment of \$20 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

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.

Court-Appointed Attorney Fee: 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.

NSF Charge: Thirty dollars 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.

Drug Test/Monitor Fees: Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

Change of Venue: Fees or fines collected to be paid to another county court.

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 Department of Social Services.

Civil Pass Through: Payments collected in conjunction with a civil case and forwarded to the legal recipient.

Passports: Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

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

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

APPENDIX B

<http://ujs.sd.gov>

Visit the UJS website for information on:

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
Tobacco Violations
Court Services Detail