

Rights and Responsibilities



Young People in
South Dakota

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While every effort has been made to provide useful and accurate information in a wide variety of legal matters, it should be noted that this information should be used for a general understanding of the law and not as an absolute answer to a specific legal matter you may be encountering. This booklet is only an informational guideline to help you on your way. It is not intended to be all inclusive, but rather to address some of the most frequently asked questions. It is impossible to explain all of your rights and obligations in a short booklet. Many laws have exceptions or limitations that are based on various factors. Please remember that there are exceptions and special circumstances which may affect your legal rights and responsibilities. It is also important to remember that laws are constantly changing. If the reader has a specific legal problem, he/she is encouraged to discuss his/her situation with a lawyer. If one needs help finding an attorney, call the State Bar of South Dakota at 1-800-952-2333 or 1-605-224-7554.

Table of Contents

Introduction	1
South Dakota's Juvenile Justice System	2
Law Enforcement.....	9
Juvenile Court Process	20
SD Tribal Court.....	30
Victim's Rights	34
Emerging Adult Information.....	37
Bankruptcy.....	37
Contracts and Minors.....	38
Small Claims Court	39
Driving Rights and Responsibilities	40
Education	51
Student Loans	53
Civic Rights and Responsibilities	54
Financial Literacy and Support.....	57
Employment	58
Income Tax	59
Housing	59
Gun Ownership	60
Marriage and Divorce	61
Child Custody	62
Wills	62
Sexual Harassment	63
Sex and the Law.....	64
Digital Footprint.....	67
Navigating the Net	70
Social Media	74
Dangers of Social Media.....	75
Types of Cybercrime Involving Children and/or Teens.....	77
Cyberbullying.....	81
Cybercrime	83
Behavioral Health	87
Helpline 211.....	87
Alcohol, Tobacco and Other Drugs.....	87
Behavioral Disorders.....	95
Psychosis In Young People	96
Anxiety In Young People	97
Depression	98
Eating Disorders	101
Parent and Legal Obligations.....	102

Introduction

It is important for people of all ages to have a general understanding of the law. Ways in which the law touches our lives change as we grow older, with the age of eighteen being a crucial milestone.

In all states, a person is considered to be an adult at the age of eighteen. At the age of eighteen, minors acquire certain new rights and with these new rights come new duties and responsibilities. Most of these duties and responsibilities may begin before a juvenile reaches the age of eighteen if he/she marries or enlists in the armed forces. The primary limitation on a juvenile's legal rights beyond the age of eighteen is the restriction on the right to consume alcohol.

New rights of a juvenile at age eighteen are:

- Right to vote in federal, state, and local elections
- Right to be independent of parental control
- Right to marry without parental consent
- Right to enter into a contract as an adult
- Right to make a valid will

New responsibilities at age eighteen include:

- Parents are no longer required to support him/her
- Responsible for all his/her actions and if found in violation of the criminal laws, will be tried as an adult and not treated as a juvenile
- May sue and be sued by others upon contracts they make and upon their actions, whether intentional or negligent, that cause harm to persons or property
- Considered eligible for jury service

South Dakota's Juvenile Justice System

Who is a juvenile?

A person under the age of 18 is considered a juvenile under the law and is therefore subject to the juvenile justice system. Children in certain circumstances, however, are transferred to adult court.

At what age will I be held accountable for breaking the law?

In South Dakota you will be held accountable for breaking the law at age 10. When children commit crimes, they are known as juvenile delinquents. Children accused of crimes are treated differently from adults. In most states young people are considered juveniles until they reach age 18. However, juveniles charged with serious crimes such as murder or rape may be handed over to the criminal courts and tried as adults.

***Under South Dakota Codified Law, Status offenses have no minimum age.

What is the juvenile justice system?

There are several parts to the juvenile justice system and each has its own role to play: the police determine whether or not a particular act or behavior by a child appears to violate a law. The state's attorney decides whether to refer the case informally or petition the child to court. The juvenile court hears the case and decides if the child is guilty and if so what the disposition should be. Diversion programs and juvenile corrections try to change the child's behavior.

Why is there a separate justice system for juveniles?

Children are growing and learning on their path to adulthood and are developmentally different from adults. Therefore, a separate juvenile justice system was created in the United States over 100 years ago. The purpose of the juvenile court was to "get children out of adult institutions, to focus more on rehabilitative treatment rather than punishment, and to provide for greater informality and confidentiality in court proceedings." The juvenile justice system continues today out of a belief that children and youth "need to be separated from adults in institutional and procedural settings, and that individualized justice can best rehabilitate juveniles and protect society."

One principle of the juvenile justice system is the importance of confidentiality to protect a child from becoming labeled and to enable the child's redirection on a lawful path. There are limits to this confidentiality, however.

In the juvenile justice system, a child is viewed as having committed an “offense,” not a crime. Therefore, the child may be apprehended, not arrested. Only an adult can be charged with a crime. There are, however, exceptions to this rule for a child who is at least 16 years old and commits a serious felony offense.

Can a juvenile be held in Detention?

A juvenile can be held in detention or shelter for the following reasons:

- The offense for which a child is charged is of a serious nature;
- Officials believe that the child poses a serious threat to self or others;
- The child is accused of violating probation or a court order;
- There are other articulable circumstances that require detention like the juvenile has failed all other alternatives to detention.

The youth who are appropriate to bring to the Western South Dakota Juvenile Services Center Intake Center include the following: Youth who are age 10 to 17, and; alleged to have committed a Felony Class A, B, C, 1, or 2 offense; alleged to have used a firearm in the commission of an offense; are violent and/or aggressive; are referred for an adult warrant or no bond juvenile warrant; or, are referred for a magistrate offense that has a bond option. All youth who do not fit the above criteria are referred to the Arise Youth Center (AYC) Reception Center for the completion of a Risk Assessment Instrument (RAI) including juveniles held on a RAI warrant.

Arise Youth Center (AYC)

AYC Reception Center is an alternative intake center for youth who have allegedly committed non-violent, low level offenses and cannot be immediately released to a parent/guardian/custodian by the Law Enforcement Officer. The Reception Center is overseen by Lutheran Social Services (LSS) and is referred to as the AYC/W (Arise Youth Center/West) located in Rapid City or AYC/E (Arise Youth Center/East) located in Sioux Falls.

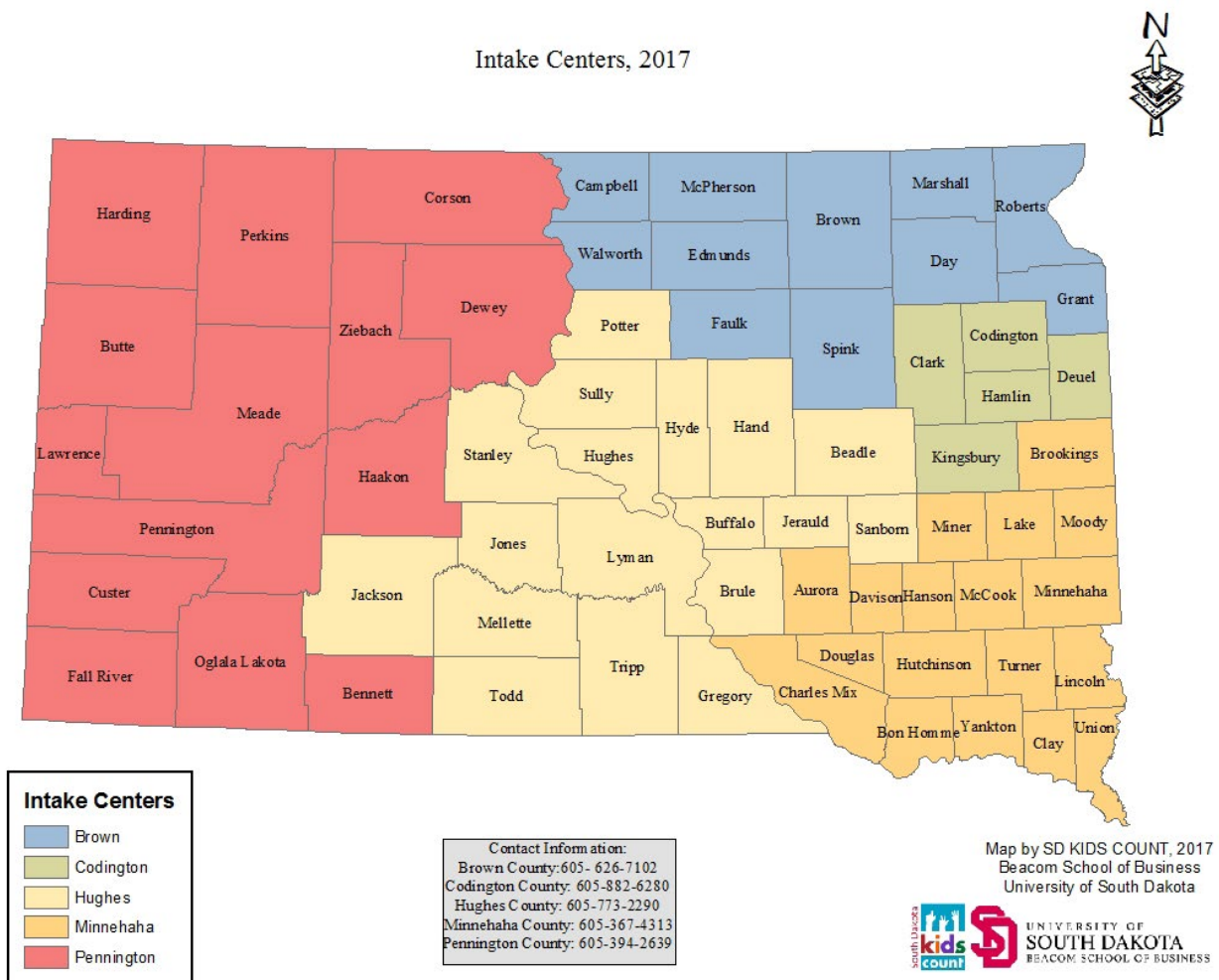
Visit lsssd.org – Search for **Detention Alternatives**

THE WESTERN SOUTH DAKOTA JUVENILE SERVICES CENTER

Visit pennco.org – Search for **Juvenile Services Center**

The Western South Dakota Juvenile Services Center (WSDJSC) is a regional youth detention/intake facility serving Western South Dakota. Fall River, Custer, Pennington, Meade, Lawrence, Butte and Harding County are all part of a seven-county compact that oversees the operation of this juvenile center. The Juvenile Services Center, located in Rapid City, SD, is a holding facility for juveniles, ages 10-20, who have committed felony or misdemeanor offenses who are going through the court system, awaiting placement or serving sentences. JSC provides education and structured programming geared towards giving juveniles the tools to cope or improve their situations in life.

The Western South Dakota Juvenile Services Center (WSDJSC) is established in accordance with South Dakota Codified Law to provide for community safety, facility security and the safety of staff and juveniles. South Dakota has 5 Intake Centers across the state located in the following map.



Does a juvenile have the right to legal representation?

Yes, a juvenile has the right to legal counsel but there is no right to a jury trial in juvenile proceedings. In any specific case regarding juveniles, your local States Attorney can provide you with more information.

If I am under 18 and do intentional damage or harm to another person's property, are my parents in any way responsible?

Parents are responsible for damages which their minor children maliciously and willfully inflict upon other persons or their property up to the limit of \$2,500. (This amount may change, so you would want to check with an attorney for up-to-date information.) This limitation does not apply to damages caused through the operation of a motor vehicle by a minor child. In addition, intentional injury or destruction of public or private property without permission is a crime. When the damage to property is more than a certain amount, the crime is a felony. South Dakota law provides for collection of more than the actual damages to another's property when the crime of property destruction is committed. The fact that child's parents may be held liable for damages committed by the child does not prevent imposition of additional liability upon the child.

Can a person 18 or older ever be in juvenile court?

Yes, in two situations:

- If a child is under the court's jurisdiction when they turn 18, the child may remain subject to the juvenile justice system until age 21.
- If the alleged act was committed before a person's 18th birthday, the person may be tried in juvenile court even though the person is now older.

What is emancipation of minors?

The term "emancipation" of a minor means the freeing of a person under 18 years of age, in South Dakota, from legal obligations to his or her parents. Likewise, parents of an emancipated child are released from legal obligations to that child and their authority over that child is ended. Emancipation automatically occurs when a person reaches the age of majority or when a teenager marries or enlists in the Armed Forces, otherwise, it cannot occur without a case being filed before a judge.

What do courts say about emancipation?

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 25-5-26 (*Petition for Emancipation*)

When is it important to decide if a juvenile is emancipated?

This may be important when determining whether a young person can sue or be sued, leave home to live on his or her own, receive General Assistance, authorize medical care, sign a contract or a lease, set up a utility account, or register a car.

Who may know about my case?

The name of a child and proceedings in the juvenile court are closed to the public unless the judge finds compelling reasons to require otherwise or unless a youth is sixteen years of age or older and is alleged to have committed certain serious offenses. However, the police, court personnel, and detention center staff will know you. The victim (s) may attend all court hearings. Furthermore, the judge may order release of information concerning you to persons, or agencies, that have a legitimate interest in you such as your parents, your attorney, the department of social services or your school. If you are suspected of violating drug or alcohol laws or threatening violence, law enforcement may notify school officials. If you commit certain felony offenses and are found guilty, the court must notify the superintendent of your school.

Is it important to have a lawyer?

Yes. While lawyers can be costly, they understand the legal system and are able to advocate for you. You have the right to a lawyer to represent you, even if your parents do not request one. Whether to obtain a lawyer may be one of the most important decisions to be made during the course of your proceedings. There are many unforeseen consequences in the juvenile justice system that could have a significant impact on your future, including education and employment opportunities. If you and your parents do not have the money to hire a lawyer, you may ask the judge to appoint a lawyer to assist you. You may also fill out an application for a court-appointed counsel in the Clerk of Courts office. In listening meetings with youth and interviews with parents who have faced the juvenile justice system, both youth and parents recommended retaining a lawyer. If your parents cannot pay for a lawyer, the judge will appoint a lawyer following their completion of financial disclosure forms and approval by the court. Repayment of fees for a court-appointed attorney may be a condition stipulated in the disposition of your case or a lien may be placed against your parents' real estate property up to a maximum of \$1,500 for unpaid legal fees, plus any court costs.

When do I need a lawyer?

While you are never REQUIRED to be represented by a lawyer when you appear in court, you may decide a lawyer should represent you at such times. Frequently, you may need a lawyer even if you are not involved in an actual court proceeding. In fact, sooner or later, almost everyone needs to see a lawyer. Good legal advice is often one of the greatest preventive measures a lawyer can provide. Common situations where you should seriously consider consulting an attorney include the following:

- When considering signing a contract involving much money and significant obligations on your part;
- When there are changes in your family status such as a divorce or an adoption;
- When you are arrested or charged with a crime;
- When you are involved in an accident involving injuries or significant property damage;
- When you are having problems with unpaid bills or bill collectors;
- When you are not sure if your problem has a legal solution;
- When buying or selling real estate;
- When a lawsuit is brought against you, or when you want to start a lawsuit;
- When starting a business;
- When drafting a will;
- When you have been injured, either on the job, or in an accident, or because of a defective product.

How do I find a lawyer?

There are many lawyers practicing in a wide variety of legal areas. The difficult aspect of finding an attorney is locating one who can competently handle your particular matter and one you can afford. If you need help finding a lawyer, ask people you know for references, look in the phone book yellow pages under “attorneys.”

Visit StateBarOfSouthDakota.com – Search in **For the Public**

The South Dakota State Bar provides a Lawyer Referral Service, which one can use free of charge. The service can be reached by dialing, toll free, 1-800-952-2333. The Lawyer Referral Service will send the caller a list of lawyers in his/her area. South Dakota also has several federally funded programs, which offer free legal services, in civil matters only, to individuals who meet certain income guidelines. If you believe you would qualify for these services, you should contact Access to Justice, 1-855-287-3510 or by email: access.to.justice@sdbar.net

How are lawyers paid?

Unless you qualify for some form of free legal assistance, you will most likely have to pay for the legal services provided by an attorney. The financial arrangement is an extremely important consideration in selecting an attorney and something you should discuss with the attorney during your FIRST meeting. Depending on the area of law involved and the practices of the particular attorney, you may be charged:

- On an hourly basis;
- A flat fee for the particular service;
- On a contingency basis (you pay the attorney a certain percentage of any recovery obtained by the attorney);
- Perhaps a combination of these methods.

Be sure you understand exactly how you will be charged. Find out whether you must pay the bill in full each month, whether interest will be charged on outstanding balances and how much, and for what services you will be charged, such as all telephone calls, copying charges, facsimile charges, or expert witness fees, etc. It is critical that you obtain all of this information preferably in writing, before you decide to hire the attorney.

Can I change lawyers?

You can discharge your attorney at any time, simply by informing him or her of your wishes. It is best to give your lawyer notice that you will be changing lawyers, because it may be necessary for that lawyer to ask the court for permission to withdraw.

Even if you discharge your lawyer, you are still obligated to pay for any services which have already been performed on your behalf and costs which have been incurred.

What if I have a complaint against my lawyer?

South Dakota lawyers are governed by the Rules of Professional Conduct. If you have a problem with your lawyer, many times it can be resolved by discussing it directly with him or her. If this approach fails or is impractical, or if you believe your lawyer has acted improperly or unethically, you may send a written complaint to the State Bar of South Dakota Disciplinary Board, 222 East Capitol, Pierre, South Dakota, 57501. The Disciplinary Board will then investigate the matter to determine whether the lawyer's conduct has violated the rules.

Law Enforcement

What rights do police have?

The police have the general right to stop you for questioning and to ask for an explanation of your behavior. The police also have the right to request that you produce identification. If you are not carrying any identification, it is not a crime. However, if you are apprehended or engaging in suspicious behavior, the police can detain you until they verify who you are.

Do not give the police a false name or date of birth or the name of another person because this is a crime. Be honest if an officer questions you regarding your name and address, and the reasons why you are there. You do not, however, have to say anything that could become evidence against you. If the police ask to speak with you about an investigation, you can request to talk to your parents or guardian before agreeing to do so.

How cooperative must I be with the police?

In any encounter with a law enforcement officer, remember that the officer's observations of your attitude and conduct affect his or her judgment of your trustfulness and will be included in the written law enforcement report. This is an important factor in an officer's decision on whether to apprehend you. Even though police are trained to deal with difficult situations, they are also human. If you are negative and challenging, you can tip the scales against you. In any interaction with police, remember it is always in your best interest to remain calm, civil, and courteous.

If an officer attempts to apprehend you and you resist or flee, you are committing a crime that may lead to forceful apprehension. If you are cooperative, you are less likely to be injured, restrained further, or have additional criminal charges filed against you. If you disagree with the officer's decisions, the proper place to express those views is in the court, not through resistance or arguing with the officer.

Know your rights with Law Enforcement:

Visit [ACLU.org](https://www.aclu.org) – Look in the **Know your rights** tab

Can police take my picture without my permission?

Yes, but only after you have been apprehended. If you are apprehended, you will be taken through what is called a “booking process” for adults and an “intake process” for juveniles. This is the entry of your apprehension in the official police records. The booking/intake process may include fingerprinting and photographing you.

When can police take money or possessions from me?

Generally, the police can only take money or possessions from you without your permission when you are apprehended or by court order. When you are apprehended, the police may take some or all of the belongings you have with you and inventory them. You may request a receipt for the items being held. When you are released, your property should be returned to you. However, if some of your property is evidence of a crime, illegal for you to possess, or the proceeds from a drug-related crime, the court may allow the police to keep it.

When can the police search my car, my house, or me?

Usually the police need a warrant to search either you or the things you own, such as your car and house. If you are ever handed a search warrant, you should read it carefully to make sure the police have the right person and correct address, and that the judge's name and signature are included. The warrant should also tell you what the police are looking for and what they have a right to search. However, sometimes a warrant is not needed. Here are a few examples:

- If you are lawfully apprehended, the police may search you and the area within your immediate reach and control;
- If the police reasonably believe that you are armed and dangerous, they may conduct a pat down search of your body;
- If you are apprehended, the police may do an inventory search to identify all articles in your car;
- In emergency situations that could involve the loss of life or serious injuries, the police may conduct a search.

If the police ask you or your parents to consent to a search, you are not obligated to give consent. However, parents can consent to a search of their child's room even though the child opposes it because the child is a minor living under the parents' supervision and care.

Can a police officer of the opposite sex search me?

If you are stopped, an officer of either sex may conduct a "frisk," or pat-down search. In contrast, a full-body search should be conducted by someone of the same sex as you. The procedure may be regulated by state law or by a local police department's regulation. The policy in most South Dakota Law Enforcement Departments is that someone of the same sex should conduct a full-body search.

Do I need to carry identification with me always?

No. The police have the general right to stop you for questioning and to ask for an explanation of your conduct. The police also have the right to request that you produce identification. If you do not have a form of identification on your person, this is **NOT** a crime (unless you are driving a vehicle). However, if you are arrested or engaging in suspicious behavior, the police can detain you until they find out who you are.

It is a crime to give the police officer a false name, the name of another person, or a false date of birth. Be honest if an officer questions you regarding your name and address and the reasons why you are there.

What is a curfew and what are the consequences if I violate one?

A curfew is a law requiring young persons to be off the streets on or before a certain time of night. You need to check with your own locality to see what the particular curfew is. The trend in recent years has been to set different times for various ages, with younger persons being required to be off the streets at an earlier time than older persons. Some laws also provide certain exceptions. For example, if you are married, or if you are out with a parent, or if you are going to or from work, the curfew may not apply to you. Again, it is important that you check your local city laws for the particulars.

The consequences of curfew violation vary from area to area. Depending on the specific wording of the ordinance defining the curfew, penalties can range from being escorted home by the police to being processed through the juvenile court system.

Can the police make me leave a public place?

Yes. First and foremost, if you are in a public place after the legal time set by the local government's ordinance, the police have a right to force you to leave for violation of curfew. Secondly, if you are engaging in disorderly conduct such as a brawl or fighting, or in offensive obscene or abusive language, or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others, you can be evicted from a public place. Remember, if you are engaging in any of this type of behavior, you may be committing a crime and may also be arrested.

A police officer can also make you leave a public place at the request of the owner or manager of the business. An owner or manager of a business has a legal right to request that a person leave for any reason at all.

One of the most common places in which police officers must force teenagers to leave is a shopping center. Not only do police officers have the right to force you to leave a public place if you are causing some sort of disturbance, but also security personnel within that public place, such as a shopping center, have the right to make you leave. Check your local city ordinance to know what your community's curfew time is.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 22-35-6 (*Entering or refusing to leave property after notice*)

What is Codified Law?

Codified Law – the process of collecting, restating and writing down laws is known as codification. Codified Laws are sometimes referred to as statutes, codes, acts, bills or, simply, laws. These laws are usually arranged by subject.

Visit SDLegislature.gov – Search for a specific law

What is probable cause?

Probable cause is that which leads a police officer to believe an offense has been committed or is being committed and the suspect committed it. A suspect can be taken into custody with or without a search warrant or arrest warrant if the officer has “probable cause.”

What is the difference between the terms Arrested, Apprehended and Detained?

- To be arrested means the individual is in custody on a legal charge.
- To be apprehended means the individual has been physically caught.
- To be detained means the individual has been held for a period of time but not necessarily arrested or charged.

If I buy something from someone and find out it was stolen, can I be arrested?

To be convicted of receiving stolen property, a person must know or reasonably believe that the property has been stolen. Reasonable belief exists when a person could reasonably believe an item is stolen. For example, was the item purchased for a fraction of its cost or have the serial number removed. If a person was unaware that the property was stolen, he/she has not committed a crime under South Dakota State Law. However, if you later learn the property was stolen, and you retain it, you could be criminally charged.

An accessory to a theft refers to anyone who renders assistance to the person committing the original crime. This assistance can be in the form of hindering, delays or preventing the discovery, detection, apprehension, prosecution, conviction, or punishment of the person committing the crime. Therefore, it is in your best interest to cooperate with the police to the best of your ability if you find out that property in your possession has been stolen.

22-30A-7 A person who knowingly receives stolen property is guilty of theft. If the value of the property is \$1000 or more, it is considered grand theft. Theft of property under \$1000 is classified as a misdemeanor. The value of the property would determine the level of offense, whether misdemeanor or felony.

If I am arrested for a criminal offense, what can I expect from the arresting officer(s)?

If arrested, you can expect to be searched by the police and to be taken to a police station. If the officers intend to ask you questions after you are arrested, or when they know you are about to be arrested, you will be advised of your rights under the United States Constitution in what is commonly called your MIRANDA warning.

Visit MirandaWarning.org – Search under **What are my Miranda Rights?**

How soon after being arrested must a juvenile appear before a judge?

To hold a juvenile in custody more than 48 hours from the time of arrest requires written authorization from a judge. The hearing at this time is called a “temporary custody” hearing. This hearing is not to determine if you are guilty or innocent of the crime you have been charged with. It is only to determine if you should remain in custody. The day of your arrest, Saturdays, Sundays, and holidays are excluded from the 48-hour time limit.

What is bail?

Bail is a procedure designed to guarantee that the accused will appear in court. Sometimes the court will require “recognizance” bond, where you are to pay a certain amount of money if you later fail to appear in court. Sometimes the court will require a specific amount of money to be deposited with the Clerk of Courts and sometimes the court allows deposit of a bond or title to a vehicle or home. Usually, a member of the family must obtain the funds, deposit the money, and then show the receipt in order to get you released. Bail is not always required. Sometimes the court accepts the promise of the accused that he or she will appear at trial. This is called being released on one’s own personal recognizance. It is commonly referred to as a “PR bond.”

Judges must decide whether the person appearing before them is a “danger to the community” before granting bail. The Eighth Amendment to the United States Constitution protects the accused against the setting of excessive bail. Failure to appear after being released on bail or on one’s recognizance is a separate criminal offense, and if you fail to appear when scheduled, you may be punished for that crime in addition to forfeiting the bail that you posted.

What are the different kinds of crime?

Crimes are primarily divided into two categories – felony and misdemeanors. Felony crimes are punishable by imprisonment in the state penitentiary. Misdemeanors are punishable by incarceration in a county jail. Fines can be imposed in both felony and misdemeanor cases. Petty offenses are those for which a ticket is issued.

In adult court, the penalties for felonies are as follows:

Class A Death or mandatory life imprisonment and/or \$50,000 fine

Class B Mandatory life imprisonment and/or \$50,000 fine

Class C Life imprisonment and/or \$50,000 fine

Class 1 50 years imprisonment and/or a \$50,000 fine

Class 2 25 years imprisonment and/or a \$50,000 fine

Class 3 15 years imprisonment and/or a \$30,000 fine

Class 4 10 years imprisonment and/or a \$20,000 fine

Class 5 5 years imprisonment and/or a \$10,000 fine

Class 6 2 years imprisonment and/or a \$4,000 fine

Class A, B, C, 1, & 2 are felony charges that must begin in adult court for children age 16 or older though they may be transferred back to Juvenile Court if the juvenile is successful filing a motion to transfer their case.

The penalties for misdemeanors are as follows:

Class 1 1 year imprisonment in a county jail and/or a \$2,000 fine

Class 2 30 days imprisonment in a county jail and/or a \$500 fine

The penalty for a petty offense is up to a \$100 fine.

If I have been taken into custody what might happen?

The officer may...

- Let you go.
- Contact your parents and have them come and get you or, in some instances, take you home.
- Contact an intake officer and have you held to determine if you can be placed in detention or shelter. This hearing may be held in person or by telephone.

If alcohol or drug use is suspected, the officer may request your consent to take a breath, blood, or urine sample. You have the right to refuse, but your refusal may be used as evidence against you.

If I am taken into custody what are my rights?

An officer may inform you of your rights if you are under arrest or otherwise not free to leave. These are known as the “Miranda rights.” However, once apprehended, it is always best to be quiet unless your parents or attorney are present. Small talk with other people in the police station or detention center may become evidence against you in the future.

- You have the right to remain silent and refuse to answer questions.
- Anything you do or say may be used against you in a court of law.
- You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
- If you cannot afford an attorney, one will be appointed for you before any questioning if you wish.
- If you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney.
- Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?

If you choose to not answer questions about your identity, this could prolong time in custody.

Visit MirandaWarning.org – Search under **What are my Miranda Rights?**

Do I always have to receive a Miranda warning?

Miranda rights are not read to you if you are out of custody, free to leave or not being questioned by law enforcement.

What are my rights if I am detained?

If the officer has you in custody and is going to question you about what happened, the officer must tell you your Miranda rights. If the officer is not going to question you, these rights will not necessarily be explained to you.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 26-11 (*Criminal Proceedings Against Minors*)

Who can detain me?

Law enforcement officers may detain you to complete a brief onsite investigation. Detaining you is not considered apprehension and does not constitute a police record.

What process is required to place me in detention or shelter?

If a law enforcement officer thinks you may need to be placed in custody, the official must immediately notify an intake officer who will complete a Risk Assessment Instrument (RAI) to determine if you should be held or be released to your parent(s) or other suitable person. The decision to hold you will be based upon objective criteria that classify you as a child in need of supervision (CHINS), or a delinquent child. The intake officer is required to place you in the least restrictive environment suitable for your situation based on your RAI score. However, there can be overrides to more secure detention if certain factors exist. The alternatives include shelter care, a detention center, or jail. The official taking you into custody must notify your parents of your right to have a prompt Temporary Custody Hearing.

How long can I be held?

You cannot be held longer than 24 hours if you are an alleged child in need of supervision (CHIN) or longer than 48 hours if you are an alleged delinquent without having a Temporary Custody Hearing before a judge. Weekends and holidays are not counted in this time limit.

How long might I have to stay in the detention center?

At the Temporary Custody Hearing, the judge may decide to release you to your parents under certain restrictions or to continue detention until the next hearing. You may remain in detention until your case is finished.

If I have been apprehended, what will happen next?

The police report will go to the state's attorney. The state's attorney must make a preliminary investigation to determine whether further action should be taken. The state's attorney has several choices in handling your case. The state's attorney may decide:

- That no action is required.
- To refer the matter to a court-approved diversion program outside the court system.
- To file a petition to commence formal proceedings in the juvenile division of the circuit court. A petition says what the state's attorney believes you did. When the state's attorney files a petition with the clerk of the court, the clerk issues a summons directed to your parents stating the date, time, and place to appear in court. The summons also contains additional information about the court hearing. The child and parents have the right to receive the petition five days before the court hearing but they may waive the five day notice.

I've heard there are two types of petitions. What are they?

1. **CHINS** – One type of petition is called a CHINS petition which means a “child in need of supervision.” This petition says that a child has violated a law such as running away, skipping school, violating a curfew, or regularly disobeying parents-actions which would not be against the law if committed by an adult.
 - A child in need of supervision “CHINS” is defined by SDCL 26-8B-2 as:
 - Any child of compulsory school age who is habitually absent from school without legal excuse;
 - Any child who has run away from home or is otherwise beyond the control of the child's parent, guardian, or custodian;
 - Any child whose behavior or condition endangers the child's own welfare or the welfare of others; or
 - Any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except violations of subdivision 34-46-2(2), or petty offenses or
 - Any child who has violated SDCL 35-9-2 or 32-23-21

The court may commit a child adjudicated as a “CHINS” to the Department of Corrections if the judge finds that:

- No viable alternative exists;
- The Department of Corrections is the least restrictive alternative; and
- The court finds from evidence presented at the dispositional hearing or from the pre-dispositional report if the youth presents a significant risk of physical harm to another person.

2. Delinquent – A second type of petition is called a DELINQUENCY petition. This petition says that the child has committed an act that would be considered a crime if an adult had done it. This includes felonies such as auto theft, burglary, selling drugs, and lesser offenses known as misdemeanors, such as simple assault.

A “delinquent” is defined by South Dakota Codified Law (SDCL) 26-8C-2 as any child ten years of age or older who regardless of where the violation occurred, has violated any federal, state, or local law or regulation of which there is a penalty of a criminal nature for an adult, except state or municipal hunting, fishing, boating, park or traffic laws that are classified as misdemeanors or petty offenses.

The court may commit a youth to the Department of Corrections that is an adjudicated delinquent if:

- No viable alternative exists;
- The Department of Corrections is the least restrictive alternative; and
- The child is currently adjudicated delinquent for an offense eligible for transfer proceedings pursuant to 26-11-3.1; the child is currently adjudicated delinquent for a crime of violence pursuant to subdivision 22-1-2 (9), sex offense pursuant to 22-24B-1, felony registry offense from evidence presented at the dispositional hearing or from the pre-dispositional report that the youth presents a significant risk of physical harm to another person.

Any finding made pursuant to this section shall be made in written decree.

If a youth is adjudicated as a delinquent or CHINS, does a judge have other options than committing the youth to the Department of Corrections?

Yes. For a child adjudicated as a delinquent, a judge can utilize any of the alternatives listed in SDCL 26-8C-7. For a CHINS, a judge can utilize any of the alternatives listed in SDCL 26-8B-6.

26-8B-4. Plan of disposition by court services officer following adjudication — Recommendation of community response team. Following adjudication of a child as a child in need of supervision, the court may continue the case and may require a court services officer to present to the court a plan of disposition. If a community response team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of Corrections, the court may seek a recommendation for a viable community alternative disposition from the team. If the team is unable to provide any recommendation within seven days of the referral, the court may exercise its discretion and make a disposition decision without the input of the team, pursuant to § 26-8B-6. In all cases, the court may adopt the recommendation of the team in part, in full, or reject the recommendation of the team in its entirety.

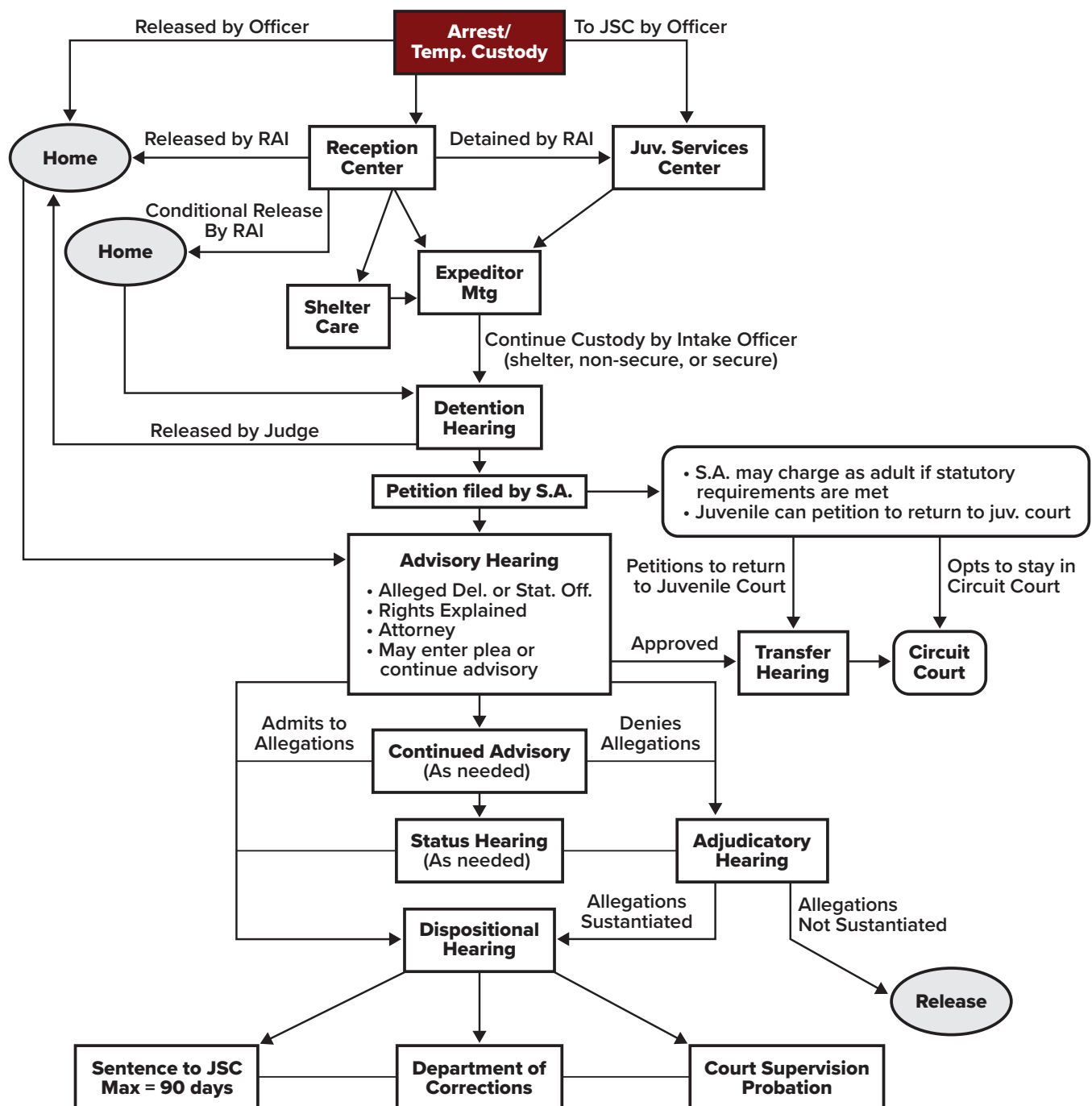
26-8C-5. Plan of disposition by court services officer following adjudication — Recommendation of community response team. Following adjudication of a child as a delinquent child, the court may continue the case and may require a court services officer to present to the court a plan of disposition. Where a community response team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of Corrections, the court may seek a recommendation for a viable community alternative disposition from the team. If the team is unable to provide any recommendation within seven days of the referral, the disposing court may exercise its discretion and make a disposition decision without the input of the team, pursuant to § 26-8C-7. In each case, the court may adopt the recommendation of the team in part, in full, or reject the recommendation of the team in its entirety.

Visit [SDLegislature.gov](https://sdlegislature.gov) – Search the following **Statutes** under **Codified Laws**:

- 26-8B (*Child in Need of Supervision*)
- 26-8C (*Delinquent Child*)

Juvenile Court Process

The following chart displays the **Juvenile Intake Process** for **Pennington County**.



Download the generic **South Dakota Juvenile Intake Process PDF** at:
ujs.sd.gov/uploads/docs/JuvenileIntakeProcess.pdf

RISK ASSESSMENT INSTRUMENT (RAI)

Download the **South Dakota JDAI Risk Assessment Instrument** at:
ujs.sd.gov/uploads/docs/southdakotarai.pdf

A RAI is a tool used to assess a variety of risk factors relative to the likelihood that a youth will appear in court or re-offend on a delinquent act prior to his/her court appearances. In Pennington County, the RAI is completed by a lay Magistrate who acts on behalf of the Judge. The lay Magistrates are appointed Intake Officers who are employed at either the Juvenile Services Center or the Arise Youth Center/ Reception Center.

A youth is referred for the completion of a RAI when a Law Enforcement Officer determines that they are not appropriate to be straight released in the field. A RAI is completed in order to assist in the decision process to identify whether a youth should be released, released with conditions, referred to an alternative to detention, or referred to secure detention. The purpose of the RAI is to determine the youth's risk to re-offend on a delinquent act and/or their risk to not show up at their court hearing.

Juvenile Citations

As of January 1, 2016, the following offenses will now be considered to be citations only:

1. Petty theft in the second degree (four hundred dollars or less), pursuant to 22-30A-17.3;
2. Intentional damage to property in the third degree (four hundred dollars or less), pursuant to 22-34-1;
3. Purchase, possession, or consumption of alcoholic beverage by person under twenty-one years pursuant to 35-9-2 in accordance with subdivision 26-8B-2(5); and Truancy pursuant to subdivision 26-8B-2(1)
 - Citable offenses will not be subject to the completion of a RAI and cannot be processed or held within a secure detention facility.
 - If a youth has a citable offense AND a delinquent and/or CHINS offense, the youth will be scored on the RAI for the delinquent and/or CHINS offense and the Intake officer will make a decision based upon the score of the RAI.

Visit ujs.sd.gov – Search for **Juvenile Detention Alternatives Initiative (JDAI)**

Visit [SDLegislature.gov](https://sdlegislature.gov) – Search the following **Statutes** under **Codified Laws**:

- 26-7 (*Juvenile Courts*)

What is Senate Bill 73 Juvenile Justice Public Safety Improvement Act (SB 73) and what changes will juveniles in South Dakota experience?

Our state leaders formed the South Dakota Juvenile Justice Reinvestment Initiative Work Group, a bipartisan, inter branch, data-driven group, to analyze juvenile justice data considering whether policies could be developed to improve outcomes at a lower cost for our children. JJRI focuses on lowering incarceration rates and providing more community-based assistance.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 26-8D (*Juvenile Justice – Public Safety Improvement*)

What is the role of court services in probation?

If you are placed on probation, the court services officer will enforce the court's orders. This means supervising you to make sure you obey the law and follow the terms of your probation. The court services officer may also require your positive involvement in school, in job training, counseling, and/or community programs. Depending on the situation, the court services officer could meet with you as often as several times a week or as little as once a month. In addition, the court services officer may order random drug tests, assign participation in evidenced based programming and may order a waiver of search and seizure to monitor your activities.

What are the various hearings held by the juvenile court?

Temporary Custody Hearing

At this hearing, the judge will decide if you should be allowed to go home, go with another relative, or be held in shelter, a detention center, community monitoring or jail pending your next court hearing. The state's attorney must notify your parents of the time, date, and place of this Temporary Custody Hearing. This hearing may be held by telephone. The court gives first priority in scheduling such hearings to children in detention or shelter.

Transfer Hearing-Waiver to Adult Court

A Transfer Hearing to move a juvenile case to adult court may be held if a state's attorney requests that a juvenile charged with a crime, considered a felony by an adult, such as a class A, B, C, 1, or 2 felony, be tried as an adult in circuit court. Examples of these include first degree rape, first degree burglary and homicide. Under South Dakota law, some crimes automatically result in a child being placed in adult court. Any alleged delinquent child 16 years of age or older against whom a serious felony charge for certain crimes has been filed must be tried in circuit court as an adult.

However, the child may request a Transfer Hearing to have the case moved back to juvenile court. The judge then determines if it is contrary to the best interest of the public and the child to try the child as an adult.

The judge in determining whether a child should be transferred may consider the following factors:

1. The seriousness of the alleged felony offense to the community and whether protection of the community requires transfer;
2. Whether the alleged felony offense was committed in an aggressive, violent, premeditated or willful manner;
3. Whether the alleged felony offense was against persons or property, with greater weight being given to offenses against persons;
4. The merit of the complaint (is there evidence to prove the case?);
5. If adults were involved in the alleged offense, the desirability of one court proceeding;
6. The record and previous history of the juvenile;
7. The prospect for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile.

Advisory Hearing

An Advisory Hearing is held to inform you and your parents of the charges, your rights, and the process. The court will identify the parties involved, advise you of the allegations contained in the petition, explain the burden of proof required, review your constitutional and statutory rights; and receive your answer that includes your denial or admission of the charges. If you deny the charges, an Adjudicatory Hearing date will be set by the court.

If you admit to the charges at this hearing, the judge may accept your admission if the court is satisfied that there is a factual basis for your admission and that it is a voluntary and intelligent plea. If the judge accepts the admission, the judge may then decide as to your guilt or innocence.

Unless you are already under the court's supervision, the court will then continue your case for a dispositional hearing, or a sentencing. Prior to that hearing, you will be ordered to meet with a Court Services Officer, who will conduct an interview with you and your parent/guardian. They will then submit dispositional recommendations to the judge.

In addition to you and the judge, a state's attorney, a court services officer, a clerk of the court, the victim (s), your parents, and your attorney may be involved in this hearing.

Status Hearing

Per either party's request, the court can set a status hearing. A status hearing is an interim hearing that will typically occur between Advisory and Adjudicatory Hearings. At a status hearing, a juvenile can decide whether to continue with their original plea, or change their plea. Additionally, status hearings are typically conducted in more complex cases where there is a bulk of discovery, or a continued investigation. Finally, a defense attorney may request a status hearing if they have not yet met with the juvenile, and need more time to further discuss the case before making any major decisions.

Adjudicatory Hearing

Per either party's request, the court will conduct an Adjudicatory Hearing to determine whether the allegations of the petition are supported by evidence beyond a reasonable doubt. The state's attorney will present the evidence relating to the alleged offense described in the petition. Witnesses may be called and questioned in court by both the state's attorney and by you or your lawyer. Again, in addition to you and the judge, a state's attorney, a court services officer, a clerk of court, victim(s), your parents and your attorney may be present during this hearing.

If the judge finds that there is no evidence beyond a reasonable doubt, the judge will rule the petition is not sustained, which is the juvenile court equivalent of a "not guilty" verdict. If the judge finds you committed the offense, the judge will schedule the Dispositional Hearing. In certain circumstances, the judge proceeds immediately to the Dispositional Hearing without further investigation. However, typically the judge will schedule another hearing, the Dispositional Hearing, sometime in the future. Prior to that hearing, the judge will order the juvenile to meet with a Court Services Officer to complete an interview. After the interview, the Court Services Officer will present dispositional recommendations to the judge. The judge may also order your parents, guardian, custodian, or any other person or relative who might be considered as a potential caretaker to submit to various examinations or interviews by a Court Services Officer, a qualified mental health professional or physician and then those professionals would submit their report(s) to the court. The court may also order the Court Services Officer to do a Social Case Study of your life circumstances, with the report submitted to the court before disposition.

Dispositional Hearing

A Dispositional Hearing is held when a child is found to have committed the charges stated in the petition (the court's language for this is "the child has been adjudicated" as a CHIN or delinquent). The purpose of this hearing is to decide what treatment, rehabilitation, or punishment the court will order for the child. In the case of adjudication, the victim (s) to the offense may be present and may make a statement.

The court will set the date, time, and place of the Dispositional Hearing and order notice of the hearing. However, sometimes the court proceeds immediately with the Dispositional Hearing as long as the state's attorney, the child, the child's parents, and the child's attorney agree. This only occurs if the juvenile has recent contact with the system or court services. Occasionally, a judge may decide to order a social case study at the dispositional hearing and continue the hearing until the report can be completed.

Who are the major players in the juvenile court?

The judge, the state's attorney, the court services officer and the defense attorney are the major players in juvenile court. In a finding, *In re Gault* 387 U.S. 1 (1967), the Supreme Court found juveniles facing an adjudication of delinquency and incarceration are entitled to certain procedural safeguards under the Due Process Clause of the Fourteenth Amendment.

The judge, the state's attorney, the court services officer, and in some instances, a defense attorney is involved in court.

The **judge** presides over the court and makes all final decisions about your case. Judges are individuals and they run their court according to their own preferences within the confines of law and legal procedure. Small variations may arise from one courtroom to another. Remember that the judge decides your case.

The **state's attorney** is a lawyer who represents the state and is elected in each county. The state's attorney and staff decide whether to take your case before the judge. If they do, they will file a petition with the court stating what you are alleged to have done and they will present the evidence before the court.

The **court services officer** works for and assists the judge on your case. If the judge determines you have violated the law, court services staff will interview you to understand you and your situation and will present recommendations to the judge. If you are placed on probation, the court services officer will supervise you according to your conditions of probation.

The **defense attorney** shall be the juvenile's voice to the court, representing the expressed interests of the juvenile at every stage of the proceedings. The attorney owes the same duties to the juvenile under the Rules of Professional Conduct, including the duties of loyalty and confidentiality, as an attorney owes to an adult criminal defendant.

What does the state’s attorney consider in deciding upon further action?

It depends upon the nature of the offense and the nature of the offender. The decision is always specific to each case, but generally if it is your first offense and the offense is not a felony and not against a person, your case is more likely to be handled informally through a diversion program rather than through a formal petition to court.

What is a “diversion program”?

A diversion program provides an option to resolving your case without going before a juvenile court judge. Normally, diversion is only made available to first-time offenders and the decision to refer you to a diversion program must be made by the state’s attorney. Diversion programs are voluntary, involve admitting to the offense, and require that you agree to complete certain program steps and remain out of trouble. If you and your parents agree to this voluntary program, you may be asked to sign an informal contract describing what you and your parents agree to do. Diversion programs vary from county to county but may include performing community service, attending special classes, reporting to staff, and keeping your record clean while in diversion. Generally, if you successfully comply with the agreement, you will not go to court.

There are juvenile diversion programs statewide and counties can decide what programs to utilize.

What hearings will I go to in juvenile court?

Most criminal cases against juveniles, both misdemeanor and felony, which involve a criminal penalty, except hunting, fishing, boating, park offenses, or traffic offenses, are begun in juvenile court. Any case begun as a delinquency proceeding in juvenile court may be transferred to a circuit court for treatment as a regular criminal proceeding following a transfer hearing. At the transfer hearing, the judge must consider the seriousness of the offense, the manner in which the offense was committed, whether the offense was against persons or property, the prosecutorial merit of the complaint, the desirability of one proceeding where adults and juveniles have been charged in the same action, the prior record of the juvenile, the protection of the public, the prospects of rehabilitation of the juvenile, and the juvenile’s mental, physical and social history.

Juvenile court also has jurisdiction over all cases involving dependency, neglect, or termination of parental rights.

Should my parents or guardian be present at all hearings?

Yes, they must accompany you to all hearings. If your parent or guardian is unable to attend, you should contact your attorney or the clerk of courts prior to court.

Who will speak at the hearings?

Your parents may speak if the judge asks them questions directly, or if they are called as a witness. They may ask permission to speak to the judge. You have a right to speak and should answer the judge's questions with respect and honesty. If you have a lawyer, your lawyer will speak for you. The state's attorney will speak for the state. The court services officer may be called as a witness to present recommendations. Others who may be present and speak are school officials, the victim, and the victim's parents.

Do I have the right to an interpreter?

You have a constitutional right to an interpreter if you do not understand the English language or are hearing impaired. Your parents also have a right to an interpreter and should ask for one if they need one.

What other specific rights do I have in court?

- The right to know what it is that you are supposed to have done.
This will be stated in a petition which will be given to you - be sure to read it carefully for accuracy.
- The right to your own lawyer or to have a court appointed lawyer if your family cannot afford one.
- The right to deny the charges contained in the petition.
- The right to require the presence of witnesses and to question witnesses.
- The right to present evidence in your own defense.
- The right to testify if you so choose or to not testify and remain silent.
- The right to have the allegations proven by evidence beyond a reasonable doubt.
- The right to be told what the Court could do with you.
- The right to appeal the Court's decision - that is take your case to a higher court.

What is the role of the court services officer at this stage of the court process?

If the judge orders it, the court services officer is responsible for conducting an interview with you and submitting the report to the judge. The report gives the judge a recommendation as to what court services thinks would be best for you. They can also be ordered to conduct a social case study. That report also includes your prior legal record, a description of the current offense, and statements from you, your family, and other people who know you well; a school report; and a statement by the victim. The court services officer may testify regarding the social case study at the disposition hearing.

What can the judge do?

At any time after filing the petition and before the final disposition of your case, the judge can continue your case from time to time and issue orders regarding temporary custody of you. Any continuation of the case may extend no longer than three months between hearings.

On completion of the final disposition hearing, the judge will issue findings of fact, conclusions of law and a final decree declaring the outcome of the case and the actions that must be taken.

What happens if I violate the terms and conditions of probation?

If you are alleged to have violated the terms of your probation, a court hearing will be set. You, your parents and other involved parties will be given five days' notice of a hearing. The court could confine you in detention or shelter care until your hearing date.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 26-8E (*Probation conditions*)
- 26-7A-125

How can the records of my involvement with the juvenile justice system be sealed?

The court may order that your records be sealed. This means no one can look at them unless a judge orders it, or you or your parents may petition the court to seal the records. The sealing of your records can only be ordered after your unconditional release from the jurisdiction of the court. If you were adjudicated as a delinquent, your records can be sealed only after one year has passed since your unconditional release and the judge is satisfied that you have been rehabilitated. However, the court can only seal its own records; it cannot seal police or state's attorney's records, which could be discovered upon a future brush with the law.

If your hearing determines you will be committed to the Department of Corrections (DOC)

Download the **SD Department of Corrections Juvenile Offender Living Guide** at:
doc.sd.gov/documents/about/publications/juvenileoffenderlivingguidemarch2016.pdf

Juveniles are committed to the Department of Corrections (DOC) by the courts as either adjudicated delinquents (SDCL 26-8C-2) or as children in need of supervision (CHINS) (SDCL 26-8B-2), as allowed by law.

You can be committed to the Department of Corrections (DOC) until age twenty-one or until discharge, as provided in South Dakota Codified Law (SDCL) § 26-11A-5 and § 26-11A-7. Your actual length of commitment to the DOC depends on several factors, including your history of offenses, your behavior while committed to the DOC and successful completion of an aftercare supervision program (26-11A-12) which is a conditional release to the community during which time the youth remains under the DOC guardianship.

If you violate the conditions of their aftercare supervision contract any Juvenile Corrections Agent (JCA) may initiate revocation/termination of your aftercare. As part of the revocation proceedings, you will be taken into custody and transported to a detention facility or shelter facility by law enforcement, the JCA or other authorized person. You will be afforded due process with a probable cause hearing within twenty-four (24) hours of placement in the detention/shelter facility. Revocation or termination of aftercare may result in the return to the physical custody of a facility or an alternative community based program.

Every juvenile who is an adjudicated delinquent for a qualifying felony offense and committed to the DOC, will provide a DNA sample, pursuant to SDCL Chapter § 23-5A and DOC policy 1.3.C.10 Offender DNA Collection. (DNA collection simply requires collection of fingerprints and saliva from identified juveniles. This data is sent to the state laboratory in Pierre, SD for recording).

How much contact can I have with my family if I am committed to the Department of Corrections?

Phone calls and visits are designated by the programs and facilities' policies and procedures. Normally weekly contact is allowed but not mandated. Mail (both incoming and outgoing) could be subject to inspection. Mail inspection policies are determined by the programs and facilities where the youth is located.

How long can I be in the custody of the Department of Corrections?

A youth is committed to the DOC until the age of 21. The actual length of stay in facilities and period of commitment depends on several factors including offense history, institutional conduct, efforts toward self-improvement and the development of an acceptable aftercare plan. The majority of youth are discharged from DOC for good conduct prior to age 19.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 26-11A-20 (*Grounds for Discharge of Juvenile*)

SD Tribal Court

SOUTH DAKOTA TRIBAL COURT CONTACT INFORMATION

Tribes have jurisdiction over multiple subject matters, including tribal enrollment/citizenship, domestic relations on tribal lands or within reservation boundaries, criminal, civil, and juvenile issues in coordination with federal statute and tribal/federal case law.

- Each tribe's code is unique and may incorporate many aspects of federal, state, common law, tribal legislation, and traditional/cultural practice (including concepts of restorative justice).
- A tribal court may look to any of these sources of law when deciding a given case.

Law Enforcement and Corrections programs in Indian Country are administered in one of two ways:

1. **BIA Administered**

Programs are administered by the Department of the Interior (including the Bureau of Indian Affairs, Office of Justice Services), and funding does not pass through the tribe.

2. **638 Contract**

The term "638" references Public Law 93-638, the Indian Self-Determination and Education Assistance Act. When tribes "638" a program, the tribe receives funds to operate a program otherwise administered by the Department of the Interior and Department of Health and Human Services.

Cheyenne River Sioux Tribe, Eagle Butte, SD

Courts:

- Criminal, civil, and juvenile trial overseen by three judges
- Appellate Court: YES



Crow Creek Sioux Tribe, Fort Thompson, SD

Courts:

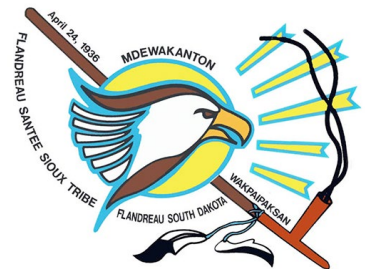
- Criminal, civil, and juvenile trial overseen by one judge
- Appellate Court: YES
- Judicial Program is administered by the Rosebud Sioux Tribal Courts
- Court operates limited days per week



Flandreau Santee Sioux Tribe, Flandreau SD

Courts:

- Criminal, civil, and juvenile trial overseen by one judge
- Appellate Court: YES



Lower Brule Sioux Tribe, Lower Brule, SD

Courts:

- Criminal, civil and juvenile court
- Appellate Court: YES
- Judges, Prosecutor, and Defense attorney are all licensed legal professionals



Oglala Sioux Tribe, Pine Ridge, SD

Courts:

- Criminal, civil, and juvenile (JV Court only in Pine Ridge)
- Appellate Court: YES



Rosebud Sioux Tribe, Rosebud, SD

Courts:

- Criminal, Civil, and juvenile, and small claims courts
- Appellate Court: YES
- Tribe piloting a circuit structure
- Constitutional separation of powers with judiciary and council



Standing Rock Sioux Tribe, Fort Yates, SD

Courts:

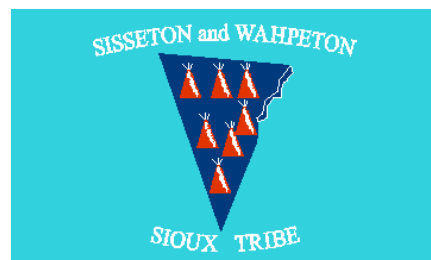
- Criminal, Civil, and Juvenile/Children's Court
- Appellate Court: YES



Sisseton Wahpeton Oyate, Agency Village, SD

Courts:

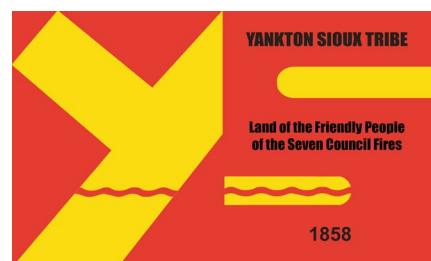
- Criminal, Civil, and Juvenile Courts
- Appellate Court: YES



Yankton Sioux Tribe, Wagner, SD

Courts:

- Criminal, Civil, and Juvenile trial courts overseen by one judge
- Appellate Court: YES



The federal criminal justice systems response to crimes committed by tribal youth varies by a number of factors:

1. Which state the crime was committed in, if committed on a reservation.
2. Whether or not the tribal youth resides on the reservation.
3. If there is a non-Native victim.
4. The gravity of the offense.
5. The availability of community and confinement based services as well as the negotiations between tribal, state and federal justice agencies.

A Native youth may be processed by the tribal, state, or federal juvenile justice system. Tribal courts have jurisdiction over acts that are committed on tribal land, with a few exceptions. Some states share jurisdiction with tribes (referred to as P.L. 280 states). Federal courts have jurisdiction over major crimes, as defined by the U.S. Major Crimes Act, including murder, manslaughter, kidnapping, sexual offenses, and others. However, when these major offenses occur on tribal lands, tribal courts may also process their youth through their justice system according to tribal law. Finally, if tribal youth commit offenses on tribal lands against non-Native individuals, these cases may be prosecuted through the state (or federal) system.

Visit [Justice.gov](https://www.justice.gov) – Search for **679 Major Crimes Act**

Victim Rights

A victim is defined as a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. A victim also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, or a lawful representative of a victim who is deceased, incompetent, a minor, or physically or mentally incapacitated. A victim is not the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government, upon request of the victim, may assert and seek enforcement of these rights and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority shall act promptly on such a request.

Bond may be set for certain offenses without a proceeding. In those cases, notice to the crime victim may not be provided before release.

What is Marsy's Law?

Amendment S is South Dakota's crime victim's rights law which was voted into effect in November 2016.

Visit atg.sd.gov – Search for **Marsy's Law** or **Savin Portal**

South Dakota Crime Victim's Rights – Marsy's Card

A victim shall have the following rights, beginning at the time of victimization:

1. The right to due process and to be treated with fairness and respect for the victim's dignity;
2. The right to be free from intimidation, harassment and abuse;
3. The right to be reasonably protected from the accused and any person acting on behalf of the accused;
4. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions;

5. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records;
6. The right to privacy, which includes the right to refuse an interview, deposition or other discovery request, and to set reasonable conditions on the conduct of any such interaction to which the victim consents;
7. The right to reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated;
8. The right to be promptly notified of any release or escape of the accused;
9. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated;
10. The right to confer with the attorney for the government;
11. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or plan of disposition, and to have any such information considered in any sentencing or disposition recommendations;
12. The right to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, except for those portions made confidential by law;
13. The right to the prompt return of the victim's property when no longer needed as evidence in the case;
14. The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal conduct and as provided by law for all losses suffered as a result of delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government;
15. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;

16. The right to be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody;
17. The right to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. Any parole authority shall extend the right to be heard to any person harmed by the offender;
18. The right to be informed in a timely manner of clemency and expungement procedures, to provide information to the Governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be notified of such decision in advance of any release of the offender; and
19. The right to be informed of these rights, and to be informed that a victim can seek the advice of an attorney with respect to the victim's rights. This information shall be made available to the general public and provided to each crime victim in what is referred to as a Marsy's Card.

Victims of certain crimes may seek enforcement of these rights by logging on to savin.sd.gov. A list of those crimes is available on the SAVIN website.

Victims of other crimes, or victims for whom the SAVIN system is not practical, may contact the State's Attorney's office in the county in which the crime or attempted crime was committed in order to seek enforcement of these rights.

Visit SDStatesAttorneys.org – Select **SD State's Attorney's**

Emerging Adult Information

BANKRUPTCY

What is bankruptcy?

Bankruptcy is a set of federal laws and rules that can help individuals and businesses who owe more debt than they can pay

Can I declare bankruptcy?

Individuals age 18 or older who reside in, or do business in, or own property in the United States may file for bankruptcy, providing they meet various criteria contained in the United States Bankruptcy code.

Bankruptcy is a complex area of the law and the ramifications to the person or business filing for bankruptcy are significant. Therefore, before considering whether you are able to or want to file for bankruptcy, it is strongly recommended that you consult with an attorney specializing in the area of law. The consequences of filing for bankruptcy are serious. It will jeopardize your credit rating and ability to borrow money for many years into the future and it may require you to give up most of your property and assets except what the law defines as essentials exempt under the law. A consumer's bankruptcy filing may be reported by credit reporting agencies for up to ten years.

Visit ccsbh.com – Select **Bankruptcy**

Visit uscourts.gov – Search for **Bankruptcy Basics**

Visit lsssd.org – Search for **Bankruptcy Counseling**

Visit acdcas.com

CONTRACTS AND MINORS

What is a contract?

A contract is an agreement between private parties creating mutual obligations enforceable by law. The basic elements required for the agreement to be a legally enforceable contract are: mutual assent, expressed by a valid offer and acceptance; adequate consideration; capacity; and legality.

Can children enter into contracts?

26-2-1. Delegation of power by minor – Contracts relating to property – Account at financial institution. No minor may give a delegation of power, nor make a contract relating to real property, or any interest therein, or relating to any personal property not in his immediate possession or control. However, a minor's parent, grandparent, uncle, or aunt, if such person is an adult, and a minor's adult sibling may establish an account with a financial institution and establish a present ownership right in that account. Such adult family member may sign the minor's name for and on behalf of the minor, for the purposes of establishing an account, and such subscription shall constitute a binding agreement between the financial institution, and the named parties to the account.

Can a contract with a minor be enforced?

26-2-6. Time for dis-affirmance of contract – Persons authorized to dis-affirm – Restoration of consideration. In all cases other than those specified in §§ 26-2-4 and 26-2-5, the contract of a minor, if made while he is under the age of sixteen, may be dis-affirmed by the minor himself, either before his majority or within one year's time afterwards; or in case of his death within that period, by his heirs or personal representatives; and, if the contract be made by the minor after he has reached the age of sixteen, it may be dis-affirmed in like manner upon restoring the consideration to the party from whom it was received or paying its equivalent with interest.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 26-2 (*Contracts of Minors*)

SMALL CLAIMS COURT

What is Small Claims Court?

The Small Claims Court is an informal court which allows people to sue for small losses of money or property. The procedures are simple enough so that an individual can file and handle his or her own claim in court.

What is considered a “small loss”?

15-39-45.1 Jurisdictional amount of claim. No claim pursuant to this chapter may exceed twelve thousand dollars, (not including allowable costs or attorney fees.)

This limit is changed from time to time, it is suggested that the plaintiff (that’s the person bringing the action to court) ask the Clerk of Courts what maximum amount of claim is currently allowed by law.

How old do I have to be to take someone to Small Claims Court?

The parties (plaintiff and defendant) of the action must be at least 18 years old. If one of the parties is under the age of 18, his parent or guardian must stand in as the party, but an attorney can also represent the juvenile or their parent.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 15-39 (*Small Claims Procedure*)

Download the **Small Claims Brochure** at:

ujs.sd.gov/uploads/pubs/small_claims_brochure.pdf

DRIVING RIGHTS AND RESPONSIBILITIES

How old must I be to get my driver license?

You must be 14 to get your first permit.

You must hold an Instruction Permit for 180 consecutive days or 90 days with completion of a state approved driver education program (with a score of 80 percent or higher on both the written and driving portions of the class).

A **Restricted Minor's Permit** may be issued after holding the Instruction Permit for the required amount of days provided you have not had any traffic convictions in the time period prior to upgrading to the Restricted Minor's Permit. This permit becomes a full license once you turn 16, but you will still need to go back to the DMV before your permit expire and get the actual license.

Can I get a permit to practice driving?

Yes, an **Instruction Permit** allows an individual at least 14 years old to drive for one year during the hours of 6:00 a.m. to 10:00 p.m., if the motor vehicle is operated under the direction of a licensed driver at least 18 years old who has at least one year driving experience. To drive between the hours of 10:00 p.m. and 6:00 a.m., you must be accompanied by a parent or legal guardian.

In South Dakota a **Restricted Minor's Permit** is issued to a minor 14 or 15 years old allowing them to operate a motor vehicle WITH parental permission, during the hours of 6:00 a.m. to 10:00 p.m. Upon the minor's 16th birthday, the time restriction no longer applies. Any traffic violation or violation of the time restrictions will cause the permit to be suspended for 30 days. A second violation will cause the permit to be revoked until the minor's 16th birthday or for 90 days, whichever is longer. To obtain the permit back after a suspension or revocation may require a \$50 fee plus testing.

If an individual under the age of 16 has an **Instruction Permit** and is convicted of a traffic violation, the permit will be suspended or revoked.

Do I need my parents with me when I apply for my License?

Yes, parental consent is needed for all applicants under 18.

If I am applying for my first driver's license and have never held a driver's license in any state, what documents are required to apply for a South Dakota driver's license?

You will need to bring a variety of documents to the DMV to obtain your license.

Visit dps.sd.gov – Select **Driver Licensing**

Am I required to carry my driver's license with me whenever I am driving?

Yes. South Dakota law requires you to carry your driver's license at all times when you are driving. Failure to do so is a petty offense.

Who Cannot Get a South Dakota Driver License?

- Persons under 14 years of age.
- Persons who have a license or driving privilege withdrawn in South Dakota or other State.
- Persons who have accumulated child support arrearages of \$1,000 or more. (These people will be issued one 6 month temporary license)
- Persons present illegally in the U.S.
- Persons who have been determined medically or psychologically unfit to drive.

Visit GraduatedDriverLicensing.com – Select **South Dakota**

Visit dps.sd.gov – Search for:

- **Driver's Manual**
- **Motorcycle License**

Visit ncs.org – Search for:

- **Teen Driving**
- **Road Safety**

Visit dmv.org – Select **Violations and Safety**

DISTRACTED DRIVING

Distractions are the leading cause of motor vehicle crashes and the number one distraction is cell phones. The use of a cell phone while driving is a very high-risk behavior with significant impact on society because of the vast number of people engaging in the behavior and the cognitive distractions the driver experiences when engaged in a cell phone conversation. More than 50 peer-reviewed scientific studies have identified the risks associated with cell phone use while driving.

- Drivers who use cell phones are four times more likely to be involved in a crash.
- One recent simulator study compared drivers using cell phones and drivers impaired by alcohol. Cell phone users had slower reaction times than drivers with .08 BAC and slower reaction to vehicles braking in front of them.
(Information from The National Safety Council)

It is illegal in South Dakota to text and drive. Additionally, numerous cities in South Dakota have additional ordinances prohibiting cell phone use while driving. It is important to know the specific laws in areas you operate a motor vehicle.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-26 (*Rules of the Road*)
- 32-26-47 (*Handheld Electronic Wireless Communication Device*)

Visit nhtsa.gov – Search for **Risky Driving** and Road Safety

LOSING A LICENSE

How can I lose my instruction permit?

If you are convicted of a traffic violation while driving with an Instruction Permit, your permit will be suspended or revoked.

What if I drive after my license has been suspended?

If you drive after your license has been suspended, your suspension could be extended for one more year per incident. This is a Class 2 misdemeanor.

How can I lose my Restricted Minor's Permit?

You will lose your permit for 30 days if you are convicted of any traffic violation or permit restriction violation. You will lose your license until your 16th birthday or for 90 days, whichever is longer, if you are convicted of a second violation. You will lose your license until your 16th birthday, or as required by law, if you are convicted of a felony or Class 1 misdemeanor. If you are 16 or 17 and have an Instruction Permit or a Restricted Minor's Permit, you will have your permit suspended for 30 days for each occurrence of violating the restrictions of the permit.

How can I get my permit back after a revocation or suspension?

For minors under the age of 16 the Department of Commerce and Regulation will return your license to you after a first conviction. During the interim period of implementing the graduated license law you may be required to go to an exam station to be issued a duplicate license at no additional fee. After suspension for a felony or Class 1 misdemeanor, you will need to appear at an exam station, and pay a \$450 reinstatement fee and application fee. For minors under 16 years of age, after a 2nd conviction you will be required to appear at an exam station, pay a \$50 reinstatement fee, application fees, and take the written test to get your license back.

Can my parent/guardian cancel my privilege to drive?

Yes, the parent/guardian who signed the consent on your application may request cancellation of your license. The Department of Commerce and Regulation must receive a written request from the parent/guardian who signed the minor's original application.

For more information regarding **TEEN DRIVERS**, call **1-800-952-3696** or visit dps.sd.gov – Select **Driver Licensing** and search for **Teen Drivers**

Can the law require me to wear a seat belt or a helmet when I operate motor vehicles?

The South Dakota law requires that the driver of a vehicle wear a seat belt. South Dakota State Law requires every operator and front seat passenger of a vehicle wear a seat belt. Additionally, a driver of a vehicle must ensure that any front seat passenger who is between the ages of five and eighteen years be secured in a seat belt. A driver of a vehicle must also ensure that a child between the ages of two and five who is a passenger in the vehicle (in the front or back seat) wear a seat belt and a child under two be secured in a child safety seat.

It is unlawful for a person under 18 years of age to drive or ride a motorcycle unless that person wears an approved safety helmet.

South Dakota has no helmet law for adults. Although motorcycle drivers and passengers 18 years of age or older are not required by law to wear a helmet, accident statistics have shown that persons who were wearing helmets at the time of an accident experienced less injury than those who were not wearing helmets. The South Dakota Department of Commerce and Regulations therefore urges all motorcycle operators and riders to wear motorcycle helmets while riding.

All operators of all motorcycles, including mopeds, either in the form of windshields, glasses, goggles, or face shields of safety glass or plastic, must wear eye protective devices. All eye protective devices must meet the minimum standards as required by the South Department of Commerce and Regulations.

For more information related to **motorcycle operation**, call **1-800-952-3696**.

At what age can I own my own car?

In South Dakota, you have to be 18 to buy a car in your own name. Prior to age 18 you will need parental consent.

DRINKING AND DRIVING

Alcohol is involved in about 40% of the traffic crashes in which someone is killed. Forty-one percent of all teen automobile crashes involve alcohol. If you drink alcohol, even a little, your chances of being in an accident are much greater than if you did not drink alcohol.

No one can drink alcohol and drive safely, even if you have been drinking for many years. New drivers are more affected by alcohol than experienced drivers because they are still learning to drive. Small amounts of alcohol are likely to increase the number of errors dramatically.

Because drinking alcohol and then driving is so dangerous, the penalties are very tough. People who drive after drinking risk heavy fines, high insurance rates, loss of license, and even jail sentences.

What is BAC?

The amount of concentration of alcohol in the blood is known as Blood Alcohol Concentration or BAC.

What is “drunk driving?”

Drunk driving is the same as Driving While Intoxicated (DWI).

A BAC of .08 or more is evidence that you were driving under the influence of alcohol. For age 20 and under, there is an additional Zero Tolerance DUI statute where the BAC level is .02. This is regardless of how you “feel” at the time of driving. However, you can be convicted in adult court even if your BAC is less than .08 if the investigation shows you were impaired by the alcohol.

What penalties exist for drunk driving?

First offense: Under 21 (Zero Tolerance)

Class 2 Misdemeanor – Up to 30 days in jail, up to \$500 fine and loss of driver license for at least 30 days.

First offense: Over 21:

Class 1 Misdemeanor – Fine up to \$2,000, imprisonment up to one year, or both, and revocation of driver license for a minimum of 30 days. If your BAC is .17 or over, you will also be ordered to participate in the 24/7 program for 30 days to obtain a work permit.

Second offense: Under 21, or subsequent

Class 2 Misdemeanor – 30 days in jail, fine and at least 180 day revocation of driver license.

Second offense: Adult DUI:

Class 1 Misdemeanor – Fine of up to \$2,000; imprisonment up to one year, or both, and revocation of driver license for a minimum of one year. If such person is convicted of driving without a license during that period, the person shall be sentenced to the county jail for not less than three days, which may not be suspended. (South Dakota Codified Law 32-23-3)

Third offense: Adult DUI:

Class 6 Felony – A fine of up to \$4,000, imprisonment up to two years, and revocation of driver license for no less than one year, after completion of any time served in jail. If such person is convicted of driving without a license during that period, he/she shall be sentenced to the county jail for not less than ten days, which may not be suspended. (South Dakota Codified Law 32-23-4)

Fourth offense: Adult DUI:

Class 5 Felony – Up to five years in prison, a \$10,000 fine; revocation of driver license for a minimum of two years after serving time ordered. If driving without a license you will be ordered to serve 20 days in the county jail. (South Dakota Codified Law 32-23-4.6)

Fifth & subsequent DUI – Adult DUI:

Class 4 Felony – Maximum sentence of 10 years in prison, \$20,000 in fines and revocation of a driver license for a minimum of three years after serving time ordered. If driving without a license you will be ordered to serve 20 days in the county jail. (South Dakota Codified Law 32-23-4.7)

Sixth & subsequent DUI – Adult DUI:

If you have 5 or more convictions within the last 25 years and two of those were within the last 10 years:

Class 4 Felony – maximum of 10 years in prison, \$20,000 in fines, revocation of driver license for 3 years and 20 days in jail if you are driving without a license.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-23 (*Driving Under the Influence*)

If stopped by the police, must I submit to a sobriety test?

Under the “IMPLIED CONSENT LAW” you give your consent for a chemical test whenever you drive on a public highway. Therefore, you are required to provide a blood sample.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-23-10

Are penalties for driving under the influence of drugs the same as for driving under the influence of alcohol?

The penalties for driving under the influence of drugs are the same as for driving under the influence of alcohol. However, if you have drugs in your possession, this is another crime.

Why is drinking and driving so dangerous?

Alcohol reduces all of the important skills you need to drive safely. Alcohol goes from your stomach into your blood and to all parts of your body. It reaches your brain in 20 to 40 minutes. Alcohol affects those areas of your brain that control judgment and skill. In a way, it is like alcohol puts good judgment on hold. You do not know when you have had too much to drink until it is too late. It is a little like a sunburn; by the time you feel it, it is already too late.

CAR ACCIDENTS

What if I have an accident?

Unfortunately, having a car may mean having an accident. If you have an accident, you must stop as soon as you can without endangering traffic and give your name and address to the owner of the other vehicle. If you hit an unattended car, you must leave this information in a conspicuous place on the car. If someone is injured, or the property damage to one of the cars is over \$1000, you must call a law enforcement officer.

What must I do if I am involved in a car accident?

If you are involved in an accident that has caused bodily injury or property damage, you are required by law to stop immediately and give your name and address and the owner of the car's name and address to the other people involved in the accident. You are also required to give "reasonable assistance" to individuals who are injured in an accident, including getting them medical help. If you cannot give a person the required information because he or she has been injured, you must first provide assistance to that person, then go to the nearest law enforcement center and report the accident. South Dakota law requires that you notify the nearest law enforcement agency. Failure to stop is a crime, and you can be prosecuted in adult court for this decision.

INSURANCE FOR YOUR CAR

Do I need insurance for my car?

Yes.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-35 (*Financial Responsibility of Vehicle Owners and Operators*)

Once you have purchased your car, you also need to insure it. In South Dakota, you are required to carry at least \$25,000 worth of coverage for bodily injury to, or death to any one person in any one accident and a limit of not less than \$50,000 worth of coverage for bodily injury or death to more than one person in any one accident. You are also required to have at least \$25,000 worth of insurance for harm or damage to property of others in an accident. The law requires you to provide written proof of your valid insurance upon demand of any law enforcement officer who may stop you for a suspected traffic violation. Your insurance company will provide you with this documentation when you buy your insurance. Shop around for the best rates and coverage.

What penalties do I face if I do not have insurance?

South Dakota law requires that the owner of any motor vehicle maintain an insurance policy that meets the minimum requirements. The law also states that written evidence of your financial responsibility must be carried in the vehicle at all times.

The penalty for failure to have insurance is a Class 2 misdemeanor, driver's license suspension for a period of not less than 30 days or more than one year, and filing proof of insurance with the State of South Dakota for three years from the date of conviction. Failure to follow these restrictions can result in the suspension of your vehicle registration, license plates, and driver's license. Failure to maintain insurance is considered an adult crime, regardless of your age at the time of offense. Additionally, an officer can cite the driver or the owner of an uninsured vehicle.

What is “title to a car” and do I need the title if I own a car?

The title is proof of ownership. The title gives a description of your vehicle and is required when you purchase license plates/tags.

When you purchase a car, you have 45 days to get a signed copy of the original title from the seller and transfer the title to your name with the Treasurer in the county in which you live. There is a \$5 fee for a title transfer. Additionally, if the car is 11 years old or newer, or cost more than \$2,200, you will be required to pay a 3% excise tax at the time you transfer the title. If you borrowed money to purchase the car, the lien holder (the person or bank that you borrowed the money from) will also have their name on the title and will keep the title until you pay off the loan.

It is important to remember that anyone whose name is on a vehicle title is responsible for damage or injury caused by that vehicle, whether or not they are driving.

What is the “Lemon Law”?

A motor vehicle lemon law was enacted in July 1993. This law enables consumers, under certain conditions, to obtain either a replacement or a refund of their new car, light pickup, or motorcycle.

If the buyer identifies a problem with the vehicle within the first year or the first 12,000 miles, and it is a problem that does not conform to the vehicle’s warranty, it is covered under this law.

Purchasing a vehicle can be a big decision, visit [Carfax.com](https://www.carfax.com)

SAFE DRIVING AND SCHOOL BUSES

Drivers of motor vehicles on a two-lane road or private road must slow their vehicle to no more than twenty miles per hour when approaching or passing a school bus with amber warning lights flashing. Drivers must stop when a school bus with red signal lights are flashing and may not stop no closer than fifteen feet from the school bus.

The exception to the required stops would be when the road has two or more lanes in each direction. Drivers meeting a bus with flashing red signals, from the opposite direction as the bus is traveling are not required to stop. However, vehicles traveling in the same direction as the bus with flashing red signals must stop.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-32-6 (*School Buses*)

South Dakota Codified Law 32-32-6. Duty of motorists to slow or stop in obedience to amber or red signal – Exception for specified highways – Violation as misdemeanor. The operator of a motor vehicle on a two-lane highway or a private road meeting or overtaking a school bus on which the amber warning lights are flashing shall reduce the speed of his vehicle to not more than twenty miles per hour and proceed past the school bus with caution. The operator of a motor vehicle when he meets or overtakes a school bus on which the red signal lights are flashing shall bring his vehicle to a complete stop not closer than fifteen feet from the school bus and shall remain stopped until the flashing red signal lights are extinguished.

The operator of a motor vehicle on a highway providing two or more lanes in each direction need not stop when he meets a school bus which is traveling in the opposite direction even though the school bus is stopped and its red signal lights flashing. The operator of a motor vehicle on a highway providing two or more lanes in each direction shall stop when he overtakes a school bus traveling in the same direction when the school bus is stopped, and its red signal lights are flashing. A violation of this section is a Class 2 misdemeanor.

EDUCATION

Can I go to work instead of going to school?

Effective July, 2008, in South Dakota, persons from the ages of 7 to 18 are required to attend school. If you fail to attend school for a period of time and do not have a valid excuse for staying away from school, you could be considered truant and subject to the juvenile court's jurisdiction.

Truants may be sent to special classes or schools, have their grades lowered, or be charged as status offenders. Parents who fail to send their children to school may be fined or arrested.

While you cannot replace school with work, some schools have various work/study programs that enable students to receive credit towards their high school diploma while working and learning on the job. You should check with your school counselor if you would like more information regarding work/study programs.

What kinds of rights do I have in school?

Your rights do not disappear when you enter school. Nevertheless, in order to make sure that the school is safe and other students are not disrupted in their efforts to obtain an education, school administrators and teachers have significant powers to ensure that order is maintained and the safety of everyone is protected.

Review your Student Handbook or visit your school website to learn more about your rights and responsibilities at your school.

Can the principal search my locker?

School administrators have the right to search your locker. Most administrators will not, however, single out your locker unless they have a reasonable suspicion of student misconduct. In most cases, all lockers are searched if there is a school-wide problem like drug trafficking. Your locker is considered the property of the school and is only being lent to you for the school year.

Is a search warrant needed before a “drug dog” can “sniff” my locker?

Sniffing of school lockers by drug dogs is not considered a search and a search warrant is not required. Different laws apply if dogs are used to “sniff” students.

May I be expelled for being in a protest?

You do have some protected First Amendment free speech and assembly rights. Therefore, you cannot be expelled simply for participating in a protest. You can, however, have these rights severely limited if the protest creates a safety hazard, incites a riot, or leads to violations of the law.

Who has a right to see my grades?

Your grades are private information that the school cannot release to anyone except a school official or your parents. Your parents do have the right to know your grades until you are 18 years of age. Additionally, if you apply for college, technical school or the military, they will require copies of your grades with your application.

May I be denied access to any school because I have a handicap?

No. You cannot be restricted from attending school just because you have a handicap. There are laws that protect handicapped persons from being discriminated against, and these also apply to schools.

Advocacy Resources

Visit drsdlaw.org – Select **Services**

Visit adata.org – Search for **Know Your Rights**

Visit 2.ed.gov – Search for **ADA**

Visit transequality.org – Search for **Know Your Rights**

Visit doe.sd.gov – Search for:

- **Individuals with Disabilities Education Act (IDEA)**
- **Family Educational Rights and Privacy Act (FERPA)**
- **McKinney-Vento Homeless Education**

Can my school post the Ten Commandments?

According to SDCL13-24-17.1, the Ten Commandments can lawfully be posted in South Dakota schools.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 13-24-17.1 (*Display of Ten Commandments permitted – Conditions*)

Athletics:

Any athlete pending a court appearance for a drug related incident is suspended from further competition until the court appearance takes place and a verdict is rendered.

Any person adjudicated, convicted, or the subject of a suspended imposition of sentence for possession, use, or distribution of controlled substances or marijuana is ineligible for one year.

Under South Dakota High School Athletic Association (SDHSAA) BY-LAW: CHAPTER 2, PART 1, SECTION 1, LETTER (d), PAGE 10, Paragraph 2: Note under (D): Any student who would be ineligible at their previous school may not become eligible for competition at any level by transferring.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 13-32-9 (*Suspension from Extracurricular Activities for Controlled Substances Violation*)

Visit sdhsaa.com – Select **State Statutes** under **Athletics Tab**

STUDENT LOANS

How do I get a student loan?

The best place to get advice and information about financing your education is at your school's financial aid office. Advisors there should have information and applications for several aid programs, including various types of loans, grants, and work/study programs. Your credit history may affect your ability to obtain such loans, and such loans may also affect your credit history.

Visit studentaid.ed.gov/sa – Select **FAFSA Apply for Aid**

Visit lsssd.org – Search for **Student Loans**

Visit consumerfinance.gov – Select **Paying for College** under **Consumer Tools**

Visit usa.gov – Select **Education**

CIVIC RIGHTS AND RESPONSIBILITIES

How old must I be before I can enlist in the military?

You must be 18 to enlist without parental consent and 17 if you have parental consent. Enlistment, however, is contingent upon meeting security, health, aptitude, and other requirements of the military.

Must I register for “the draft”?

Federal law requires all men to register with the selective Service Administration upon attaining the age of 18. All male citizens and other male persons living in the United States must register within 30 days after their 18th birthday. To register, you go to a United States Post Office and request a selective service registration form. You then complete the form and return it to a postal employee. Until you turn 26, you must also let the Selective Service Administration know of any change in your address. Failure to register is a federal offense for which you may be prosecuted. Failure to register may also affect your ability to obtain financial aid for post-secondary education.

Visit sss.gov – Select **Why Register** in **Registration** tab

VOTING

Who can vote?

Generally, any person eighteen years of age or older may register and vote unless somehow disqualified. The United States and South Dakota Constitutions guarantee your right to vote when you become eighteen years old. Under the South Dakota Constitution you must be a citizen of the United States and you must be a resident of the state of South Dakota and the jurisdiction where you claim residence, and have a physical address. There may also be residency requirements in your local precinct. Be sure to inquire about these if you are new to an area.

A person who has been convicted of treason or a felony is not permitted to register or vote unless his or her civil rights have been restored. A person under guardianship or who is insane or mentally incompetent is not permitted to vote.

To be eligible to vote in South Dakota, one must be registered in the county where the voter claims residence. Registration may be done at the County Auditor's office in the county where the voter resides or go to the web site in your county to find out where else you might register. The voter must be registered at least fifteen (15) days before the election in order to be eligible. It is not necessary to re-register before each election.

Visit [usa.gov](https://www.usa.gov) – Select **Voting and Elections**

JURY DUTY

Who has to serve on a jury?

Jurors must be between the ages of 18 and 70. Persons called to serve must fulfill this obligation unless a valid reason exists excusing them from such duty. In addition to the age requirements, you must not be a convicted felon, unless your civil rights have been restored. You must also be a resident of the county and fluent enough in English to understand the proceedings.

How are names drawn for jury service?

Groups of ordinary citizens are selected at random from voter registration lists. In some counties, names are also selected from driver's license lists.

Can I be called for jury duty while still in high school?

While you can be called to serve on a jury if you are 18 and still in high school, as a practical matter, the court system will usually postpone your service until the summer months. The same would apply to college students. If you are called while still in school, you may contact the district court administrator or the jury clerk and request such a postponement.

What if jury duty interferes with my job?

This does not, in and of itself, excuse you from jury duty. Even though there is no law that says your employer must pay you while you serve on a jury, many employers are quite accommodating. To avoid jury duty, you must demonstrate a severe financial hardship resulting from service. Again, if you believe it would cause you a financial hardship, you should contact the district court administrator or jury clerk.

What if I have strong opinions and feelings about something at issue in the trial?

You should disclose this either voluntarily or in response to questioning by the judge or attorneys during the selection of jurors to hear a particular case. The judge or attorneys will determine whether those strong opinions or feelings prevent you from being on that particular jury.

Do I get paid to serve on a jury?

Jurors serving in South Dakota state courts receive a small daily remuneration and a mileage reimbursement.

How long may I be required to be on a jury?

You will serve two weeks or until you are excused. You may serve a trial that goes beyond the two-week period.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 16-13 (*Jury Lists and Panels*)

FINANCIAL LITERACY & SUPPORT

Learning how to manage your finances can help you become more successful. Poor financial choices can have a number of negative consequences.

Visit cccsbh.com – Select **Debt Management**

Visit lsssd.org – Select **Family Services** under **What We Do**

Visit fdic.gov – Select **Financial Education** under **Consumer Protection**

Visit mymoney.gov – Select **MyMoney Five**

Visit americasaves.org – Select **For Savers**

Visit nefe.org – Select **Education**

Visit federalreserveducation.org – Select **Resources by Audience**

Where can I go with other consumer questions?

If you have questions about a particular product or service, try contacting the company or individual who makes the product or provides the service. Consumer magazines, such as Consumer Reports, try to give an objective opinion about various products and services. It is a good idea to consult these magazines BEFORE making a major purchase.

The Office of the Attorney General, Division of Consumer Affairs, protects the general public from unfair and deceptive trade practices. They can assist in settlement of a disagreement arising out of a consumer transaction within the state of South Dakota. They may assist with disagreements arising out of a transaction outside the state of South Dakota but have no jurisdiction in these cases. Additionally, the Division of Consumer Affairs can provide information about complaints that have been filed in regard to specific products or businesses in the state of South Dakota.

The U.S. Consumer Product Safety Commission can provide information on product safety and product recalls.

Visit consumer.sd.gov

Visit cpsc.gov

EMPLOYMENT

South Dakota has a very complex set of youth employment laws and they are constantly changing. It is advised to refer to the employment links below as they will have the most current information.

Visit dlr.sd.gov – Select **Youth Employment**

Visit sdjobs.org – Select **Find a Job in SDWORKS**

Visit webapps.dol.gov/elaws – Select **Youth Employment**

Must I submit to drug testing?

Employers in the private sector may test employees for drugs at their discretion. Generally, you must submit to the drug test in order to begin or continue work with an employer in the private sector, if the employer requires the drug testing. However, if you work for the government, drug testing may only be done if you have a job in a sensitive area in which public health or safety may be involved like a police officer, public health nurse, public transportation employee, etc. Administrative Law, 1994

Can my parents take my paychecks?

In South Dakota you must be 18 years of age to spend your money as you please. Parents have control over their children's earnings until the children are 18 years of age. Parents can take your paychecks if you are a minor. If you are over 18, or if you are emancipated and living on your own and supporting yourself without assistance from your parents, you are entitled to keep your income.

Can my parents charge me for rent, food, gas, and other similar expenses?

If you are over 18, you are no longer entitled to be furnished with food, clothing, or shelter by your parents. They are free to charge you for room and board, and they are free to enter into any other lawful agreements with you about the use of their home, meals, use of their car, and other such expenses.

INCOME TAX

How old do I have to be before I start paying income tax?

The requirement to report income and pay taxes depends upon the amount of taxable income you receive during the taxable year, not your age. You may need to file an income tax form even though you do not owe any taxes. You could consult the appropriate IRA and South Dakota Department of Revenue publications or an accountant to determine what those income levels are.

What constitutes “income”? Would it include such things as tips and money for babysitting and lawn mowing?

Income includes all earnings, wages, interest on savings or debts owed to you, tips, and even valuable property you are given in return for services performed, regardless of source or form of payment. It does include tips and money paid to you for babysitting and lawn mowing. Income does not include the value of property you receive as a gift.

What if I am entitled to a refund?

To obtain a refund, you must complete the appropriate tax return forms and file them with the appropriate federal and state agencies.

Visit [IRS.gov](https://www.irs.gov) – Search for:

- **Taxpayer Bill of Rights**
- **Interactive Tax Assistant (ITA)**

Visit [IRS.gov/app/UnderstandingTaxes](https://www.irs.gov/app/UnderstandingTaxes)

- **Student Site**

HOUSING

Review the following links to learn more about housing. If you are renting check out local resources such as consumer credit organizations for renters' classes

Visit [Consumer.SD.gov](https://www.Consumer.SD.gov) – Look for **Landlord-Tenant Booklet** under **Resources**

Visit [PracticalMoneySkills.com](https://www.PracticalMoneySkills.com) – Search under **Learn**

Visit [Ficoscore.com](https://www.Ficoscore.com) – Search under **Education**

Visit [SDHDA.org](https://www.SDHDA.org) – Search **Fair Housing and Your Rights** under **Renters**

Visit [HUD.gov](https://www.HUD.gov) – U.S. Department of Housing and Urban Development

GUN OWNERSHIP

Fortunately, South Dakota is a state with comparatively low gun-related crimes. But, South Dakota is also a state where guns outnumber people. If you fit into one of these categories, you are prohibited from possessing any kind of gun or ammunition:

Who cannot possess a firearm?

A person who...

- Is a convicted felon (convicted at state or federal level)
- Is a fugitive from justice (interstate flight to avoid prosecution or testimony)
- Is a habitual drug user or addict
- Is an alien in the U.S. illegally or on temporary status
- Is mentally defective or a person who is committed to a mental institution
- Has formally given up their U.S. citizenship
- Has been dishonorably discharged from the armed services
- Is involved in committing domestic violence
- Is subject to a court order (protective order) forbidding him or her from stalking, harassing, or threatening an intimate partner or that partner's child
- Is or has been convicted of a misdemeanor crime involving violence or a threat with a deadly weapon if the convicted person was the victim's current or former spouse, live-in boyfriend or girlfriend, parent, or guardian.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 23-7 (*Firearmes Control*)

Visit sdsos.gov – Select **Pistol Permits**

Visit nraila.org – Select **Gun Laws, State Gun Laws**

Visit gfp.sd.gov – Search **Hunter Education**

MARRIAGE

Visit doh.sd.gov – Search for:

- **Marriage Requirements**
- **Amendments and Court Orders**

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 25-1 (*Validity and Performance of Marriages*)

DIVORCE AND CHILD CUSTODY

If custody of the minor children cannot be agreed upon, the Court must determine which party will be awarded custody. The sole criterion in such a determination is what is in the best interests of the child's welfare. If the child is old enough to make an intelligent decision, the Court may consider the wishes of the child but is not bound by those wishes.

Often, both parents retain legal custody of the children with one parent being granted primary physical custody. Normally, the parent who does not receive custody will be entitled to visitation rights. The lengths and frequency of visitation varies and is dependent upon the circumstances in each case. The Court, under certain circumstances, may later modify child custody.

26-7A-2. Original jurisdiction of dependency and delinquency proceedings – Effect of custody award in prior divorce proceedings – Application of Indian Child Welfare Act. The circuit court has original jurisdiction in all proceedings under this chapter and chapters 26-8A, 26-8B, and 26-8C.

If a child custody award has been made in a circuit court in a divorce action or other proceeding and the jurisdiction of the divorce court is continuing, a circuit court may nevertheless acquire jurisdiction in proceedings involving the same child if the child is alleged to be abused, neglected, in need of supervision, delinquent, or otherwise comes within the jurisdiction set forth in this section.

Due regard shall be afforded to the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963) if that act is applicable.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 25-1

CHILD CUSTODY

25-4-45. Child custody provisions—Modification—Preference of child. In an action for divorce, the court may, before or after judgment, give such direction for the custody, care, and education of the children of the marriage as may seem necessary or proper, and may at any time vacate or modify the same. In awarding the custody of a child, the court shall be guided by consideration of what appears to be for the best interests of the child in respect to the child's temporal and mental and moral welfare. If the child is of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question. As between parents adversely claiming the custody, neither parent may be given preference over the other in determining custody.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 25-4-45 (*Child Custody Provisions*)

WILLS

What is a will?

A will is a written document which states how and to whom you wish your property to go after your death. South Dakota addresses wills in the South Dakota Codified Law Chapters 29A & 30.

29A-3-101. Devolution of estate at death; restrictions. The power of a person to leave property by will, and the rights of creditors, devisees, and heirs to the person's property are subject to the restrictions and limitations contained in this code to facilitate the prompt settlement of estates. Upon the death of a person, that person's real and personal property devolves to the persons to whom it is devised by will or to those indicated as substitutes for them in cases involving lapse, renunciation, or other circumstances affecting the devolution of testate estate, or in the absence of testamentary disposition, to the heirs, or to those indicated as substitutes for them in cases involving renunciation or other circumstances affecting devolution of intestate estates, subject to homestead allowance, exempt property and family allowance, rights of creditors, elective share of the surviving spouse, and administration.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 29A-3-101 (*Devolution of Estate at Death*)

SEXUAL HARASSMENT

What is sexual harassment?

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct, or communication of a sexual nature when used to gain power over someone or to create an intimidating, hostile, distracting, or offensive environment. This includes remarks, jokes, looks, gestures, innuendo, and/or physical contact. Sexual harassment can be a problem in schools, in the workplace, in the use of public services and accommodations, and when seeking housing. In schools, sexual harassment can be from staff to student, student to student, or student to staff. Conduct may constitute sexual harassment even though it does not involve criminal conduct.

What can I do if I am being sexually harassed at school?

You should read and be familiar with your school policies on sexual harassment. You should also tell someone you trust, such as a parent, teacher, or counselor. That person should go with you to make a formal complaint to the principal. Your school is required to investigate all complaints of harassment.

Do not let another individual stop you from reporting sexual harassment by making threats against you. School policies provide strong measures against those who harass others and then try to intimidate their victims into silence.

What if the school ignores my complaints of sexual harassment?

Be familiar with, and follow, the procedures for making a sexual harassment complaint in your school. If prompt and appropriate attention does not come from the principal, you should contact the superintendent of your school district.

If necessary, the student may also begin a civil lawsuit to stop the harassment and, if appropriate, receive some form of compensation. The student and parent or guardian may contact an attorney who can help them with their lawsuit.

What happens if I am accused of sexual harassment?

If you are accused of sexual harassment in a school setting, what happens will depend upon your school's policies. You and other students and staff will probably be interviewed to determine whether the allegations are true. If the allegations are true, you could face a variety of punishments depending upon the severity of your actions. It is possible you could be expelled from school.

If the accusation occurs in a job setting and the allegation is true, you could face punishments ranging from a reprimand to dismissal from employment. In addition, the victim could begin a civil lawsuit against you in order to seek financial damages.

SEX AND THE LAW

What is date rape?

While there is no legal definition for date rape, the phrase generally refers to criminal sexual conduct committed by an acquaintance of the victim.

What are South Dakota's laws regarding rape?

22-22-1. Rape—Degrees—Felony—Statute of limitations. Rape is an act of sexual penetration accomplished with any person under any of the following circumstances:

1. If the victim is less than thirteen years of age; or
2. Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or
3. If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or
4. If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or
5. If the victim is thirteen years of age, but less than sixteen years of age, and the perpetrator is at least three years older than the victim.

A violation of subdivision (1) of this section is rape in the first degree, which is a Class C felony. A violation of subdivision (2) of this section is rape in the second degree which is a Class 1 felony. A violation of subdivision (3) or (4) of this section is rape in the third degree, which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the fourth degree, which is a Class 3 felony. Notwithstanding the provisions of § 23A-42-2, no statute of limitations applies to any charge brought pursuant to subdivisions (1) or (2) of this section. Otherwise a charge brought pursuant to this section may be commenced at any time prior to the time the victim becomes of age twenty-five or within seven years of the commission of the crime, whichever is longer.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 22-22-1 (*Rape*)

How does a person who is abused (either a spouse or a child) get help?

A general principle of law is that people should not physically hurt or assault each other. That same general principle applies to members of a family if domestic violence occurs between its members. South Dakota has enacted laws specifically dealing with those who are perpetrators and victims of domestic violence.

The primary tool available to victims or potential victims of domestic abuse is the protection order. A protection order restrains one party from committing any act of violence, or excludes that party from the home. Any person may seek a protection order. If a person cannot afford to pay filing fees to obtain a protection order, the Court may waive those fees. The Clerk of Courts in each county is required to make available to all persons standard forms to be used. If a protection order is granted, its maximum duration will be three (3) years.

If you or someone you know is the victim of domestic violence, you should report any assaults against you to your local police. The South Dakota Department of Social Services has regional offices throughout the state to provide assistance to victims of domestic violence. Many communities have organizations whose programs are specifically designed to help those that are victims of domestic abuse. Feel free to call an attorney in your area to ask for assistance in contacting an organization that can assist you.

What are the penalties for criminal sexual conduct?

The crime of rape is considered a Class C, 1, 2, or 3 Felony depending on the specific circumstances. Sexual contact with a minor is a Class 3 Felony, or a Class 1 Misdemeanor when the perpetrator is less than five years older than the victim.

Penalties for Felony offenses are severe and usually include a prison sentence. Additionally, any person convicted of a sex crime is required to register with the local law enforcement agency in the community in which they reside. This information is available to the public.

Are the laws the same if the victim is a man or a woman?

Yes, the gender of the victim makes no difference.

Can sexual assault occur within a marriage?

Yes. Spousal rape or unwanted sexual contact from a spouse is illegal and carries the same penalties as sexual assault of a non-spouse.

What does Statutory Rape Mean?

Statutory rape is a specific subsection of the rape law. It is specific to age. The victim must be between 13 and 16 years old and the offender must be at least 3 years older than the victim. Statutory Rape is a Class 3 felony.

A person under the age of 16 cannot legally consent to having sex in South Dakota. If the victim lies about their age to the defendant, the defendant will still be charged with a crime.

Is Sexting against the law?

Yes. For individuals under the age of 18 (minors), it is illegal to create, produce, distribute, present, transmit, post, exchange, disseminate, or possess, by computer or any other digital media, including cell phones, any photo, image or video of a minor who is nude or involved in a sexual act. This includes pictures the minor takes of him or herself if the image is shared in any way. Juvenile Sexting is a Class 1 misdemeanor.

Visit sdnafvsa.com – Select **Sexual Assault Services**

Visit wavi.org – Select **Resources**

Visit dss.sd.gov – Select **Child Protection**

Visit teendvmonth.org – Select **Resources**

Visit rainn.org

Visit thatsnotcool.com

Visit breakthecycle.org

Digital Footprint

A digital footprint is a trail of data you create while using the Internet. It includes the websites you visit, emails you send, and information you submit to online services.

Everything you post becomes part of your digital dossier or digital footprint, but did you know you have both an active and a passive footprint? The active footprint is what **YOU** post online. Your passive footprint is what others write or post about you.

As a good digital citizen, you want to create a positive image or 'brand'. Just like you check your credit history to make sure you have a positive financial image, you need to do the same thing digitally.

When creating an Active Footprint, remember to think before you post!

Things you DON'T want to post:

- Inappropriate pictures
- Posts about drinking and/or drug use
- Rants about current or previous employers and/or co-workers
- Posts that use poor grammar and spelling
- Posts that degrade or harass
- Lies about your qualifications (this is especially true on professional sites like LinkedIn)

Things you DO want to post:

- Positive things that highlight your personality
- Things that show your creativity
- Variety of interests and activities
- Be proud of those awards (but remember the fine line between confidence and arrogance)
- Express opinions but remember not to degrade those who disagree with you

If you wouldn't say it in person, then you probably shouldn't be posting it either.

As for the Passive Footprint, what can you do?

- Control your privacy settings – each social media site is different, make sure you're aware of who can post about you in each setting
- Watch what you share – keep personal information personal
- Be selective of who you connect with on social media networks
- Use your real name when creating profiles on networks – that silly email address will come back to haunt you
- Be selective on which sites you join
- Do a google search often, just like you do a credit check

If what you post is positive, it makes it difficult for others to post negatives about you.

Remember, also, what you post about others becomes part of their digital footprint.

- Is that unflattering picture of your sister really how you want people to see her?
- Your daughter broke curfew, but do you really need to publicly shame her online?
- Your significant other has to work late because someone messed up a big project, but does the world really need to know who it was and how it ruined your dinner plans?
- Before you post, think of these three questions: Is it kind? Is it true? Is it necessary?

What you post online never really goes away, even if you delete it. It's not like leaving footprints in the sand. It's more like walking through wet cement.

The most common forms of risk reported to NetSafe related to individual digital footprints are:

- Publishing personal information that leads to online bullying or harassment;
- Publishing or sharing imagery or video that is used for sexting, sextortion, revenge porn or blackmail incidents;
- Publishing personal or business information that is used for social engineering attacks; and
- Publishing or sharing information that results in reputation harm such as loss of employment.

The data you share online can be used to build up a picture of you as a person and your activities and interests. It can be seen and stored by partners, ex-partners, employers, family members and – should the content go viral – the wider world. It can be used as evidence of your behavior and occasionally result in cases of serious harm.

What can I do about my digital footprint?

For young people, the most common concern is to be a good digital citizen: to support your peers in the way you behave and in the record of activities that you leave online.

Google your name and see what information is returned about you and your online activities. Getting content removed can be hard so it's best not to share in the first place.

Avoid publishing information that showcases a lifestyle of drunken or drug endured behavior as many employers and colleges review digital footprints when short listing interview candidates. And make use of privacy settings on common platforms.

- Value your personal information;
- Be cautious about what you publish and where you share;
- Think about your online privacy and security and review platform settings;
- Manage your reputation – evaluate what the impact could be when publishing a photo, status update, comment or review;
- Stop and think about the effect it could have on you and those around you longer term.

The truth is potential employers can and will look you up online and read your posts.

Your presence on social media can be easy to find, all they need is your name (please remember to check your privacy settings as they can change without your knowledge). A recent survey by a social media monitor Reppler found that 91% of recruiters use social media to screen candidates. You may think that this is wrong, but your digital footprint and social media accounts are a representation of who you are and what you are like. This includes the pages you like, the posts you write, the things you share and the photos you're tagged in. No one is asking you not to be yourself, but it is all about being sensible and having a good digital presence, rather than a bad one.

What do recruiters actually look for when scouting your social media pages?

Recruiters will look for anything that will give them an indication of what you're like. They'll also look for any reason NOT to hire you. The biggest reasons will be inappropriate posts, drinking, drugs, negative comments about work, demonstrating poor communication skills and making discriminatory comments. You can see why an employer can be put off, because no one would want to work with someone who may be unprofessional. The best thing is to keep any inappropriate content off of your social media. And if you are posting such things, then make sure your account has the highest security setting.

Your extended digital footprint can also affect you. Unfortunately, you also have to think about your associations. We all have friends that we wouldn't want to introduce to our parents. But employers are bound to be interested in what your friends are posting to you and what pages you like. All of this may not directly involve you but may build a misleading interpretation of you.

Visit techterms.com – Search **Digital Footprint**

Visit netsafe.org.nz – Search different definitions

Navigating the Net

Be aware of these scams when you're online.

- Internet Fraud
- Online Security and Safety
- Phishing and Vishing

Internet Fraud

Scam artists in the U.S. and around the world defraud millions of people each year by using the Internet to trick victims into sending money or giving out personal information.

Types of Internet Fraud

Internet crime schemes target victims using various methods:

Internet Auction Fraud

This scheme involves the misrepresentation of a product advertised for sale on an Internet auction site, or non-delivery of merchandise.

Credit Card Fraud

Through the unauthorized use of a credit or debit card, or card number, scammers fraudulently obtain money or property.

Investment Fraud

This is an offer using false claims to solicit investments or loans, or providing for the purchase, use, or trade of forged or counterfeit securities.

Nigerian Letter or “419” Fraud

Named for the violation of Section 419 of the Nigerian Criminal Code, it combines the threat of impersonation fraud with a variation of an advance fee scheme in which a letter, e-mail, or fax is received by the victim.

Tips to Avoid Internet Fraud

Take these measures before entering into transactions over the Internet:

- Know your seller – If you don't know who you're buying from online, do some research.
- Protect your personal information – Don't provide it in response to an e-mail, a pop-up, or a website you've linked to from an e-mail or web page.

The Federal Bureau of Investigation (FBI) has more tips to protect yourself and your family from the various types of Internet fraud.

Report Internet Fraud

If you believe you've been a victim of Internet fraud or cybercrime, report it: Contact your local Police or Sheriff's Office or The South Dakota Attorney General's Office of Consumer Protection: consumer.sd.gov

Online Security and Safety

While the internet makes many everyday tasks faster and more convenient, like shopping, banking, and communicating on the go, it's important to be safe, secure, and responsible online.

Protect Your Privacy and Security

You can protect your computer and personal data from theft, misuse, and destruction with some basic precautions:

Scams

Learn how to recognize scams and what you can do to avoid them.

Computer and Online Security

Defend yourself against scammers, hackers, and identity thieves by protecting your information and your computer while online. If you are a parent, you should also talk to your kids about being safe and responsible online.

REPORT CYBERCRIME

If you believe you have been a victim of an internet-related crime, you can file a report with these government authorities:

The Internet Crime Complaint Center (IC3) refers internet-related criminal complaints to federal, state, local, or international law enforcement.

EConsumer.gov accepts complaints about online and related transactions with foreign companies.

The Department of Justice (DOJ) helps you report computer, internet-related, or intellectual property crime to the proper agency, based on the scope of the crime.

PHISHING AND VISHING

Phishing

Phishing is a scam in which you receive a fraudulent e-mail designed to steal your identity or personal information, such as credit card numbers, bank account numbers, debit card PINs, and account passwords. The e-mail may state that your account has been compromised or that one of your accounts was charged incorrectly. The email will instruct you to click on a link in the e-mail or reply with your bank account number to confirm your identity or verify your account. The e-mail may even threaten to disable your account, if you don't reply, but don't believe it.

Legitimate companies never ask for your password or account number via e-mail. If you receive a phishing e-mail there are several actions you should take:

Don't click on any links in the e-mail. They can contain a virus that can harm your computer. Even if links in the e-mail say the name of the company, don't trust them. They may redirect to a fraudulent website.

Don't reply to the e-mail itself. Instead forward the e-mail to the Federal Trade Commission at **spam@uce.gov**.

If you believe that the e-mail is valid, contact the company using the phone numbers listed on your statements, on the company's website, or in the phone book. Tell the customer service representative about the e-mail and ask if your account has been compromised. You can also contact the company online by typing the company's web address directly into the address bar; never use the links provided in the e-mail.

If you clicked on any links in the phishing e-mail or replied with the requested personal information, Contact the company directly to let them know about the email and ask to have fraud alerts placed on your accounts, have new credit cards issued, or set new passwords.

Vishing

Similar to phishing, vishing scammers also seek to get you to provide your personal information. However, vishing scams use the phone to make their requests, instead of e-mail. You may be directed to call a phone number to verify an account or to reactivate a debit or credit card. If you have received one of these calls, report it to the Internet Crime Complaint Center.

Visit [USA.gov](https://www.usa.gov) – Search **Online Safety**

Visit [FBI.gov](https://www.fbi.gov) – Search for **Internet Fraud**

Visit [Consumer.ftc.gov](https://www.consumer.ftc.gov) – Select **Scams Tab & Privacy, Identity & Online Security Tab**

Visit [ic3.gov](https://www.ic3.gov) – Select **File a Complaint**

Visit [EConsumer.gov](https://www.econsumer.gov) – Select **File a Complaint**

Visit [Justice.gov](https://www.justice.gov) – Search **Cybercrime**

Social Media

Definition of Social Media

Electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as images and videos)

The 15 most popular social networking sites, according to eBizMBA Rank which is an updated average of each website's Alexa Global Traffic Rank, and U.S. Traffic Rank from both Compete and Quantcast. These sites are continually changing their rank.

Benefits of Social Media

Social media can be used for both good and bad, or just to kill boredom. It is important to know how social media can be used for your advantage.

Below is a summary of findings from a recent study by Whiting and Williams who interviewed a range of social media users and explored what keeps them coming back to social networks.

- **Social Interaction**

Social media, not surprisingly, allows people to be social. They meet new people and keep in touch with friends, acquaintances and family.

- **Information Seeking**

This refers to the process of finding information about products/services, keeping up to date with real-world social events, and learning new things.

- **Passing Time**

Social media is a great time killer and can cure boredom whether at home, at school, or in the workplace.

- **Entertainment**

Games, music and videos are all accessed through social media. Watching the stream of updates from people is also a form of entertainment – whether intentionally humorous or not.

- **Relaxation**

Whilst people find others updates humorous, they also find them relaxing. Social media is a way to alleviate stress and escape from reality.

- **Expression of Opinions**

Expressing thoughts and opinions, criticizing others and blowing off steam (either anonymously or named) is regularly undertaken through social media.

- **Things to Talk About**

Like the daily newspaper, social media provide subject matter for people to talk and gossip about with others.

- **Convenience**

Social media is readily accessible, even more so as mobile devices become ubiquitous. Furthermore, people can talk to several people at the same time.

- **Sharing Information**

People can use social media to broadcast things about themselves. By publishing updates, videos and pictures, people market their own personal brand or business.

- **Knowing About Others**

Social media allows a window into the lives of others. By checking out other profiles, they can be nosy or ‘keep up with the Jones.’

DANGERS OF SOCIAL MEDIA

10 DISADVANTAGES OF SOCIAL NETWORKING

1. Lacks Emotional Connection

“A couple weeks ago, one of my friends and I got into a fight and she told me all of her feelings as to why she ignored me for two weeks. Assuming it would have been really hard to say it to my face, she sent me a text message. The negative side was I didn’t know if she truly felt sorry because I didn’t hear it from her. The quality of a conversation using social media is awful because you cannot sense the emotion or enthusiasm from the other person. It makes you wonder if they actually mean what they say.”

2. Gives People a License to be Hurtful

“I do think it has gotten to an extreme point where you can say things you can’t say or get away with in person.”

“I’m disappointed whenever I hear about social media being used as a way to hurt people. I wonder if this happens when the writers forget that there are real people behind the screen.”

3. Decreases Face-to-Face Communication Skills

“Computer reliance could hurt a person’s ability to have a face to face conversation by making it awkward and unusual to hear something and respond with a thoughtful message through the spoken word because of one’s dependence on a keyboard to convey a message.”

4. Conveys Inauthentic Expression of Feelings

“Social media conversations today are filled with “haha,” “LOL,” and other exclamations that are meant to represent laughter. This shorthand has become second nature and is often used when the sender is not even smiling, much less laughing, in real life. On the occasion that our “roflcopter” is actually put to use at a funny moment, we are replacing actual laughter with, in this case, a simple ten-letter acronym. According to Robin Dunbar, an evolutionary psychologist at Oxford, the actual physical act of laughter, and not the abstract idea of something being funny, is what makes laughing feel so good. If we are so willing to replace the act that, honestly, we all love, with an artificial, typed representation that doesn’t even bring the same joy, what else would we be, potentially subconsciously, willing to exchange?”

5. Diminishes Understanding and Thoughtfulness

“Since the inception of social networking, the quality of conversations has dropped. I believe that people are spending so much time online that they don’t always understand the feeling, emotion and/or character of the person they are talking to. When you talk to someone through a message or even a voice, you can’t always fully understand them.”

“Social networking has ruined the thoughtfulness in basically saying hello in person. For instance, you could say hello to your friend in Germany with Facebook, chat in seconds; but what if there was no way to communicate via social networking? Well you would have to write them a letter and that is something very thoughtful.”

6. Causes Face-to-Face Interactions to Feel Disconnected

“When I see my friends on their phones and I am around them, I feel disconnected even though we are only two feet apart...Unfortunately, sometimes friends use their phones so much that it is difficult to have an actual conversation with them. Sometimes friends can get so socially attached to something such as a blog or gaming console that they lose touch with friends, creating small gaps and holes in close friendships/relationships.”

7. Facilitates Laziness

“The new socially active era causes laziness because instead of running to your friends you can message them. Or instead of walking upstairs to notify the family of dinner, I can blog it. Social networking makes life so convenient that it creates laziness. In my opinion staying fit is important, but it is difficult to go beyond the newly developed status quo.”

“It’s really easy to spend hours doing nothing... It’s a fantastic way to waste time.”

8. Creates a Skewed Self-Image

“We tell ourselves lies about ourselves and develop something we are not. We post pictures of us looking perfect and share the good news. We never post pictures of ourselves when our dog dies, when someone we love leaves, and when we lose a job. We never share the bad news that always clouds our lives. We all develop this perfect image of ourselves and some of us actually try to rely on this imaginative thought we have of ourselves instead of staying true to who we are.”

9. Reduces Family Closeness

“Texting, Facebook, Twitter, and Gmail alienate us from our families more than we actually think it does.... When my family is spending family time together and watching a movie, in reality my brother and I are on our phones rather than actually watching the movie with our parents.”

10. Causes Distractions

“When I have my phone out, it makes me feel like nothing else is going on around me. I use social media as a way to feel popular, important, and also just to fit in. My friends and I always compare ourselves to each other, wondering who has more Facebook friends or Twitter followers. But what really ends up happening is I begin to talk less and end up relying on text for a conversation. Ever since I got a smartphone I have been distracted from everything. I watch television less, do homework less, and even spend less time with my friends and family.”

Visit rootsofaction.com – Search **Disadvantages of Social Networking**

TYPES OF CYBERCRIME INVOLVING CHILDREN AND/OR TEENS

What is Sexting?

What it is: cell phone users, often teens and “tweens”, create and exchange provocative and nude, sexual images of themselves using their cell phone’s built-in digital camera.

In a recent survey from the National Campaign to Prevent Teen and Unplanned Pregnancy, one out of five teens reported that they have electronically sent or posted online, nude or seminude pictures or videos of themselves. With an estimated 90 to 95 percent of school kids carrying cell phones, this is a trend we cannot afford to ignore.

When teens and tweens engage in this illicit activity, it can lead to serious repercussions. Once these images are out on the internet they can never be removed. There are crimes associated with teens or tweens creating and sending nude images.

What is child pornography?

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 22-24A-2 (*Child Pornography*)

“Child pornography,” any image or visual depiction of a minor (under 18 years of age) engaged in prohibited sexual acts

“Visual depiction,” any developed and undeveloped film, photograph, slide and videotape, and any photocopy, drawing, printed or written material, and any data stored on computer disk, digital media, or by electronic means that are capable of conversion into a visual image.

“Prohibited sexual act,” actual or simulated sexual intercourse, sadism, masochism, sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated exhibition of the genitals, the pubic or rectal area, or the bare feminine breasts, in a lewd or lascivious manner; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; defecation or urination for the purpose of creating sexual excitement in the viewer; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. The term includes encouraging, aiding, abetting or enticing any person to commit any such acts as provided in this subdivision. The term does not include a mother’s breast-feeding of her baby;

What is domestic minor sex trafficking?

Domestic minor sex trafficking (DMST) is the commercial sexual exploitation and child abuse of children within U.S. borders. It is defined as the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” in which the person is a U.S. citizen or lawful permanent resident under the age of 18 years.

What is the role of technology in domestic minor sex trafficking?

The Internet houses the largest marketplace for buying and selling children in this country. Online classified sites and escort pages have become a virtual marketplace where these children are bought and sold. There are over 100,000 escort ads posted in the United States every day.

What is Sextortion?

Sextortion is a criminal act that occurs when someone demands something of value, typically images of a sexual nature, sexual favors, or money, from a person by either:

- Threatening to release or distribute material the victim seeks to keep private. This material often includes sexually explicit images, videos, e-mail, and text messages.
- Threatening to financially harm friends or relatives of the victim by using information obtained from the victim's computer unless they comply with demands.
- Withholding something the victim needs or wants unless they comply with demands. This is usually perpetrated by someone in a position of power or authority.

How Does Sextortion Happen?

Sextortion can be facilitated in many ways by those seeking to exploit vulnerable individuals sexually or for financial gain. They typically begin by obtaining sensitive material pertaining to their victims. Some of the methods include:

- Social engineering – leading the victim to believe the perpetrator can be trusted as the perpetrator represents himself/herself as a business (i.e. modeling agency), friend, or even the victim's boyfriend or girlfriend. This results in the victim releasing sensitive material to the perpetrator.
- Hacking or use of malware to assume control of a victim's computer, gaining access to the victim's files, and/or control of the computer's webcam and microphone.
- Theft of personal electronic devices that contain sensitive material.
- Identity theft

These tactics are typically conducted over the Internet or cellular networks using social networking sites (SNS), instant messaging, and e-mail.

How is Sextortion Related to “Sexting” and Bullying?

Sexting is the sending of sexually explicit images from one person to another using mobile devices. Sexting is one way images come into the possession of a perpetrator who could use them to facilitate the sextortion. When sexually explicit images of a student are distributed to their peers, those images often become the basis of intense bullying in a school environment.

Who is at Risk and What is the Impact?

Sextortion affects children across all demographics. Victims of sextortion withdraw from family members and can experience anxiety; psychological, physical and emotional trauma; bullying; increased risk for suicide; and increased dropout rates.

Examples of Sextortion Cases

- A 15 year old girl in Rapid City met an individual through Facebook. She and this individual began an on-line relationship where she thought him to be a “boyfriend.” She sent him an embarrassing photograph. He used that photograph to extort her for additional photographs. The ensuing investigation revealed this individual was extorting over 200 children across the United States.
- An investigation started in Rhode Island led to the identification of an individual in Rapid City who was extorting photographs from children across the United States. This individual would meet children on mobile applications and promise them Amazon or Target gift cards for them to produce child pornography. Numerous children created the images, but were then extorted for additional photographs and never received the gift cards they were promised.
- A 15 year old girl in Rapid City was contacted through social media indicating she had been chosen for a modeling agency. The “modeling agent” told her she just needed to send photographs to ensure she would fit what the modeling agency was seeking. She sent the photographs only to learn this was a ploy to get an embarrassing photograph. She was then extorted for further images by this “modeling agent.”

How Can I Protect Against Sextortion?

For Parents

Supervise children’s computer or mobile device usage. Devices like smartphones are more difficult to manage due to their mobility and technical capabilities. As teenagers’ brains are not yet fully developed, they often struggle with anticipating consequences or impulse control. It’s important to discuss with your children appropriate use of electronics.

How do I Report a Suspected Incidence of Sextortion?

Contact your local Police or Sheriff’s Office

Contact the National Center for Missing and Exploited Children:

Visit missingkids.com or call **(800) 843-5678**

How can a victim report criminal sexual contact?

A victim can report criminal sexual conduct to any law enforcement officer or the State's Attorney. A victim can also receive support from a number of other places including Shelters, the County's Victim's Assistance Program, an emergency room or doctor's office, or if the victim is under age 18, the local Department of Social Services.

Visit [fbi.gov](https://www.fbi.gov) – Select **Sextortion**

Visit [thorn.org](https://www.thorn.org)

Visit [internetsafety101.org](https://www.internetsafety101.org) – Select one of the courses

CYBERBULLYING

Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.

Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

Why Cyberbullying is Different

- Kids who are being cyberbullied are often bullied in person as well. Additionally, kids who are cyberbullied have a harder time getting away from the behavior.
- Cyberbullying can happen 24 hours a day, 7 days a week, and reach a kid even when he or she is alone. It can happen any time of the day or night.
- Cyberbullying messages and images can be posted anonymously and distributed quickly to a very wide audience. It can be difficult and sometimes impossible to trace the source.
- Deleting inappropriate or harassing messages, texts, and pictures is extremely difficult after they have been posted or sent.

Effects of Cyberbullying

Cell phones and computers themselves are not to blame for cyberbullying. Social media sites can be used for positive activities, like connecting kids with friends and family, helping students with school, and for entertainment. But these tools can also be used to hurt other people. Whether done in person or through technology, the effects of bullying are similar.

Kids who are Cyberbullied are more likely to:

- Use alcohol and drugs
- Skip school
- Experience in-person bullying
- Be unwilling to attend school
- Receive poor grades
- Have lower self-esteem
- Have more health problems

How to Report Cyberbullying

If a child is being bullied follow these steps:

1. Don't delete the messages – these may be needed for evidence at a later time
2. Don't respond to the messages
3. Block the person sending the messages
4. Monitor your child's behavior

Contact the:

1. Teacher
2. School counselor
3. School principal
4. School superintendent

If the child is in immediate danger or is threatening to hurt themselves or others call 911.

Visit stopbullying.gov – Select **Cyberbullying**

CYBERCRIME

As Internet usage is growing daily the world is coming closer. The World Wide Web sounds like a vast phenomenon but surprisingly one of its qualities is bringing the world closer making it a smaller place to live in for its users. However, it has also managed to create another problem for people who spend long hours browsing the Cyber World – which is cybercrimes. While law enforcement agencies are trying to tackle this problem, it is growing steadily and many people have become victims of hacking, theft, identity theft and malicious software. One of the best ways to avoid being a victim of cybercrimes and protecting your sensitive information is by making use of impenetrable security that uses a unified system of software and hardware to authenticate any information that is sent or accessed over the Internet. However, before you can understand more about this system, let us find out more about cybercrimes.

What are the Types of Cybercrimes?

When any crime is committed over the Internet it is referred to as a cybercrime. There are many types of cybercrimes and the most common ones are explained below:

Hacking: This is a type of crime wherein a person's computer is broken into so that his personal or sensitive information can be accessed. In the United States, hacking is classified as a felony and punishable as such. This is different from ethical hacking, which many organizations use to check their Internet security protection. In hacking, the criminal uses a variety of software to enter a person's computer and the person may not be aware that his computer is being accessed from a remote location.

Theft: This crime occurs when a person violates copyrights and downloads music, movies, games and software. There are even peer sharing websites which encourage software piracy and many of these websites are now being targeted by the FBI. Today, the justice system is addressing this cybercrime and there are laws that prevent people from illegal downloading.

Cyber Stalking: This is a kind of online harassment wherein the victim is subjected to a barrage of online messages and emails. Typically, these stalkers know their victims and instead of resorting to offline stalking, they use the Internet to stalk. However, if they notice that cyber stalking is not having the desired effect, they begin offline stalking along with cyber stalking to make the victims' lives more miserable.

Identity Theft: This has become a major problem with people using the Internet for cash transactions and banking services. In this cybercrime, a criminal accesses data about a person's bank account, credit cards, Social Security, debit card and other sensitive information to siphon money or to buy things online in the victim's name. It can result in major financial losses for the victim and even spoil the victim's credit history.

Malicious Software: These are Internet-based software or programs that are used to disrupt a network. The software is used to gain access to a system to steal sensitive information or data or causing damage to software present in the system.

Child Solicitation and Abuse: This is also a type of cybercrime wherein criminals solicit minors via chat rooms or mobile apps for the purpose of child pornography. The FBI has been spending a lot of time monitoring chat rooms frequented by children with the hopes of reducing and preventing child abuse and soliciting.

Are there Categories of Cybercrime?

Cybercrimes are broadly categorized into three categories, namely crime against

- Individual
- Property
- Government

Each category can use a variety of methods and the methods used vary from one criminal to another.

Individual: This type of cybercrime can be in the form of cyber stalking, distributing pornography, trafficking and “grooming”. Today, law enforcement agencies are taking this category of cybercrime very seriously and are joining forces internationally to reach and arrest the perpetrators.

Property: Just like in the real world where a criminal can steal and rob, even in the cyber world criminals resort to stealing and robbing. In this case, they can steal a person’s bank details and siphon off money; misuse the credit card to make numerous purchases online; run a scam to get naïve people to part with their hard earned money; use malicious software to gain access to an organization’s website or disrupt the systems of the organization. The malicious software can also damage software and hardware, just like vandals damage property in the off line world.

Government: Although not as common as the other two categories, crimes against a government are referred to as cyber terrorism. If successful, this category can wreak havoc and cause panic amongst the civilian population. In this category, criminals hack government websites, military websites or circulate propaganda. The perpetrators can be terrorist outfits or unfriendly governments of other nations.

Reporting Cybercrime: If you believe you have been a victim of an internet-related crime, you can file a report with these government authorities: *Your local Police Department or Sheriff’s Office*

The South Dakota Attorney General’s Office of Consumer Protection: *The Internet Crime Complaint Center (IC3) refers internet-related criminal complaints to federal, state, local, or international law enforcement.*

What is ransomware?

Ransomware stops you from using your PC. It holds your PC or files for “ransom”. This page describes what ransomware is and what it does and provides advice on how to prevent and recover from ransomware infections.

What does ransomware do?

There are different types of ransomware. However, all of them will prevent you from using your PC or phone normally, and they will all ask you to do something before you can use your PC or phone.

They can target any phone or PC users, whether it’s a home computer, endpoints in an enterprise network, or servers used by a government agency or healthcare provider.

Ransomware can:

- Prevent you from accessing Windows.
- Encrypt files so you can’t use them.
- Stop certain apps from running (like your web browser).

Ransomware will demand that you pay money (a “ransom”) to get access to your PC, phone, or files. We have also seen them make you complete surveys.

There is no guarantee that paying the fine or doing what the ransomware tells you will give access to your PC or files again.

Details for Home Users

There are two types of ransomware – lockscreen ransomware and encryption ransomware.

Lockscreen ransomware shows a full-screen message that prevents you from accessing your PC or files. It says you have to pay money (a “ransom”) to get access to your PC again.

Encryption ransomware changes your files so you can’t open them. It does this by encrypting the files.

Older versions of ransomware usually claim you have done something illegal with your PC, and that you are being fined by a police force or government agency.

These claims are false. It is a scare tactic designed to make you pay the money without telling anyone who might be able to restore your PC.

Newer versions encrypt the files on your PC or phones so you can’t access them, and then simply demand money to restore your files.

Ransomware can get on your PC from nearly any source that any other malware (including viruses) can come from. This includes:

- Visiting unsafe, suspicious, or fake websites.
- Opening emails and email attachments from people you don't know, or that you weren't expecting.
- Clicking on malicious or bad links in emails, Facebook, Twitter, and other social media posts, instant messenger chats, like Skype.

It can be very difficult to restore your PC after a ransomware attack – especially if it's infected by encryption ransomware.

That's why the best solution to ransomware is to be safe on the Internet and with emails and online chat:

- Don't click on a link on a webpage, in an email, or in a chat message unless you absolutely trust the page or sender.
- If you're ever unsure – don't click it!
- Often fake emails and webpages have bad spelling, or just look unusual. Look out for strange spellings of company names (like "PayePal" instead of "PayPal") or unusual spaces, symbols, or punctuation (like "iTunesCustomer Service" instead of "iTunes Customer Service").

You can regain control of your web browser without paying anything by closing the warning message using the Task Manager.

When you reopen your browser, make sure you don't click Restore previous session.

Visit crossdomainsolutions.com – Select **Cybercrime**

Behavioral Health

211 – HELPLINE CENTER – **Connecting individuals to resources and support**

1-888-35-PSYCH (77924) – American Psychiatric Association Answer Center

Live Operators, available from 8:30 a.m. to 6:00 p.m., eastern time, refer you to local board-certified psychiatrists.

1-800-964-2000 – American Psychological Association Public Education Line

Follow the automated instructions. An operator then refers you to local board-certified psychologists.

1-800-273-TALK (8255) – National Suicide Prevention Lifeline

This is a crisis hotline that can help with many issues, not just suicide. Anyone who feels sad, hopeless, or suicidal; family and friends who are concerned about a loved one; or anyone interested in mental health treatment referrals can call the Lifeline.

ALCOHOL, TOBACCO, AND OTHER DRUGS

There are many misconceptions concerning adolescents and alcohol use. These issues confuse not only young people, but also their parents and other responsible adults. Following are some common myths and realities about teenage drinking from the United States Department of health and Human Services (SAMHSA):

What is a drink?

A standard drink is 12 grams of alcohol, which is equal to:

- One 12-ounce bottle of beer
- One 12-ounce wine cooler
- One 5-ounce glass of wine
- 1.5 ounces of 80 proof distilled spirits

MYTHS & FACTS RELATED TO ALCOHOL USE:

MYTH: *All teenagers will drink at some point, no matter how hard we try to stop them.*

FACT: Although underage drinking is a serious problem, 81 percent of adolescents, ages 12 to 17, have chosen NOT to drink in past years.

MYTH: *My son or daughter knows everything about drinking, so we do not need to talk about it.*

FACT: Many teenagers have dangerous misconceptions about alcohol – for example, they do not realize that wine coolers have the same alcohol content as a shot of distilled spirits, or they think they can sober up by drinking coffee or getting fresh air.

MYTH: *What parents say or do will not make any difference; teenagers only listen to their friends.*

FACT: Parents can be very influential. A study of adolescents and their families conducted by the Research Institute of Addictions revealed that both adolescent girls and adolescent boys whose parents supervise their friendships and activities are less likely to engage in problem behaviors, including drinking, and that this was true regardless of race or income level.

MYTH: *He only drinks beer. It is a phase – he will get over it, just as I did.*

FACT: Adolescents who begin drinking before age 15 or younger are four times more likely to develop problems with alcohol use and dependence than those who begin drinking at age 21 or older. Many engage in binge drinking, which is drinking five or more drinks on one occasion. Some people mistakenly believe that beer and wine are light in alcohol content; in fact, they have the same alcohol content.

According to the most recent Youth Risk Behavior Survey Trend Data released February 2005, by the SD Department of Education and Cultural Affairs in Pierre, SD, South Dakota students binge drink consistently above the national average. (Percentage of students in SD who indicated they had five or more drinks of alcohol in a row, that is, within a couple of hours, on one or more of the past 30 days was 34% - the national average is 25%).

MYTH: *A person will not do anything when intoxicated that he/she would not do sober.*

FACT: Alcohol is a depressant. Alcohol depresses inhibitions. This allows us to do things we would not do if sober. As the inhibitory processes are depressed by alcohol, the effect on the brain can cause a personality change and cloud judgment. As few as two drinks can impair coordination and thinking.

MYTH: *It is okay for young people to drink, just as long as they do not drive. The worst that can happen is they will wake up with a terrible hangover.*

FACT: WRONG! The worse thing that can happen is that they will not wake up at all. A person can drink enough to kill him or her in a couple of hours by drinking a large amount of alcohol quickly. When the blood alcohol content reaches a certain concentration, heart rate and respiration can shut down. Drinking also increases the risk of injury from car crashes, falls, burns, drowning, and suicide, as well as the chance that a young person will commit a crime or become a victim of crime.

MYTH: *She's a big girl. She can handle her liquor.*

FACT: Size alone does not determine how alcohol affects females; gender-based physiology plays an important role. Females become more intoxicated than males after drinking the same amount of alcohol, even when differences in body weight are taken into account. This is because female bodies have proportionately less water than male bodies. Because alcohol mixes with body water, a given amount of alcohol becomes more highly concentrated in a female body than in a male body.

MYTH: *One drink does not affect driving.*

FACT: Youthful age has been cited as one of the most important variables related to crash risk. Young drivers are inexperienced not only in driving but in drinking and in combining the two activities.

MYTH: *Alcohol is not such a big deal, compared with illicit drugs.*

FACT: Alcohol is a factor in the three leading causes of deaths among 14- and 15-year olds; unintentional injuries, homicides, and suicides.

MYTH: *All college students drink.*

FACT: Most college students overestimate the amount of alcohol that is consumed by their peers. Most college students drink moderately, and many do not drink at all. One survey showed that 1 in 5 college students (19 percent) abstained from using alcohol.

What is the legal drinking age and is it the same in other states?

You must be 21 years old to buy, consume, or possess any form of an alcoholic beverage. If you are over 18 but less than 21 and you purchase, attempt to purchase, possess, or consume alcoholic beverages (except when consumed in a religious ceremony), and the maximum sentence is 30 days in jail, a \$500 fine, or both.

If you are under the age of 18 and you attempt to purchase, possess or consume alcoholic beverages, you can receive a citation and be fined up to \$100.00. Revocation of driver license is also a possible consequence. If you receive 3 or more citation for the offense, you can be charged formally and placed on probation.

Each state has its own laws regarding legal drinking age. While most states now set that age at 21, there are still some differences among the states.

What if I am not drinking but I am in a motor vehicle that contains alcohol?

Even if you are not drinking but you are in a motor vehicle that contains alcohol, everyone in the vehicle under 21 is guilty of the crime commonly called “minor in possession.” Not only do you face a citation, but also your driver’s license may be suspended for 30 days. For any second or subsequent offenses, your driver’s license may be suspended for a period of one year or until your 17th birthday, whichever is a longer period of time. Additionally, if you receive 3 or more citations, you can be formally charged and placed on probation.

Is it illegal for an underage person to be on the premises of a place where alcohol is sold?

It is not illegal for an underage person to be on the premises of a place where alcohol is sold if he/she is with his/her parents. An underage person can be in a place where alcohol is sold without parents unless they are determined by the establishment to be “loitering.”

What are the penalties for underage drinking?

If the individual is over the age of 18, the maximum penalty for underage drinking is 30 days incarceration and/or a \$500 fine. The individual may be required to obtain an alcohol evaluation and follow recommendations offered by the evaluator. Per statute, the driver’s license will also be suspended if convicted.

Is there a penalty for people who buy alcohol for minors?

Under SDCL 35-9-1, a person who buys alcohol from a retail business to sell or give to a minor will now face a Class 1 misdemeanor, punishable by up to a year in jail and/or \$2,000 fine.

Pursuant to SDCL 35-9-1.1, it is a Class 2 misdemeanor to furnish alcohol to a person between ages of 18-20. If convicted, punishment is up to 30 days in jail and a \$400 fine.

If stopped by the police, must I submit to alcohol testing?

Under the “IMPLIED CONSENT LAW” you give your consent for a chemical test whenever you drive on a public highway. Therefore, you are required to provide a blood sample.

Visit SDLegislature.gov – Search the following **Statutes** under **Codified Laws**:

- 32-23-10 (*Implied Consent Law*)

What is “vehicular battery”?

Vehicular battery is when a person operates a vehicle in a negligent manner while driving under the influence, where your actions cause serious bodily injury to another person. In South Dakota, vehicular battery is a Class 4 felony punishable by up to 10 years in prison. In addition to any other penalty prescribed by law, the court will also order that the driver’s license of any person convicted of vehicular battery be revoked for a period of three years subsequent to release from incarceration.

What is “vehicular homicide”?

Vehicular homicide is when a person operates a vehicle in a negligent manner while driving under the influence and causes the death of another person while under the influence of alcohol and/or controlled drug or substance when operating a motor vehicle.

In South Dakota, Vehicular Homicide is a Class 3 felony, punishable by up to 15 years in prison. In addition, the court will also order the driver’s license to be revoked for 10 years subsequent to release.

Is smoking illegal for minors and what are the consequences?

Use of tobacco products is illegal for persons under 18 years of age. It is a Class 2 misdemeanor in South Dakota to possess, purchase, or use any tobacco products if you are under the age of 18. If you are formally charged, there are consequences available such as probation.

Are penalties for driving under the influence of drugs the same as driving under the influence of alcohol?

The penalties for driving under the influence of drugs are the same as for driving under the influence of alcohol.

MARIJUANA

Is marijuana considered in the same category as other drugs?

Marijuana is considered in a separate category. If an individual has less than two (2) ounces of marijuana in his/her possession, it is a Class 1 misdemeanor; if it is over two (2) ounces, it is a felony. (The level of the felony depends on the amount of marijuana.) Possession of other illegal drugs is a felony depending on the type of drug.

ALCOHOL AND DRUG ADDICTIONS

How does alcohol work?

Alcohol is a drug. Like any other drug, illegal or legal, it can alter moods, cause changes in the body, and become habit forming.

Is alcohol an “Upper” or a “Downer”?

Alcohol is a “downer.” It actually depresses the central nervous system. That is why drinking too much causes slowed reactions, slurred speech, and sometimes even unconsciousness (passing out).

What packs more punch, liquor or beer?

Neither. There is about the same amount of alcohol in a 12-ounce can of beer as there is in a mixed drink that contains 1½ ounces of liquor – or for that matter, in a 5-ounce glass of wine.

How does alcohol affect the teenage body?

There is evidence in recent scientific studies that suggests the adolescent brain responds to alcohol differently than the adult brain, perhaps helping to explain the elevated risk of binge drinking in youth. Drinking in youth, and intense drinking are both risk factors for later alcohol dependence. Findings on the developing brain should help clarify the role of the changing brain in youthful drinking, and the relationship between youth drinking and the risk of addiction later in life.

We do know that the smaller the body, the greater the effect of the alcohol. The long-term effects on the youth's physical development are uncertain. When alcohol is consumed in large quantities in a single sitting, acute inflammation of the stomach or pancreas, pneumonia, cessation of breathing and death sometimes occur. Alcohol is also the most frequent contributor to the leading cause of death in teenagers. Half their deaths can be attributed to alcohol-impaired drinking and 50 to 60 percent of all adolescent suicides involved the use of alcohol.

What are the mental and emotional consequences to young people who use alcohol and other drugs?

The single most dangerous and immediate consequence of alcohol use by young people may be that it seems both to produce and justify uninhibited behavior.

Some examples: a 16-year old decides to show off his newly acquired driving skills after a weekend party; a young woman accepts a sexual advance that results in an unwanted pregnancy and/or a STD; on a dare, a 12-year old rides a bicycle with no hands through a crowded intersection.

Recent scientific studies show that our children's brains are still maturing, at least through early adulthood. During the teen years, the area in the front of the brain continues to develop.

Developing functions still under construction in the teen brain are: planning, judgment, organization, thinking through consequences, impulse control, and understanding other people's feelings. "So there is a reason teenagers often act impulsively and can fail to think through their decisions." Dr. John Knight, Children's Hospital Boston.

What is Vaping?

Vaping is the act of inhaling and exhaling aerosol or vapor produced by a vape device. Because of the rise in popularity of JUUL, a specific type of vape device, many teens and young adults use the term “JUULING” (pronounced Jewelring), instead of vaping.

Resources for Behavioral Health:

Visit sdquitline.com

Visit lifeways.us – Select **What We Do**

Visit methproject.org – Select **Get Answers**

Visit scholastic.com/drugs-and-your-body – Select the **Different Organs**

Visit naturalhigh.org – Select **Students**

Visit aa.org – **Alcoholics Anonymous**

Visit na.org – **Narcotics Anonymous**

Visit al-anon.org – **Al-Anon**

Visit al-anon.alateen.org – **Alateen**

Visit nacoa.net – **National Association of Children of Alcoholics**

Visit smokefree.gov – Search in **Tools & Tips**

Visit findtreatment.samhsa.gov

Visit niaaa.nih.gov – **National Institute on Alcohol Abuse and Alcoholism**

Visit drugabuse.gov – **National Institute on Drug Abuse**

Visit teens.drugabuse.gov – **National Institute on Drug Abuse for Teens**

Visit drugfree.org – **Partnership for Drug-Free Kids**

Visit nami.org – **National Alliance on Mental Illness**

Visit samhsa.gov – **Substance Abuse and Mental Health Services Administration**

Visit TheNationalCouncil.org – **National Council for Behavioral Health**

Visit aacap.org – **American Academy of Child & Adolescent Psychiatry**

Visit mentalhealthamerica.net – **Mental Health America**

Visit nimh.nih.gov – **National Institute of Mental Health**

BEHAVIORAL DISORDERS

What is Attention Deficit Hyperactivity Disorder (ADHD)?

At times, disruptive behaviors are found in young people who have ADHD. This is a disorder in which inattention, over activity, impulsiveness, or a combination of these are common. ADHD affects about 11% of school-age children. Youth with ADHD may have the following behaviors:

- Difficulty paying attention to details.
- Easily distracted.
- Difficulty finishing schoolwork.
- Putting off anything requiring sustained mental effort.
- Disorganized and prone to making mistakes.
- Appearing to not listen when spoken to or follow through on given tasks.

A young person with ADHD will have at least some of these signs before they are seven years old and the signs will be severe enough to affect their school and relationships.

Visit [cdc.gov](https://www.cdc.gov) – Search **ADHD**

Visit [chadd.org](https://www.chadd.org) – Select **Understanding ADHD**

Visit [nimh.nih.gov](https://www.nimh.nih.gov) – Search **ADHD**

PSYCHOSIS IN YOUNG PEOPLE

What is Psychosis?

Psychosis is a general term used to describe a mental health problem in which a person has lost some contact with reality, resulting in severe disruptions in thinking, emotion, and behavior. Psychosis can have a severe impact on a person's life, such as relationships, work, school, other usual activities, and self-care.

People usually experience psychosis in episodes which can vary in length from person to person. Psychosis often begins in late adolescence or early adulthood, and the early signs and symptoms involve behaviors and emotions that may not be unusual for this age group.

What are common signs and symptoms when Psychois is developing?

- Changes in emotion and motivation including depression; anxiety, irritability, suspiciousness; blunted, flat, or inappropriate emotion; change in appetite; reduced energy and motivation; or significantly increased energy.
- Changes in thinking and perception include difficulties with concentration or attention; odd ideas; unusual perceptual experiences such as a reduction or greater intensity of smell, sound, or color.
- Changes in behavior include: sleep disturbance, social isolation or withdrawal and reduced ability to carry out studies or social roles.

It is important not to ignore or dismiss these warning signs, even if they appear gradually and are unclear. You should not assume that the young person is just going through a phase or that the symptoms will go away on their own.

Visit nami.org – National Alliance on Mental Illness

Visit nimh.nih.gov – Search Schizophrenia

ANXIETY IN YOUNG PEOPLE

What is an Anxiety Disorder?

Anxiety disorders will affect one in four youth over their lifetime. Anxiety disorders are among the most prevalent in childhood and adolescence. The one-year prevalence in children ages 9-17 is 8 percent. Approximately 40 million American adults ages 18 and older, or about 18.1 percent in this age group in a given year, have an anxiety disorder.

Everyone experiences anxiety at some time. People might say they are anxious, stressed, wound up, nervous, on edge, worried, tense, or hassled. Anxiety can be useful in helping a person avoid dangerous situations and motivate them to solve everyday problems. Anxiety can vary in severity from mild uneasiness to a terrifying panic attack. It can also vary in how long it lasts—from a few moments to many years.

An anxiety disorder differs from normal anxiety in the following ways:

- It is more severe
- It is long lasting
- It interferes with the person's studies, other activities, and family and social relationships.

Visit [nimh.nih.gov](https://www.nimh.nih.gov) – Search **Anxiety**

Visit adaa.org – **Anxiety Disorders Association of America**

Visit iocdf.org – **International OCD Foundation**

DEPRESSION

What Is Depression?

Depression is a term used in many different ways. People feel sad or blue when bad things happen. Everyday blues or sadness is not a depressive disorder. People with the blues may have a short-term depressed mood, but they can manage to cope and soon recover without treatment.

Major depressive disorder lasts for at least two weeks, affects people's ability to carry out their work and daily activities, and keeps people from having satisfying personal relationships.

Depression is a serious mental health issue that can affect even very young children. Major depressive disorder affects approximately two percent of preschool children and 3 percent of prepubertal school age children at any given time.

Depression is often recurrent; a person recovers but may develop another episode later on. Young people may also experience depression as a side effect of certain medications or when discontinuing use of a medication. It can occur with attention deficit disorder, (ADHD), anxiety disorders, and substance use disorders.

Are They Just Sad or Are They Depressed?

Depression is Real.

Depression is Treatable.

People experiencing depression may exhibit any or all of the following:

- A general feeling of hopelessness and despair that pervades all one's life and lasts more than a few weeks.
- A diminished ability to concentrate making reading, writing and conversation difficult. Thought process and activity are slowed because the mind is busy with inner anguish.
- A change in physical activity such as eating, sleeping, and sexual activity. Frequently there are physical complaints with no evidence of physical illness.
- A loss of self-esteem which brings on continual questioning of one's worth.
- Withdrawal from others not because of a desire to do so but from an immense fear of rejection by others even though there may be no basis for fear. Withdrawal brings on loneliness and reinforces the feeling of lack of worth.
- Threats or attempts to commit suicide which are seen as a way out of a hostile environment and a belief that one's life is hopeless and worthless. (About 1 in 200 depressed persons actually commit suicide.) Any threat should be taken very seriously.
- Hypersensitivity to words and actions of others and general irritability.
- Misdirected anger and difficulty in handling most feelings. Anger at self because of perceived worthlessness may produce general anger directed towards others.
- Guilty feelings can result as a depressed person assumes he is wrong or responsible for the unhappiness of others. Vulnerability to guilt in many situations.
- Extreme dependency on others which brings on feelings and then anger at the helplessness.

If your teen needs help, or if you would like more information, contact your healthcare provider or mental health specialist.

Where Can I Turn?

There are resources, programs, and caring professionals close at hand and ready to help.

Visit nctsnet.org – Select **Resources**

Visit nimh.nih.gov – Search **Post-traumatic stress disorder**

Visit dbsalliance.org – **Depression and Bipolar Support Alliance**

Visit familyaware.org – **Families for Depression Awareness**

Visit stopbullying.gov – **Stop Bullying Now Campaign**

24-Hour Crisis Numbers

- **Helpline Or 211 Dial 211 or 605-339-4357** or search [helplinecenter.org](https://www.helplinecenter.org) for referral information related to any community need: housing, childcare, volunteer opportunities, food, mental health, medical services, etc. You can also text your zip code to 898211 or email help@helplinecenter.org
- Go to the **Resource Library Section/Resource Guides** at [helplinecenter.org](https://www.helplinecenter.org) to find the Black Hills Behavioral Health Guide* for a comprehensive listing of behavioral health providers in the Black Hills. Also see the Black Hills Helping Hand Brochure for basic needs resource information.

**Inclusion in this Guide was by the choice of the provider. Additional providers may be found in the Yellow Pages under Psychiatrists, Psychologists, and Counselors.*

- **1-800-273-TALK(8255) – National Suicide Prevention Lifeline**
- **605-721-8939 – Community Health Center of the Black Hills**
Sliding fee scale for services – [chcbh.com](https://www.chcbh.com)
- **1-800-352-9996 – Alateen**
- **1-800-COCAINE (262-2463) – National Cocaine Hotline**
The hotline provides information, crisis intervention, and referrals to local rehab centers for all type of drug dependency. It operates 24 hours a day, seven days a week.
- **1-800-273-TALK (8255) – National Suicide Prevention Lifeline**
This is a crisis hotline that can help with many issues, not just suicide. Anyone who feels sad, hopeless, or suicidal; family and friends who are concerned about a loved one; or anyone interested in mental health treatment referrals can call the Lifeline.
- **1-800-442-HOPE (4673) – National Youth Crisis Hotline**
This hotline provides counseling and referrals to local drug treatment centers, shelters and counseling services, as well as responds to youth dealing with pregnancy, molestation, suicide, and child abuse.
- **1-800-662-HELP (4357) – Treatment Referral Helpline**
This helpline, offered by SAMHSA's Center for Substance Abuse Treatment, refers callers to treatment facilities, support groups, and other local organizations that can provide help for their specific need.
- **1-877-44U-QUIT (87848) – National Cancer Institute Smoking Quitline**
- **1-800-QUIT-NOW (7848669) – Smoking Cessation Centers**
- **1-866-SDQUITS (7378487) – South Dakota Quitline**

If someone is in imminent danger of hurting himself/herself or others, dial 911

EATING DISORDERS

What are Eating Disorders?

Eating disorders are potentially life-threatening illnesses. A young person with an eating disorder can be underweight or overweight or fall within the healthy weight range. Within the United States population, the lifetime prevalence of eating disorders of one sort or another is approximately 10 percent.

Anyone can have an eating disorder: They are more common in girls (four percent) than in boys (fewer than two percent), but the number of boys and young men coming forward to say they have an eating disorder is increasing and can typically develop at ages 12-13. Many people with eating disorders may also have another mental disorder, particularly anxiety, depression, and substance use disorders. Eating disorders are associated with a higher lifetime risk for suicide.

Visit anad.org – **National Association of Anorexia Nervosa and Associated Disorders**

Visit aedweb.org – **Academy for Eating Disorders**

Visit eatingdisordersanonymous.org – **Eating Disorders Anonymous**

Visit oa.org – **Overeaters Anonymous**

Visit nationaleatingdisorders.org – **National Eating Disorders Association**

Visit nimh.nih.gov – Search **Eating Disorders**

ADDITIONAL RESOURCES AND ADVOCACY:

Visit helplinecenter.org

Visit nami.org – Select **Find Support, Teens and Young Adults**

Visit findtreatment.samhsa.gov

Visit suicidepreventionlifeline.org

Visit transequality.org – Select **Know Your Rights**

Visit dlr.sd.gov – Select **Learn About Programs, Human Rights**

Visit aclusd.org

Visit drsdlaw.org – Select **Services**

Parent and Legal Obligations

As a parent, am I liable if my child damages someone's property?

According to South Dakota Law (25-5-15) a parent is liable for damages to “real, personal, or mixed property, or personal injury, through the malicious and willful act or acts of a minor child or children under the age of eighteen years while residing with their parents.”

In each case, the amount of recovery against one or both of the parents shall be limited to actual damages of fifteen hundred dollars (\$1,500) and the taxable court costs, and does not apply to damages caused through the operation of a motor vehicle by the minor child or children.

Foster parents are not subject to liability under this section.

Is it legal in South Dakota to serve non-alcoholic beer to minors?*

It's not illegal, and businesses that serve non-alcoholic beer to minors will not be prosecuted. However, the Department of revenue strongly discourages the practice. Since the product is generally available only through distributors and retailers who deal with alcoholic beverages, the image and message that is projected by selling non-alcoholic beer to a minor is negative.

**Information taken from South Dakota Retailers Association, January 2001, Page 9*

Parent Resources:

Visit ujs.sd.gov

Visit drugfree.org

Visit safesouthdakota.com – South Dakota Parents Matter

Visit cdc.gov – Centers for Disease Control and Prevention

Visit kids.usa.gov

Visit hhs.gov – Select Programs and Services

Visit teenhealthandwellness.com

Visit nationalparenthelpline.org – Select Find Support

Visit nctsn.org – Search Teen Sexual Assault Parent Guide

Visit teens.drugabuse.gov – Select Parents

If you have not found what you need in this resource please refer to the HelpLineCenter.org – Search Black Hills Behavioral Health Guide

NOTES



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