I.J.R. 3. Issuance of Summons/Subpoena (J.C.A.)

Idaho Juvenile Rule 3. Issuance of Summons/Subpoena (J.C.A.)

(a) In the event a juvenile is not in custody and upon the filing of a petition alleging said juvenile comes within the purview of the J.C.A. for an act which would constitute a criminal offense if committed by an adult, the clerk, unless otherwise directed by the court, shall schedule an admit/deny hearing in the case under I.J.R. 6.

(b) Upon scheduling the admit/deny hearing, the clerk or the court shall issue a summons as described in these rules requiring the person or persons who have physical care, custody, or control of the juvenile to appear personally and bring the juvenile before the court for the admit/deny hearing at the time and place stated therein which shall not be more than fifteen (15) days after issuance of the summons, unless extended by court order for cause shown. If the person so summoned is not the parent(s), guardian, or custodian of the juvenile, a summons or notice shall also be issued by the clerk of the court to the parent(s), guardian, or custodian requiring appearance at the admit/deny hearing. If the juvenile charged in the petition has reached 18 years of age, the summons shall require the appearance at the admit/deny hearing of the juvenile only, unless otherwise ordered by the court.

(c) A subpoena may be issued requiring the appearance of any person whose presence is required by the juvenile, the guardian, or any other person whose presence, in the opinion of the court, is necessary. A summons or subpoena may be issued to such persons who include witnesses or anyone who may be a possible resource for the care and treatment of the juvenile, including persons whom the juvenile or family wishes to have present. A party shall be entitled to the issuance of compulsive process for the attendance of witnesses.

(d) In the event it appears to the court that a juvenile is in such condition or surroundings that the juvenile's welfare is endangered, the court may order, by endorsement upon the summons, that the officer serving same take the juvenile immediately into custody and bring said juvenile before the court for safekeeping. By such action, the provisions of the Child Protective Act are automatically invoked pursuant to I.C. Section 20-520(m) and I.J.R. 16.

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