I.J.R. 6. Admit/Deny Hearing - Nature of Proceeding - Notice - Explanation of Rights - Plea - Setting of Evidentiary hearing (J.C.A.)

Idaho Juvenile Rule 6. Admit/Deny Hearing - Nature of Proceeding - Notice - Explanation of Rights - Plea - Setting of Evidentiary hearing (J.C.A.)

(a) The admit/deny hearing on a petition filed under the J.C.A., other than detention hearings, shall be designated as the admit/deny hearing and is in the nature of an arraignment in an adult criminal proceeding. At this hearing the court shall also determine the confidentiality status of juvenile case records and proceedings pursuant to Rule 52, I.J.R., and Rule 32(d)(7), I.C.A.R.

(b) The admit/deny hearing may be held before the scheduled date set forth in the summons or notice of hearing upon written waiver, or oral waiver on the record, by all parties of the right to notice of the hearing. Whenever practicable and without violation of the juvenile's right to due process of law, the court should combine the admit/deny hearing with the initial detention hearing in the interest of judicial economy. The court may review and reconsider the detention status of the juvenile at the admit/deny hearing.

(c) The admit/deny hearing in its entirety shall be placed upon the record. At the hearing, the general public shall be admitted only after the court makes a determination under paragraph (a) above. Persons having a direct interest in the case or who work for the court may be permitted to attend subject to the provisions of I.J.R. 52. The juvenile may waive the exclusion of any person not otherwise entitled to be present in court. The presence of the juvenile is required at the hearing, unless the juvenile is represented by counsel in attendance throughout the hearing and good cause is shown that the juvenile's absence is in the best interest of the juvenile.

(d) Each party shall be given a copy of the petition at, or before, the admit/deny hearing. At the hearing, the court shall inform the juvenile and the juvenile's parent(s), guardian, or custodian:

(1) Of their right to further time, unless waived, if service was not accomplished as provided in I.J.R. 5;

(2) Of the nature and elements of each allegation contained in the petition;

(3) Of their right to retain counsel pursuant to these rules, or if indigent, to have counsel appointed by the court;

(4) Of their right to a reasonable time to consult with counsel before entering a plea;

(5) Of the potential consequences to admission of the alleged offense;

(6) Of the juvenile's right against self-incrimination; and

(7) Of the state's burden to prove the allegations of the petition beyond a reasonable doubt at the evidentiary hearing before the court.

(e) After advising the juvenile in the manner set forth in paragraph (d) and ascertaining that all necessary parties are present, the court shall call upon the juvenile to admit or deny the allegations.

(1) A juvenile may tender a denial or admission of the alleged offense in the absence of the juvenile's parent(s), guardian, or custodian. If the juvenile declines to plead, the court shall enter a denial.

(2) The juvenile, or counsel on behalf of the juvenile, may enter a written admission on any charge which would be a misdemeanor if committed by an adult, provided the written admission, and a properly documented waiver of rights in conformance with paragraph (f), are signed and acknowledged by the juvenile and the parent(s), guardian, or custodian. A denial of any charge may be entered in the absence of the juvenile or the parent(s), guardian, or custodian.

(f) The court may accept an admission upon finding:

(1) That the right to counsel has been knowingly waived if the juvenile is not represented by counsel;

(2) That the admission is knowingly and voluntarily made;

(3) That the juvenile and parent(s), guardian, or custodian have been advised of, and knowingly waived, the juvenile's right against compulsory self-incrimination, the right to a trial, the right to confront and cross-examine opposing witnesses, the right to testify, and the right to have process for the attendance of witnesses;

(4) That the juvenile and parent(s), guardian, or custodian have been advised of the consequences which may be imposed after acceptance of the admission of guilt;

(5) That there is a factual basis for the plea, or the plea is being entered without factual basis to take advantage of a plea bargain; and

(6) Where applicable, the provisions of paragraph (i) have been met.

(g) The juvenile may be allowed to tender an admission to a lesser included offense, or an offense of a lesser degree, or a different offense, which the court may enter after amending the petition.

(h) In the event the juvenile is represented by counsel and no objection is interposed, the court may eliminate the admit/deny hearing in the interest of judicial economy, enter denials to the pending charges, and set the matter pursuant to paragraph (k).

(i) The prosecuting attorney may enter into discussions and reach a proposed plea agreement in conformity with Rule 11 of the Idaho Criminal Rules directly with the juvenile if the juvenile is not represented by counsel. However, the prosecuting attorney may not enter settlement negotiations with a juvenile not represented by counsel unless the parent(s), guardian, or custodian is advised of the discussion and given the opportunity to be present.

(j) In the event the court accepts the admission by the juvenile to the allegations of the petition, it may proceed to informal adjustment pursuant to I.J.R. 11 or schedule the sentencing hearing, and request the preparation of the report on the juvenile by the appropriate entity required pursuant to I.C. Section 20-520(1), unless waived by all parties and approved by the court. A sentencing hearing may immediately follow an admit/deny hearing if the court has had an opportunity to consider and review the report required in Section 20-520(1) following an admission to the allegations by the juvenile or has received a written waiver from the juvenile, allowing the court to read the report prior to the admit/deny hearing.

(k) If a denial to a petition is entered, the court shall set the matter for evidentiary hearing (trial), and may set a pretrial conference. Such evidentiary hearing may immediately follow entry of a denial with the consent of the juvenile, defense counsel, and the prosecuting attorney, or may otherwise be set for hearing at a later date pursuant to notice of hearing to all parties in open court on the record, or by written notice of hearing thereafter served upon the parties.

(Amended June 25, 1997, effective July 1, 1997.)

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