I.J.R. 7. Detention and Hearing (J.C.A.)-Detention or Protective Supervision Prior to Adjudication.

Idaho Juvenile Rule 7. Detention and Hearing (J.C.A.)-Detention or Protective Supervision Prior to Adjudication.

(a) A peace officer may take a juvenile into custody and shall take the juvenile forthwith to the court or to a place of detention without an order of the court pursuant to I.C. Section 20-516. However, at the time of detention, or at any other time prior to a detention hearing by the court, the officer shall, unless it appears to the officer that it is contrary to the welfare of society or the welfare of the juvenile, release such juvenile to the custody of the parent(s) or other responsible adult upon written promise, signed by such person, to bring the juvenile to the court at a stated time as prescribed by general or specific order of the court.

(b) In the event the court has determined by a showing of probable cause through sworn affidavit or testimony that a crime has been committed and that the juvenile has committed the crime, it may order that the juvenile be taken into custody. The officer serving the order shall immediately take the juvenile into custody for placement in detention or in an alternative placement to detention approved by the court pursuant to I.C. Section 20-516 pending a detention review hearing.

(c) A court may order a juvenile taken into custody, or a peace officer may take the juvenile into custody as provided in paragraph (a) of this rule. If a juvenile is not released to the parent(s) or other responsible adult, the court shall thereafter hold a detention hearing not later than 24 hours from the detention, excluding Saturdays, Sundays, and holidays, to determine whether such juvenile should remain in detention, pursuant to I.C. Section 20-516. The detention or protective supervision of a juvenile in a juvenile proceeding may be ordered by the court under the following circumstances and conditions:

(1) When the juvenile has run away from the parent(s), guardian, or legal custodian and the court has reason to believe that for said juvenile to remain away from the parent(s), guardian, or legal custodian would be detrimental to the juvenile's welfare; or

(2) The court has reasonable grounds to believe that the juvenile will not appear before the court or its officers at such time as the court may order; or

(3) The court has reasonable grounds to believe that said juvenile will, during the pendency of the juvenile proceeding, be subjected to an environment or to persons whose effect upon said juvenile would be injurious to said juvenile's welfare; or

(4) The court has reasonable grounds to believe that the release of said juvenile would endanger said juvenile or society.

(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.

(e) In the event the court determines as a result of the detention hearing that the detention or protective supervision of the juvenile is not required, the court may enter an order delivering custody of the juvenile to any person or agency found by the court to be in the best interest of the juvenile and society and upon such terms, conditions, and restriction as the court shall determine and include in its order.

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