

In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF IDAHO)
JUVENILE RULE 4 AND)
AMENDMENT OF IDAHO JUVENILE)
RULES 15 AND 23)
_____)

ORDER

The Court has reviewed a recommendation from the Juvenile Justice Advisory Committee (JJAC) and the Administrative Conference to adopt a new Idaho Juvenile Rule and amend the Idaho Juvenile Rules (I.J.R.), and the Court being fully informed;

IT IS ORDERED that I.J.R. 4 is ADOPTED as follows:

Idaho Juvenile Rule 4. Petition (J.C.A.)

(a) **Title; Form of the Petition.** A petition under the Juvenile Corrections Act, title 20, chapter 5, Idaho Code, (J.C.A.) and all court documents filed in the case must be titled "In the interest of [name of juvenile], a juvenile under (eighteen) 18 years of age." The petition may be made upon information and belief, and must include the following, or state if any of the facts are not known by the petitioner, under oath:

(1) the alleged facts which may bring the juvenile within the purview of the J.C.A.;

(2) the name, age, and residence of the juvenile; and

(3) the names and residences of the following:

(i) his parents and spouse;

(ii) his legal guardian;

(iii) the person or persons having custody or control of the juvenile; or

(iv) the nearest known relative if no parent or guardian can be found.

(4) the petition must inform the juvenile, the parents, legal guardian or other person legally obligated to care for and support the juvenile that service of the petition subjects them to the provisions of the J.C.A.

(b) **Amendment of Petition.** If no additional or different offense is charged and substantial rights of the juvenile are not prejudiced, the court may permit amendment of a petition at any time before the prosecution rests their case.

IT IS ORDERED that I.J.R. 15 is AMENDED as follows:

Idaho Juvenile Rule 15. Evidentiary Hearing (J.C.A.)

~~In the event the~~ If a juvenile denies the allegations of the a petition at the admit/deny hearing, an J.C.A. evidentiary hearing shall must be held ~~in accordance with~~ according to the provisions of the Juvenile Corrections Act (J.C.A.), title 20, chapter 5, Idaho Code, and in accordance with the following procedures:

(a) **Timing of Hearing.** The hearing ~~shall must commence start~~ within 90 days from the entry of the denial, unless the hearing is continued for good cause ~~shown~~. The evidentiary hearing for a juvenile held continuously in continuous preadjudication detention before adjudication shall must commence start within 45 days of the initial first appearance of the juvenile before the court unless the hearing is continued for good cause ~~shown~~.

(b) **Notice.** Notice of the hearing must be given by a notice or summons ~~in accordance with I.C. Sections as provided in I.C. §§ 20-512 and 20-513,~~ unless verbal notice of ~~such the~~ hearing has been given to the parties in open court and ~~placed upon~~ the record.

(c) **Who may be present.** At the hearing ~~the general public and persons having a direct interest in the case or who work for the court may be permitted to attend, subject to the provisions of as provided in I.J.R. 52. The presence of the juvenile's presence in the court at the time of the hearing may be waived by the court, but only if the court finds good cause that:~~

(1) ~~when good cause is found that~~ it is in the best interest of the juvenile, and

(2) ~~only if~~ the juvenile is represented by counsel who is in attendance present at all times during the hearing.

(d) **Witnesses.** When a juvenile, other than the juvenile against whom the petition has been filed, is summoned as a witness in any hearing under the J.C.A., the parent(s), a counselor, a friend, or other person having a supportive relationship with the juvenile ~~shall must~~, if available, be permitted to remain in the courtroom at the witness stand with the juvenile during the juvenile's testimony unless, ~~in written findings made and entered,~~ the court finds, in writing, that the juvenile's constitutional right to a fair trial will be unduly prejudiced.

(e) **Court Record.** The ~~entire hearing shall must~~ be ~~placed upon~~ the record.

(f) **Rules of Evidence.** The rules of evidence and discovery in a J.C.A. evidentiary hearing (trial) are the same as the rules that apply in a criminal proceeding.

(g) **No jury trial.** All issues shall be tried ~~solely~~ before the court.

(h) **Burden of Proof.** The state has the burden of proving beyond a reasonable doubt that the juvenile has committed acts bringing the juvenile within the purview of the J.C.A.

(i) **Motion to Dismiss.** After the close of the prosecution's evidence or all evidence, the juvenile or the court may move for, and the court may enter an order of dismissal. The court must enter an order of dismissal if the evidence is insufficient to sustain a finding that the juvenile committed acts which bring the juvenile within the purview of the J.C.A. If the court denies a motion to dismiss after the prosecution's evidence, the juvenile may offer evidence. If the court dismisses an offense, the state may move the court to consider whether the evidence would be sufficient to sustain a finding that the juvenile has committed an included offense.

(j) **Findings.** The court ~~shall~~ must make a finding as to whether ~~or not~~ the juvenile has committed acts which bring the juvenile within the purview of the J.C.A. In making this finding, the court ~~shall~~ must consider only admissible evidence introduced at the hearing and ~~shall~~ must not consider any reports, documents, or other information obtained by the judge in making an initial inquiry in the proceeding.

IT IS ORDERED that I.J.R. 23 is AMENDED as follows:

Idaho Juvenile Rule 23. Right to ~~b~~Bail (J.C.A.)

There is no right to bail for a juvenile under the age of 18 in a J.C.A. proceeding. Idaho Criminal Rule 46 applies to a person over the age of 18 charged with an offense under the J.C.A.

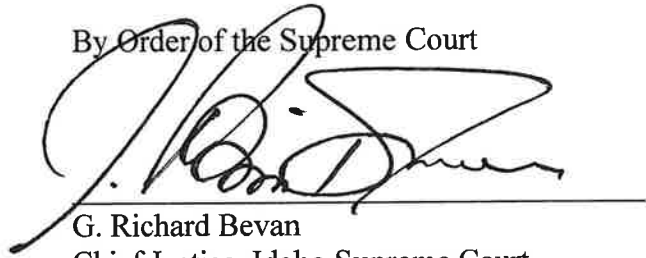
IT IS FURTHER ORDERED that this order and these amendments shall be effective January 1, 2026.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Juvenile Rules.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 6th day of November, 2025.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST: 
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 11-06-2025
Melanie Gagnepain, Clerk

By Lena McKee Deputy