

# IJR 16 RESOURCES FOR JUVENILE JUDGES

## *Bench Card*

*This Bench Card has been created by the Administrative Office of the Court as a resource for judges. Bench Cards do not represent statements of law by the Idaho Supreme Court and do not constitute legal advice.*

### **GOALS**

Idaho Juvenile Rule 16 authorizes the juvenile court to order an investigation, a screening team or expand the juvenile case to a Child Protective Act (CPA) case. Advantages to a graduated approach include avoiding possible delay caused by ordering investigation or expansion, engaging the family in a less confrontational manner, and creating a problem-solving forum with all stakeholders at the table. In appropriate cases, the screening team approach can avoid the need to order an investigation or expand the juvenile case to a child protection case.

### **WHEN<sup>1</sup>**

At any stage of a Juvenile Corrections Act (JCA) proceeding, when the court has reasonable cause to believe that a juvenile living or found within the state is neglected, abused, abandoned, homeless, or whose parents or legal custodian fails or is unable to provide a stable home environment.

### **RESOURCES**

1. Investigation – Direct Idaho Department of Health and Welfare (IDHW) to investigate the facts and circumstances of the juvenile and the juvenile’s family and report to the court. (See JV Order for Investigative Report to the Court under IJR 16)
2. Screening Team – Order a screening team to convene and report to the court. (See JV Order for Screening under IJR 16)
3. Expansion – Expand the JCA proceeding into a Child Protection Act proceeding.<sup>2</sup> (See JV Order Expanding Juvenile JCA Proceeding to CPA Proceeding)

### **PURPOSE**

1. IDHW Investigation:  
An order for investigation is best used when there exist child protection issues but many facts are unknown and should be gathered for the decision makers before determining whether to use a screening team approach or expansion.
2. Screening Team:  
The purpose of the screening team is to develop a coordinated plan to safely meet the needs of the juvenile and the juvenile’s family, based on all resources available to the juvenile and the juvenile’s family.
  - a. The focus of the screening team is to assess the safety of the juvenile in the juvenile’s home and determine whether the juvenile’s needs, including services and treatment, can be addressed safely and appropriately (preferably in the juvenile’s home using community-based services).
  - b. The screening team prepares a written report to the court summarizing the findings and recommendations of the screening team.

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- c. The court may order both an investigation and screening team.
3. Expansion to a Child Protection Case:  
An expansion is best used when a crisis exists and/or imminent safety concerns for the child exist.
  - a. If the proceeding is expanded to a CPA case, the JCA court may, in its discretion, order the juvenile placed in shelter care. The CPA court must hold a shelter care hearing within 48 hours of the child being placed in shelter care, excluding Saturdays, Sundays and holidays.<sup>3</sup>
  - b. If the child is not removed, the CPA court must hold an adjudicatory hearing within 30 days of the JCA court's determination to expand the proceedings.<sup>4</sup>

### **REQUIRED FINDINGS (if expanded)**

1. There is reasonable cause to believe the juvenile is living or found within the state and is neglected, abused, abandoned, homeless, or the juvenile's parents or other legal custodian(s) have failed or are unable to provide a stable environment.<sup>5</sup>
2. If the court orders an expansion of a JCA proceeding and removal of the juvenile from the home or present surroundings, the court must make written, case-specific findings that:
  - a. the juvenile was placed in shelter care because continuation in the child's home or present condition or surroundings would be contrary to the welfare of the juvenile; and,
  - b. vesting legal custody of the juvenile with IDHW is in the juvenile's best interest.

### **ORDER**

1. The order expanding the JCA proceeding to a CPA proceeding must be in writing and contain the factual basis supporting the order.<sup>7</sup>
2. The order expanding the Juvenile Corrections Act proceedings to Child Protective Act proceedings, serves the function of the CP Petition.<sup>8</sup>

### **ENDNOTES**

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<sup>1</sup> I.J.R. 16(a).

<sup>2</sup> I.J.R. 16(a)(1)-(3).

<sup>3</sup> I.J.R. 16(b).

<sup>4</sup> I.J.R. 16(d).

<sup>5</sup> I.J.R. 16(f).

<sup>6</sup> 45 C.F.R. § 1356.21(c); I.C. § 16-1615(5); I.J.R. 16(a) and (f).

<sup>7</sup> I.J.R. 16(a).

<sup>8</sup> I.J.R. 16(h).