

# STATUS OFFENDERS DETENTION PLACEMENT, AND THE VALID COURT ORDER EXCEPTION

## BENCH CARD

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### PURPOSE

To ensure Juvenile Status Offender (JSO) placements in detention are in accordance with Idaho Juvenile Rule 17(e) and (f), Idaho Code § 20-516 and § 20-520, and the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

### STATUS OFFENDER DEFINITION

The term “status offender” means a juvenile who is charged with or who has been adjudicated of an offense that would not be a crime if committed by an adult.<sup>1</sup>

### RESTRICTIONS ON THE PLACEMENT OF A STATUS OFFENDER

1. A juvenile believed to have committed a status offense that is taken into custody shall not be placed in any jail facility, including juvenile detention centers.<sup>2</sup>

If the juvenile is not released, they must be brought before the court within 24 hours, excluding weekends and holidays, for a detention hearing to determine where the juvenile will be placed.

2. A juvenile adjudicated of a status offense may not be placed in detention or other secure confinement except under a valid court order.<sup>3</sup>
3. Status offenders may not be the subject of an order establishing any discretionary or unscheduled detention time.<sup>4</sup>

### VALID COURT ORDER EXCEPTION (See *JV Order for Detention (Status Offense)*)<sup>5</sup>

Following adjudication of a status offense, a juvenile may be subject to detention if, after notice and hearing, the court finds that the juvenile offender has violated the court’s decree imposing the sentence under circumstances that bring the violation under the valid court order exception, and the court’s order:

1. identifies the valid court order that has been violated;
2. specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;
3. includes findings of fact to support a determination that there is no appropriate, less-restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile;
4. specifies the length of time, not to exceed seven days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile's release from such facility; and
5. states that the order may not be renewed or extended.

The court may not issue a second or subsequent order described in this subsection relating to a juvenile unless the juvenile violates a valid court order after the date on which the court issues an order in this subsection.

# STATUS OFFENDER PLACEMENT IN DETENTION BENCH CARD

## INTERSTATE COMPACT FOR JUVENILES (ICJ) EXCEPTION

A runaway or accused status offender from another state may be held in detention in accordance with the Interstate Compact for Juveniles, and qualify for the ICJ exception if:<sup>6</sup>

1. the juvenile is brought before the court within 24 hours, excluding weekends and holidays, of their placement in detention, and
2. an ICJ Form III (Consent for Voluntary Return of Out-Of-State Juveniles) is signed by the juvenile and the presiding judge.<sup>7</sup> If the juvenile refuses to sign ICJ Form III, a requisition hearing will be scheduled.<sup>8</sup>

## Best Practice Considerations

1. Placing juvenile status offenders in detention jeopardizes their safety and well-being, and may increase their criminal risk factors.<sup>9</sup>
2. Detention centers lack the resources to address the underlying causes of the status offense, and detention placements are not shown to deter future status-offending behaviors.<sup>10</sup>
3. Community-based interventions are more effective in helping juvenile status offenders develop life skills, pro-social relationships, strong social networks, and support systems needed to successfully to become a productive member of the community.<sup>11</sup>

## ENDNOTES

<sup>1</sup> 103 U.S.C. § 11103(42).

<sup>2</sup> I.C. § 20-516(1)(c).

*Note: Other placement options may be available pursuant to the Child Protective Act (CPA) if the case is expanded via a Rule 16 Expansion Order.*

<sup>3</sup> I.J.R. 17(e).

<sup>4</sup> I.J.R. 17(e) and (f).

<sup>5</sup> I.J.R. 17(e).

<sup>6</sup> 34 U.S.C. § 11133(a)11(A)(i).

<sup>7</sup> I.C.J. § 6-102.

<sup>8</sup> I.C.J. § 6-103.

<sup>9</sup> Justice Policy Institute. (2006). *The Dangers of Detention*. Washington, DC: Barry Holman and Jason Ziedenberg. P. 4.

<sup>10</sup> Nelson, D. W. (2008). *A Road Map for Juvenile Justice Reform*. Baltimore, MD: Annie E. Casey Foundation. p. 9.

<sup>11</sup> *Id.*