

COMMITMENT TO DEPARTMENT OF JUVENILE CORRECTIONS, I.J.R. 19

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.

PURPOSE ¹

To determine eligibility of a juvenile to be committed to the Idaho Department of Juvenile Corrections (I.D.J.C).

ELIGIBILITY FACTORS

Juvenile's history or charged offense(s) contain the underlying facts: ²

1. of violence that either did or could reasonably have resulted in serious bodily injury or death to others; and/or,
2. of a sexual nature; and/or,
3. demonstrating a wanton and reckless disregard for the property rights of others, such that release constitutes a substantial risk to the community; and /or,
4. demonstrating a pattern of misdemeanor or felony criminal behavior, escalating in its impact on public safety or the juvenile's safety own well-being over time.

A juvenile under the age of 12 years shall not be committed unless the court finds extraordinary circumstances. The court shall not commit a juvenile under the age of 10 years.³

SCREENING TEAM⁴ (See JV-Order for Screening Team Report I.J.R.19)

Prior to disposition on any offense for which a juvenile may be committed, the court shall order a screening team to convene and determine if a community plan, created by the team, can address the juvenile's risk to the community.

PARTICIPANTS IN SCREENING TEAM ⁵

1. The screening team shall include parents, custodians, or guardians of the juvenile, representatives from the county juvenile probation office, the Idaho Department of Juvenile Corrections and the Idaho Department of Health and Welfare.
2. In addition, the screening team should include the juvenile, the defense attorney, prosecuting attorney, local school officials, and any other persons that the screening team may deem appropriate.

HISTORICAL INFORMATION PROVIDED TO SCREENING TEAM ⁶

The following historical information will be made available to the screening team:

1. history of mental health issues or substance abuse treatment;
2. the family's structure and dynamics;
3. parental, guardian, or custodian, engagement in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior;
4. the juvenile's academic performance and behavior in an educational setting;
5. prior intervention and treatment efforts by the family and /or the community;
6. prior offenses; and,
7. current and prior risk/needs assessment.

FACTORS TO BE EVALUATED BY THE SCREENING TEAM ⁷

The screening team will use a strengths-based approach while evaluating the following factors to decide whether a community-based program or alternative can adequately address the risk and needs identified:

1. the family's strengths;
2. the parent's, guardian's, custodian's abilities and capacities for engagement in community based programs;
3. any barriers that may impede the parent's, guardian's, custodian's or juvenile's ability to participate in community-based programs;
4. whether or not community based programs which are needed are accessible to the juvenile and the juvenile's parents, guardians, or custodians;
5. whether or not the community-based programs are a cost-effective option.

I.J.R. 19 SCREENING TEAM REPORT ⁸

The county probation officer or other court designee will prepare a written report summarizing the screening team's recommendations, including all conflicting opinions of team members. The report will be made available to the court and all parties to the case at least 48 hours prior to the sentencing hearing, excluding Saturdays, Sundays, and holidays.

An I.J.R. 19 Screening Team Report Template and Facilitator Guide is available on the Idaho Supreme Court website.

ISSUING AN ORDER OF COMMITMENT TO I.D.J.C. ⁹ (See *JV-Decree and Order of Disposition (Commitment)*)

Prior to issuing an order of commitment to I.D.J.C., the court will make findings on the record as to the underlying facts and circumstances that were relied upon in making the decision, and the specific facts relied upon to determine that a community-based alternative was not appropriate.

Best Practice Considerations

1. An independent facilitator can ensure a fair process and increase collaboration of all participants.¹⁰
2. Diverse stakeholder participation will increase the likelihood of collaboration, removing barriers to participation, and development of effective community-based interventions for juveniles and their families.¹¹
3. Evaluating both strengths and weakness equally will give the screening team and courts a more comprehensive understanding of the juvenile's capacity for success.¹²

ENDNOTES

¹ I.J.R. 19.

² I.J.R. 19(a).

³ I.J.R. 19(g).

⁴ I.J.R. 19(b)

⁵ I.J.R. 19(b).

⁶ I.J.R. 19(c).

⁷ I.J.R. 19(d).

⁸ I.J.R. 19(e).

⁹ I.J.R. 19(f).

¹⁰ Terri L. Griffith, Mark A. Fuller, Gregory B. Northcraft Facilitator Influence in Group Support Systems: Intended and Unintended Effects, 1998.

¹¹ Lu Hong, and Scott E. Page.(2004).Groups of diverse problem solvers can outperform groups of high-ability problem solvers

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¹² Jimerson, S.R., Sharkey, J.D., Nyborg, V. et al. Strength-Based Assessment and School Psychology: A Summary and Synthesis. *Contemp School Psychol* 9, 9–19 (2004). <https://doi.org/10.1007/BF03340903> (last visited July 2020).