

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO )  
JUVENILE RULE 17 )

## ORDER

The Court, having received a recommendation to amend Idaho Juvenile Rule 17, and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that Idaho Juvenile Rule 17 be amended as follows:

### **Rule 17. Sentencing Hearing (J.C.A.)**

(a) At the time the court finds that a juvenile is within the purview of the J.C.A. under I.J.R. 15 or the juvenile pleads guilty (admits) to the charge (petition), or as soon thereafter as is practicable, the court shall set time and place for a sentencing hearing and give notice thereof to the juvenile and the parent(s), guardian, or custodian. In the event the time for the sentencing hearing is set in open court, notice of such hearing may be given to the parties verbally and placed upon the record. In the event such hearing is set at a later date, written notice thereof shall be given to the juvenile and the parent(s), guardian, or custodian in the same manner as a notice or summons of the initial J.C.A. hearing. With the consent of the juvenile and the juvenile's counsel the sentencing hearing may immediately follow the J.C.A. evidentiary hearing (trial).

(b) The sentencing hearing shall be an informal hearing in which the court may hear any relevant evidence from the prosecuting attorney; the juvenile; the parent(s), guardian, or custodian; or other investigator having knowledge of the juvenile so as to enable the court to make a considered disposition of the proceeding. The juvenile must be present at the sentencing hearing unless waived by the juvenile upon the advice of counsel after receiving the prior approval of the court.

(c) As a result of the sentencing hearing, the court shall enter a written decree together with findings of fact and conclusions of law finding the juvenile within the purview of the J.C.A. and imposing one or more of the provisions authorized by I.C. Section 20-520. If the court determines probation or detention is required, it must be ordered at the time of sentencing wherein commitment to the Department of Juvenile Corrections occurred. In the event the juvenile is placed on probation, such order may include or incorporate by reference the terms, conditions, and requirements of probation in the written decree.

(d) In the event it is proposed by any person that a juvenile be placed in custody or detention outside of the state of Idaho, pursuant to the Interstate Compact on the Placement of Children set forth in I.C. Section 16-2102, the court shall first hold a hearing upon 10 days notice to all affected parties to determine whether equivalent facilities are available in the state of Idaho and whether the placing of the juvenile in custody or detention outside the state will be in the best interest of the juvenile or will produce undue hardship. At such hearing, any interested party may testify concerning these issues, and upon conclusion of the hearing, the court shall determine whether the juvenile should be detained or placed in custody outside of the state of Idaho.

~~(e) If the court has adjudicated the juvenile to be a habitual status offender as defined in I.C. Section 20-521, the court may then utilize any sentencing alternative in rehabilitating the habitual status offender that is set out in I.C. Section 20-520, except that the juvenile shall not be placed in secure confinement. In accordance with the I.C. Section 20-520, and the Juvenile Justice Delinquency Prevention Act, a juvenile adjudicated of a status offense or as a habitual status offender may not be placed in detention or other secure confinement, including commitment to the Idaho Department of Juvenile Corrections, as a result of such adjudication. Such status offenders may not be the subject of an order establishing any discretionary or unscheduled detention time. Provided, however, 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 7 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.~~

(f) If, pursuant to I.C. Section 20-523, a written screening team report is compiled, it shall be presented to the court and be made available to the parties at least 48 hours prior to the sentencing hearing, excluding Saturdays, Sundays, and holidays.


IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2019.

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.

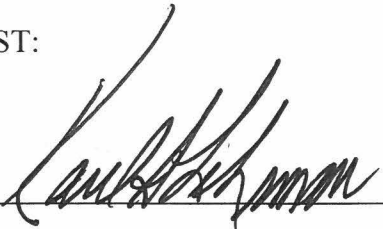
IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 17<sup>th</sup> day of June, 2019.

By Order of the Supreme Court

  
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Roger S. Burdick, Chief Justice

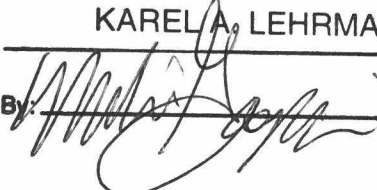
ATTEST:

  
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Clerk

I, Karel A. Lehrman, 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 6-17-19

KAREL A. LEHRMAN  
\_\_\_\_\_  
Clerk  
By:  \_\_\_\_\_  
Chief Deputy