

In the Supreme Court of the State of Idaho

**IN RE: AMENDEMENTS TO IDAHO)
JUVENILE RULES 10, 10A, 10B,)
and 19)**

ORDER

The Court has reviewed a recommendation from the Juvenile Justice Advisory Committee (JJAC) to amend the Idaho Juvenile Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Juvenile Rules as they appear in the volume published by the Idaho Code Commission be, and are hereby, amended as follows:

1. That Rule 10 be REPEALED in its entirety.
2. That Rule 10A be REPEALED in its entirety.
3. That Rule 10B be REPEALED in its entirety.
4. That a NEW Rule 10 be ADOPTED to read as follows:

Idaho Juvenile Rule 10. Change of Venue.

- (1) Conditions. A juvenile's residence is deemed to be a county in which the juvenile is actually residing, or a county in which a proceeding involving the juvenile under the Idaho Child Protective Act is currently pending. When a petition alleges the commission of a juvenile offense in a county other than the county of the juvenile's residence, venue may be changed upon order of the court where the offense is alleged to have occurred (sending court) to the county of the juvenile's residence (receiving court), upon the following conditions:

- (A) the juvenile admits to the allegation, or the juvenile has been found by the Court to have committed the offense following an evidentiary hearing and to be within the purview of the J.C.A., and
- (B) the sending court finds that change of venue will not impose unreasonable barriers of distance to any persons entitled to be heard.

Upon satisfaction of the conditions set forth above, the receiving court must not refuse the change of venue, except upon a finding that the juvenile does not reside in the receiving county.

- (2) Duties of Sending Court. Within seven days after entering the order changing venue, the sending court must:
- (A) Order the case and all court records transferred to the magistrate's division of the district court of the county of the juvenile's residence; and
 - (B) Notify the following:
 - i. juvenile and the juvenile's parent(s) and/or guardian/ custodian;
 - ii. the receiving court;
 - iii. the probation department in the sending and receiving county;
 - iv. the department of health and welfare, in appropriate cases;
 - v. the public defender's office in the sending and receiving counties; and
 - vi. the prosecuting attorney's office in the sending and receiving counties.
- (3) Duties of Receiving Court. Upon receipt of the order for change of venue, the receiving court must:
- (A) notify the juvenile and the juvenile's parent(s) and/or guardian/custodian of the date and time of the juvenile's next appearance;
 - (B) direct the juvenile and the juvenile's parent(s) and/or guardian/custodian to contact the probation office in the receiving county;
 - (C) appoint a public defender in the receiving county if the juvenile had public defender services in the sending county; and
 - (D) exercise jurisdiction over the case, including any motions such as motions of violations, dismissal and expungement.
- (4) Return to Sending Court. Following entry of the order for change of venue by the sending court, if the juvenile withdraws the admission previously entered before the sending court, or the receiving court refuses the change of venue, then the case must be promptly returned to the sending court and the matter must be set for evidentiary hearing.
- (5) Restitution. Whenever possible, the issue of restitution should be resolved in the sending county prior to the change of venue. If the issue of the amount of

restitution is contested, it must be resolved by the court of the county where the offense occurred.

5. That Rule 19 be amended as follows:

Idaho Juvenile Rule 19. Standards and Procedures for Commitment to the Department of Juvenile Corrections. (J.C.A.)

(b) Prior to disposition on any offense for which a juvenile may be committed to the custody of the Department of Juvenile Corrections, the court shall order that a screening team convene to determine whether or not the actual risks posed to community safety by the juvenile offender can be adequately addressed in a community based setting or whether the risks posed to the public by the juvenile offender are such that the juvenile is in need of treatment programming within a secure setting available through the Department of Juvenile Corrections. The screening team shall ~~consist of~~ 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. In addition, the screening team ~~may~~ should ~~consist of~~ include the juvenile, the defense attorney, prosecuting attorney, the defense attorney, local school officials, and any other persons that the ~~court~~ screening team may deem appropriate ~~including parents, custodians or guardians of the juvenile.~~ Participants shall share relevant information concerning the juvenile offender with other screening team members. All such information shall be maintained as confidential pursuant to I.C.A.R. 32.

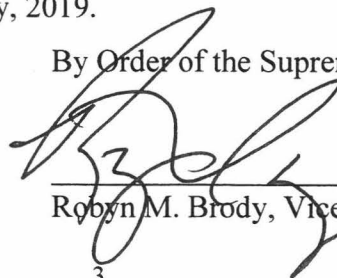
IT IS FURTHER ORDERED that this order and these amendments shall be effective July 1, 2019.

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*.

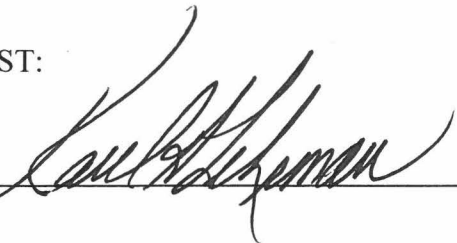
DATED this 14th day of May, 2019.

By Order of the Supreme Court


Robyn M. Brody, Vice Chief Justice

ATTEST:

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. 5-14-19

KAREL A. LEHRMAN

Clerk

By:



Chief Deputy