I.J.R. 10. Transfer of Case for Sentencing to County of Juvenile's Residence. (J.C.A.)

Idaho Juvenile Rule 10. Transfer of Case for Sentencing to County of Juvenile's Residence. (J.C.A.)

(a) When a petition alleges the commission of a juvenile offense in a county other than the county of the juvenile's residence, the matter may be transferred 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) if the following conditions are met:

(1) (A) The juvenile admits to the allegation or enters into a written agreement as to the charges to be admitted and enters into a written notice of intent to enter an admission to the petition in the county where the offense is alleged to have occurred; or (B) The juvenile has been found by the Court to have committed the offense following evidentiary hearing and to be within the purview of the J.C.A.; and

(2) The sending court finds that transfer of the matter to the receiving court is in the best interest of the juvenile and the prompt administration of the court's business, and the sending court further determines that transfer of sentencing to the county of the juvenileís residence will impose no unreasonable barriers of distance to any persons entitled to be heard at the sentencing hearing.

(b) For purposes of Idaho Juvenile Rules 10, 10A and 10B, a county of the juvenile's residence is deemed to be a county in which the juvenile is actually residing with a parent/legal guardian/legal custodian, or a county in which a proceeding involving the juvenile under the Idaho Child Protective Act is currently pending, or, if a juvenile is over 18 years of age, the county where the former juvenile has established a residence. Any juvenile whose residency cannot be ascertained by the juvenile courts may be deemed homeless and afforded the protections of the Idaho Child Protective Act by invoking Idaho Juvenile Rule 16.

(c) Upon satisfaction of the conditions set forth in (a)(1) and (2) above, the receiving court shall not refuse transfer of the matter hereunder, except upon a finding that the juvenile does not reside in the receiving county.

(d) Upon transferring a case, the sending court shall:

(1) Order the case and all original documents and records therein transferred to the magistrate's division of the district court of the county of the juvenile's residence for sentencing; and

(2) Notify the juvenile and the juvenile's parent(s) and/or legal guardian/legal custodian that any order appointing defense counsel at public expense does not extend beyond the county where the offense occurred, and that further legal representation must be requested through the court in the county of the juvenile's residence; and

(3) Notify the court in the county of the juvenile's residence in writing of the court's order of transfer and the manner in which restitution to any victim(s) has been resolved pursuant to (h) below.

(e) The receiving court shall notify the juvenile and the juvenile's parent(s) and/or legal guardian/legal custodian of the date and time of the juvenile's next appearance.

(f) Following entry of the order of transfer by the sending court, if the juvenile fails to enter an admission as contemplated in the written notice of intent to enter an admission, or the juvenile withdraws the admission previously entered before the sending court, or the receiving court fails or refuses to accept the admission or transfer of the matter, then all original documents and records shall be promptly returned to the sending court and the matter shall be set for evidentiary hearing. Nothing in this rule shall limit the receiving court's sentencing authority under Idaho Code § 20-520, nor prevent the court from proceeding to sentencing on any matter found within the purview of the court under the Juvenile Corrections Act.

(g) In all cases under this rule, the receiving court shall conduct an admit/deny hearing, if not previously held, pursuant to Idaho Juvenile Rule 6 and may combine the admit/deny and sentencing hearings.

(h) If the issue or the amount of restitution is contested, it shall be resolved by the court of the county where the criminal offense occurred.

(i) Any signature, acknowledgment or consent of a juvenile to a notice of intent to admit shall not be used to incriminate the juvenile in a subsequent trial on the merits of the charge.

(j) The written notification of a juvenile's intention to admit a petition shall substantially conform to the following form:

Click here [1] for form.

(k) The sending court's order of transfer shall substantially conform to the following form:

Click here [2]for form.

(Amended March 20, 1985, effective July 1, 1985; amended March 8, 1999, effective July 1, 1999; amended September 9, 2008, effective November 1, 2008.)

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[1] https://isc.idaho.gov/../rules/forms/IJR_10_Form.doc
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