

I.J.R. 10.b. Transfer of Probation in its Entirety. (J.C.A.)

Idaho Juvenile Rule 10B. Transfer of Probation in its Entirety. (J.C.A.)

(a) The dispositional/supervising court, as the sending court at sentencing, or at any time during a probationary period, may enter an order transferring the entirety of a juvenile probationer's terms of probation to a receiving court in another county within the State of Idaho if:

(1) the sending court determines, upon good cause shown, that the juvenile resides, or intends to reside, with a parent or legal guardian/legal custodian in the receiving county; and

(2) the juvenile retains no further community ties with the county of the sending court because residency by a parent or legal guardian/legal custodian there has ceased ; and

(3) transfer of probation in its entirety is in the best interest of the juvenile and the prompt administration of the court's business.

(b) Transfer of probation in its entirety to the receiving court shall be deemed permanent, and all original documents and records therein shall be transferred to the receiving court pursuant to Idaho Juvenile Rule 10(d).

(c) The sending and receiving courts involved in any transfer of probation in its entirety shall follow the requirements and procedures set forth in Idaho Juvenile Rule 10A(c) and (d).

(d) Any motion for violation of probation alleged to have occurred after an order transferring probation in its entirety has been entered by the sending court shall be filed by the prosecuting attorney of the receiving county, supported by affidavit, and shall be adjudicated by the court of the receiving county.

(e) Any county receiving the transfer of probation in its entirety from the sending county, or assuming the supervision of the probation in its entirety under subsection

(f) below, shall be deemed to be the county of residence of the juvenile probationer. Any substantive charges alleged to have been committed thereafter by the juvenile probationer shall be petitioned, adjudicated and sentenced pursuant to Idaho Juvenile Rule 10.

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(f) At the six-month review hearing regarding courtesy supervision set forth in Rule 10A(f), or at any other time, the sending court may enter an order transferring probation in its entirety, or the receiving court may enter an order, upon its own motion, assuming the supervision of probation in its entirety if the actual residence of the juvenile in the receiving county is found to be stable and permanent, and it is in the best interest of the juvenile and the prompt administration of justice.

(g) Any non-payment of fees, including restitution, owed in the sending county by the juvenile probationer whose probation has been transferred in its entirety to, or assumed in its entirety by, the receiving county may be pursued by a motion for violation of probation in the receiving county or a motion for contempt filed in the sending or receiving county.

(h) No order transferring probation in its entirety by the sending court, nor order assuming supervision of probation in its entirety by the receiving court, shall be entered regarding any juvenile probationer who is under a suspended commitment for secure confinement with the Department of Juvenile Corrections.

(i) The duration of any probationary period transferred or assumed in its entirety hereunder shall be solely determined by the receiving court.

(j) The receiving court shall not refuse transfer of probation in its entirety, except as set forth in Rule 10(c).

(k) The receiving court shall assume jurisdiction of a juvenile hereunder when the order transferring probation in its entirety is received from the sending county or when the order assuming the supervision of probation is entered by the receiving court.

(l) The order transferring probation in its entirety, or assuming supervision of probation in its entirety shall substantially conform to the following form:

[Click here](#) [1] for form.

(Adopted September 9, 2008, effective November 1, 2008)

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