I.J.R. 19. Standards for Commitment to the Department of JuvenileCorrections (J.C.A.)

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

(a) A juvenile offender may become eligible for commitment to the custody of the Department of Juvenile Corrections if the juvenile's prior history or charged offense(s) contain underlying facts:

(1) of violence that either did or could reasonably have resulted in serious bodily injury or death to others;

(2) of a sexual nature;

(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 or well-being over time.

(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 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 consist of the prosecuting attorney, the defense attorney, local school officials, and any other persons that the court 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.

(c) The screening team shall have available a detailed history of the juvenile which shall include, but not be limited to:

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/need assessments.

(d) The screening team shall evaluate whether community based programs or alternatives can adequately address the risks and needs identified. The screening team shall employ a strengths-based approach considering the juvenile’s and family’s strengths and include an evaluation of the juvenile’s and parent’s, guardian’s or custodian’s abilities, and capacities for engagement in such community based programs as may be identified. The screening team shall also evaluate any barriers that may exist with respect to such engagement. In making such evaluation the screening team shall determine whether or not there exist community based programs to address the juvenile’s identified needs or whether such programs can be accessed in a setting other than the Department of Juvenile Corrections. The screening team may also evaluate the relative cost-effectiveness of any options considered.

(e) The county probation officer or other court designee shall prepare a written report to the court summarizing the screening team's findings and recommendations. If the screening team does not reach consensus regarding its findings or recommendations, the written report shall contain a summary of the different opinions regarding risks, needs and recommendations. The written report 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.

(f) Prior to issuing an order of commitment of a juvenile to the Department of Juvenile Corrections, the court shall make findings on the record as to the underlying facts and circumstances that were relied on in making the decision and the specific facts relied on to determine that a community based alternative was not appropriate.

(g) A juvenile under the age of twelve (12) years shall not be committed to the Department of Juvenile Corrections unless the court finds that there are extraordinary circumstances. The court may not commit a juvenile offender under the age of ten (10) years to the custody of the Department.

(Amended March 8, 1999, effective July 1, 1999; amended April 26, 2007, effective July 1, 2007; amended, effective February 1, 2009; amended April 27, 2016, effective July 1, 2016.)

Source URL: https://isc.idaho.gov/ijr19