



I.J.R. 17B. Predisposition Inquiry and Report (J.C.A.)

Idaho Juvenile Rule 17B. Predisposition Inquiry and Report (J.C.A.)

In accordance with I.C. § 20-520, the following standards and procedures govern predisposition inquiries and reports in Juvenile Corrections Act (J.C.A.) cases.

(a) Authority to Order Report. The court may order a predisposition inquiry and report when the court finds that a juvenile is within the purview of the J.C.A..

(b) Preparation of Report. The court may order a predisposition inquiry and report through the juvenile county probation office or other investigator designated by the court.

(c) Contents of the Report. When a predisposition inquiry is ordered, the report must contain on each page the warning "CONFIDENTIAL DOCUMENT NOT SUBJECT TO DISCLOSURE." The report must contain the following information:

(1) a description of the facts, including,

(A) the juvenile's version and explanation of the offense;

(B) the investigating officer's version or report of the offense; and

(C) where available, the victim's version and explanation of the offense.

(2) any prior juvenile/criminal record;

(3) a description of the juvenile's home environment and social history, including:



(A) family relationships;

(B) marital status;

(C) age;

(D) interests; and

(E) activities.

(4) educational history;

(5) employment history;

(6) residence history;

(7) financial history;

(8) physical condition, major illnesses, and intellectual or developmental disabilities;

(9) behavioral health history, including;

(A) substance use;

(B) mental health

(C) treatment; and



(D) hospitalizations.

(10) peer relationships, associations and social interactions;

(11) history, use, and nature of interactions on electronic devices, including:

(A) time spent on devices (screen time);

(B) content; and

(C) associations.

(12) the juvenile's sense of values and outlook on life;

(13) the results of reports under I.J.R. 16 and 19; and

(14) the results of substance abuse, mental health, and psychosexual evaluations.

(d) **Use of Screening Tools.** The report may contain information obtained from evidenced-based tools that screen for the following:

(1) human trafficking;

(2) risks and needs of the juvenile;

(3) trauma suffered by the juvenile; and



(4) additional information as appropriate.

(e) **Recommendations.** Recommendations contained in the report should address the risk and needs of the juvenile and the juvenile's family including supervision, treatment, and any other special conditions.

(f) **Rules of Evidence.** The rules of evidence do not apply in disposition hearings. A report may include hearsay and material that is inadmissible under the rules of evidence if the court finds the information reliable.

(g) **Access to Predisposition Report.**

(1) **Disclosure of Report.** A predisposition report must be disclosed to the following people:

(A) the juvenile;

(B) the juvenile's parent or legal guardian;

(C) juvenile's counsel; and

(D) the prosecuting attorney.

(2) **Exceptions to Disclosure.** The court may withhold from disclosure:

(A) parts of the predisposition report that contain diagnostic opinions that could seriously disrupt a rehabilitation program, or

(B) information that in the court's discretion could prove harmful to an individual not a party in the proceeding.

(3) **Procedure on Non-Disclosure.** If the court withholds information in the predisposition report from



the juvenile the court must:

(A) state the reasons for its action;

(B) inform the juvenile and juvenile's attorney that information has not been disclosed;

(C) explain the general nature of the information being withheld; and

(D) if requested, the juvenile's attorney, must be allowed to review any information in the predisposition report that is withheld from disclosure and be given an opportunity to explain and rebut the information.

(4) **Time of Disclosure.** The predisposition report must be provided at least 48 hours prior to the disposition hearing, excluding weekends and holidays.

(5) **Opportunity to Be Heard.** The juvenile and juvenile's attorney must be given an opportunity to explain and defend adverse matters contained in the report, and to present evidence on the juvenile's behalf at the disposition hearing. The court may continue the disposition hearing for good cause shown, including but not limited to the lack of sufficient time to examine or offer rebuttal to information contained in the report.

(h) **Confidentiality.**

(1) Sealed Court Record. A predisposition report must be available for the purpose of assisting a court. The report must be filed and kept as a sealed court record. Except as provided by this rule, reports may only be disclosed on court order according to Idaho Court Administrative Rule 32. People or agencies receiving a copy of the report may not release the report or any information contained in the report to any other person or agency.

(2) Exceptions. The following people or agencies may have access to a predisposition report under the following circumstances:

(A) *Idaho Department of Juvenile Corrections.* If a juvenile is committed to or supervised by the Idaho Department of Juvenile Corrections (Department), the juvenile's predisposition report must be available to the Department. The Department may retain a report for 3 years following the release of the juvenile from a correctional center or after reaching age 19, whichever occurs first. If supervision is transferred



to another state, the Department may provide a copy of the report to the supervising entity in that state.

(B) *Idaho Department of Health and Welfare*. The Idaho Department of Health and Welfare pursuant to its statutory responsibilities under Idaho Code title 16, chapter 16; title 16, chapter 24; title 20, chapter 5 or title 66, chapter 4.

(C) *Evaluators*. The predisposition investigator may release information relating to the juvenile's criminal history and law enforcement reports related to the offense to persons preparing a court-ordered evaluation. Any person receiving this information must not release it to any other person or agency.

(D) *Victims*. As provided in Article 1, Section 22(9) of the Idaho Constitution, a victim of a juvenile's misconduct has a right to read, but not to have a copy of the predisposition report.

(E) *Treatment Court Personnel*. With the permission of the court, the predisposition report may be made available to treatment court personnel for purposes of screening the juvenile to determine the juvenile's suitability for admission into a treatment court program.

(F) *On Appeal*. When relevant to an issue on which an appeal has been taken, the predisposition report must be available for review in appellate courts when requested by a party or ordered by the court pursuant to Idaho Appellate Rule 31(b).

(G) *Third Parties*. With a court's permission, the predisposition report may be available to persons or agencies if:

(i) the person or agency has a legitimate professional interest in the information likely to be contained in the report;

(ii) making the report available will further the plan or rehabilitation of the juvenile; or

(iii) making the report available will further the interests of public protection; and,

(iv) appropriate safeguards for the confidentiality of information contained in the predisposition report will be provided by the persons or agencies receiving the information. Such persons or agencies may include:



(a) a physician or psychiatrist appointed to assist the court in sentencing;

(b) an examining facility;

(c) a correctional institution;

(d) a probation or parole department;

(e) an expert witness; or

(f) the supervisors of a public or private rehabilitation program.

(3) **Access to Previous Reports.** When preparing a predisposition report, the predisposition investigator must have access to previous reports, including all attachments and addendums. The predisposition investigator's own copy of the predisposition report is restricted from use by all but authorized court personnel.

(4) **Violations.** Any violation of this rule is a contempt of court and subject to appropriate sanctions.

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