

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
JUVENILE RULES 17(e))
_____)

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 be amended as follows:

Idaho Juvenile Rule 17. Sentencing Hearing (J.C.A.)

(e) In accordance with the I.C. Section 20-520, and the Juvenile Justice Delinquency Prevention Act, a juvenile adjudicated of a status offense ~~or as a habitual status offender~~ may not be placed in detention or other secure confinement, including commitment to the Idaho Department of Juvenile Corrections, as a result of such adjudication. Such status offenders may not be the subject of an order establishing any discretionary or unscheduled detention time. Provided, however, following adjudication of a status offense a juvenile may be subject to detention if, after notice and hearing, the court finds that the juvenile offender has violated the court's decree imposing the sentence under circumstances that bring the violation under the valid court order exception, and the court's order:

- (1) identifies the valid court order that has been violated;
- (2) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;
- (3) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile;
- (4) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile's release from such facility; and
- (5) states that the order may not be renewed or extended.

The court may not issue a second or subsequent order described in this subsection relating to a juvenile unless the juvenile violates a valid court order after the date on which the court issues an order in this subsection.

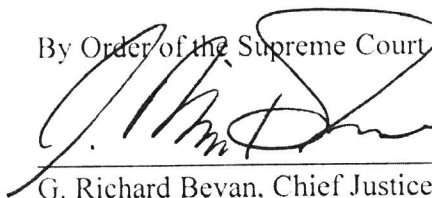
IT IS FURTHER ORDERED that this order and these amendments shall be effective July 1, 2021.

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*.

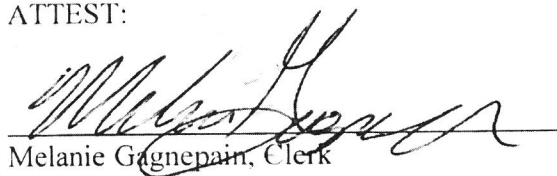
DATED this 8th day of June, 2021.

By Order of the Supreme Court



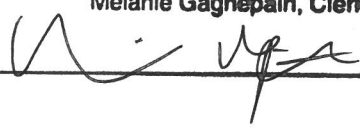
G. Richard Bevan, Chief Justice

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, 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 6-8-21
Melanie Gagnepain, Clerk

By  Deputy