

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE
IDAHO JUVENILE RULES

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ORDER

The Court, having received a recommendation to amend the Idaho Juvenile Rules, and being fully informed as to the recommendation,

NOW, THEREFORE, IT IS ORDERED that the Idaho Juvenile Rules be amended as follows:

Idaho Juvenile Rule 10. Change of Venue; Temporary Transfer of Supervision. (J.C.A.)

(a) Change of Venue

(1) Conditions. A juvenile's residence is deemed to be a county in which the juvenile is actually residing, or a county in which a proceeding involving the juvenile under the Idaho Child Protective Act is currently pending. When a petition alleges the commission of a juvenile offense in a county other than the county of the juvenile's residence, venue may be changed 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), upon the following conditions:

(A) the juvenile admits to the allegation, or the juvenile has been found by the Court to have committed the offense following an evidentiary hearing and to be within the purview of the J.C.A., and

(B) the sending court finds that change of venue will not impose unreasonable barriers of distance to any persons entitled to be heard.

Upon satisfaction of the conditions set forth above, the receiving court must not refuse the change of venue, except upon a finding that the juvenile does not reside in the receiving county.

(2) Duties of Sending Court. Within seven days after entering the order changing venue, the sending court must:

(A) Order the case and all court records transferred to the magistrate's division of the district court of the county of the juvenile's residence; and

(B) Notify the following:

- i. the juvenile and the juvenile's parent(s), and/or guardian, or custodian;
- ii. the receiving court;
- iii. the probation department in the sending and receiving counties;
- iv. the department of health and welfare, in appropriate cases;
- v. the public defender's office in the sending and receiving counties; and,
- vi. the prosecuting attorney's office in the sending and receiving counties.

(3) Duties of Receiving Court. Upon receipt of the order for change of venue, the receiving court must:

- (A) notify the juvenile and the juvenile's parent(s), ~~and/or guardian,~~ or custodian of the date and time of the juvenile's next appearance;
- (B) direct the juvenile and the juvenile's parent(s), ~~and/or guardian,~~ or custodian to contact the probation office in the receiving county;
- (C) appoint a public defender in the receiving county if the juvenile had public defender services in the sending county; and
- (D) exercise jurisdiction over the case, including any motions such as motions of violations, dismissal and expungement.

(4) Return to Sending Court. Following entry of the order for change of venue by the sending court, if the juvenile withdraws the admission previously entered before the sending court, or the receiving court refuses the change of venue, then the case must be promptly returned to the sending court and the matter must be set for evidentiary hearing.

(5) Restitution. Whenever possible, the issue of restitution should be resolved in the sending county prior to the change of venue. If the issue of the amount of restitution is contested, it must be resolved by the court of the county where the offense occurred.

- (b) Temporary Transfer of Supervision. Upon issuance of an order amending the conditions of probation and authorizing supervision in another county, the probation department in the sending county must contact and forward its probation file and other relevant information to the probation department in the receiving county within 7 days. A temporary transfer of supervision is not a change of venue and shall not result in the opening of a court case in the receiving county agreeing to the transfer of supervision.