



Idaho Court Administrative Rule 100

Idaho Court Administrative Rule 100. Hospitalization of Mentally Ill, Detention Without a Hearing.

(a) **Notice to Court of Detention and Placement at a Facility.** Whenever a person is taken into custody or detained by a peace officer or medical staff member without a court order pursuant to Idaho Code section 66-326(1) or Idaho Code section 16-2413, the evidence supporting the claim that: (i) the person is gravely disabled due to mental illness or poses an imminent danger, as provided in Idaho Code section 66-326, or (ii) that an emergency exists with respect to the child, as provided in Idaho Code section 16-2414 must be electronically filed with the court by the prosecuting attorney within twenty four (24) hours of the time the person was placed in custody or detained.

(b) Order; Transmission; After Hours, Weekends, and Holidays.

(1) *Order.* If the court finds the person to be gravely disabled due to mental illness or poses an imminent danger, the court will issue a temporary custody order requiring the person to be held in a facility and requiring an examination of the person by a designated examiner within twenty-four (24) hours of the issuance of the temporary custody order.

(2) Transmission.

(A) A temporary custody order may be issued electronically to the prosecuting attorney, the peace officer or medical staff member who initiated the detention, or any individual or agency who is charged with facilitating or conducting the examination.

(B) If the prosecuting attorney seeks a temporary custody order after office hours, during the weekend, or on a holiday pursuant to paragraph (b)(3) of this rule, the court may issue the order based on information communicated by telephone or other reliable electronic means. When the court's findings are based on a sworn oral statement, the statement must be recorded and is considered part of the record. All sworn oral statements given in support of an application for a temporary custody order must be given on oath or affirmation and must identify the speaker. The judge may then verbally authorize the prosecuting attorney to sign the judge's name, which verbal authorization must be recorded.

(3) *After Hours, Weekends, and Holidays.* If the prosecuting attorney seeks a temporary custody order after office hours, during the weekend, or on a holiday, the prosecuting attorney will contact the on-call



judge and present the evidence supporting the claim. If the judge issues a temporary custody order, the prosecuting attorney will serve it on the peace officer or medical staff member who initiated the detention and any individual or agency who is charged with facilitating or conducting the examination. On the next judicial day, the prosecuting attorney will file the evidence supporting the claim and temporary custody order. The clerk will accept the evidence supporting the claim and previously signed temporary custody order and will affix a date stamp that reflects the original issuance of the order. If the previously signed temporary custody order was signed by the prosecuting attorney on behalf of the judge upon verbal authorization pursuant to paragraph (b)(2)(B) of this rule, the sworn oral statement as recorded must also be filed with the court and the order must be returned to the judge who authorized the signing of his or her name on it. The judge must then endorse his or her name on the previously signed order. Any failure of the judge to make such an endorsement does not in itself invalidate the order.

(c) **Examination and Report.** If the court issues a temporary custody order requiring the person to be held in a facility and requiring an examination of the person by a designated examiner, the designated examiner's findings must be reported to the prosecuting attorney within twenty-four (24) hours of the examination. Upon receipt of the designated examiner's findings, the prosecuting attorney shall, as soon as reasonably practicable but in no event no later than 24 hours following receipt, file such findings with the court.

(d) **Electronic Signatures.** An electronic signature may be used on any document that is required or permitted under this rule and that is transmitted electronically, including a temporary custody order requiring the person to be held in a facility and requiring an examination of the person by a designated examiner, a written certification or declaration under penalty of perjury, an affidavit, or a notary's seal, in accordance with Idaho Rules for Electronic Filing and Service 9.

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