

Juvenile Justice

Report to Governor Butch Otter and the 1st Regular Session of the 60th Idaho Legislature

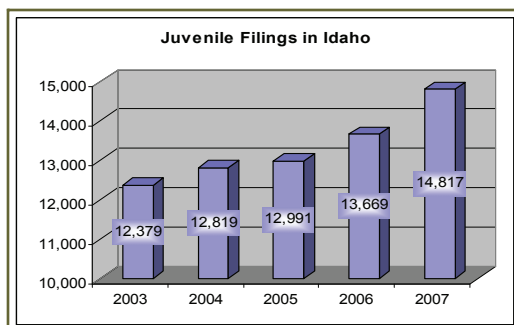


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Idaho is privileged to have committed judges and staff to address juvenile justice cases across the state. Idaho's juvenile court judges continue to provide exemplary leadership in their efforts to improve the administration of juvenile justice in Idaho in addition to assuring the 14,817 juvenile petitions filed in 2007 were handled fairly and expeditiously. This number includes both new cases and re-opened cases, most of which are probation violations.



The number of juvenile petitions filed has been rising steadily over the past five years, increasing by 20% between 2003 and 2007.

Note: Includes re-opened cases (probation violations)

Substance Abuse and Mental Health Assessments and Treatment Prove to be an Important Resource

Idaho Code 20-511A provides authority for juvenile and child protection judges to order the Department of Health and Welfare to assess, evaluate and treat juveniles with serious emotional disturbance who are before the courts. Idaho Code 20-520 (i) provides similar authority in juvenile cases involving substance abuse. A big emphasis this past year has been helping the courts, probation officers, Department of Health and Welfare caseworkers and private providers become familiar with these acts and learn how to use them effectively. Trainings were conducted in the 1st through the 6th Districts throughout the past year to help foster a better understanding of the acts as well as the roles and responsibilities of the various entities and to encourage collaboration. These acts are proving to be an important resource for Idaho's judges.

Simplifying the Transfer of Juvenile Cases between Counties

Another accomplishment this year was the development and authorization of a modified IJR 10 and new IJR 10A and 10B, which simplified the process by which courts transfer juvenile cases between counties. Since the enactment of the Idaho Juvenile Corrections Act of 1995, one challenge has involved transferring juvenile cases when the juvenile and their family move to a new county in the state. Some probation officers use a practice known as courtesy supervision, an informal practice where a probation officer in one county makes a request to a probation officer in another county to monitor a juvenile who has moved, as a courtesy. This informal practice is based upon a common understanding between the parties involved, but has no legal basis.

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The Idaho Juvenile Corrections Act provides that sentencing for a juvenile offender may be transferred to the county of residence, and the court previously adopted IJR 10 to describe a process for this action. This rule did not, however, address cases where the juvenile moved after sentencing. Modified IJR 10 addresses transfers that occur upon entry of a plea of guilty or after adjudication. While Rule 10A deals with cases in which the juvenile's move is temporary, Rule 10B addresses cases in which the juvenile has made a permanent move to a new county. These rules establish a legal process to assure consistent probation monitoring occurs when juvenile offenders change county of residence.

Detention Clinicians Provide Needed Information to Judges

Juveniles with mental health issues remain a major concern for Idaho's judges. This past year, funds were allocated by the Idaho Legislature for county juvenile detention facilities to obtain a clinician to help evaluate the mental health status of incoming juveniles, work with incoming juveniles with mental health concerns, and help their families find appropriate services for juveniles with mental health needs. Now judges can consider information about a juvenile's mental health concerns while reviewing the juvenile's detention status. Efforts are being made to assure proper information is before the judges so that juvenile offenders with mental health issues are not being held longer than necessary.

The Juvenile Justice Advisory Team Meets with State Agencies

The Juvenile Justice Advisory Team (JJAT) of the Idaho Supreme Court continues to meet at least twice a year to consider how to improve the administration of juvenile justice in Idaho. The team meets with directors or representatives from the Idaho Department of Juvenile Corrections (IDJC) and Department of Health and Welfare (IDHW) to receive reports primarily on substance abuse and mental health issues affecting both the courts and those agencies. Areas of common concern are discussed to determine what, if any, joint efforts can be made to address persisting challenges.

This past year, JJAT received information on the data gathering efforts of the Idaho Department of Juvenile Corrections. The team agreed it is vital to obtain appropriate data from the counties to inform decisions about the allocation of resources intended to address juvenile delinquency in Idaho. An effort is underway to conduct a peer review of the county juvenile probation offices throughout the state. Since juvenile judges have a statutory authority over juvenile probation services, the judges are being kept informed of the results of that effort. The judges are also assisting the IDJC to address what are called "treatment resistant cases." These are cases in which the juvenile offender does not respond to IDJC's treatment efforts. These cases present challenges not only to IDJC but to the courts and the communities to which the juveniles return. The JJAT hopes to make appropriate recommendations to the Court regarding how to improve the administration of juvenile justice in these cases.

Millennium Fund Intervention Programs Are Making a Difference

The Court again received Millennium Funds that were passed on to counties for Youth Courts and other status offender intervention activities. In addition to these efforts, the 5th Judicial District was authorized to employ a Tobacco and Alcohol Case Coordinator. This person is responsible for reviewing current practices and programs as well as coordinating juvenile tobacco and alcohol cases. It has long been known by juvenile justice professionals that tobacco and alcohol use by children and young adolescents is a strong predictor of subsequent criminal behavior. Judges typically refer these cases to education or treatment programs. Tracking the effectiveness of the educational or treatment program in these cases has been problematic because either the juveniles are not on probation or because these less serious crimes are not tracked as well as what are perceived to be more serious crimes. Reports will be generated and made available to the courts and others from the efforts of the Coordinator.

Efforts are underway to track recidivism of juveniles referred to Youth Courts and Status Offender programs throughout the state to better evaluate the outcomes of these programs. Preliminary findings look promising, but more data over time will be needed to draw conclusions.