I.J.R. 15. Evidentiary Hearing (J.C.A.)

Idaho Juvenile Rule 15. Evidentiary Hearing (J.C.A.)

In the event the juvenile denies the allegations of the petition at the admit/deny hearing, a J.C.A. evidentiary hearing shall be held in accordance with the provisions of the J.C.A. and in accordance with the following procedures:

(a) The hearing shall commence within 90 days from the entry of the denial, unless the hearing is continued for good cause shown. The evidentiary hearing for a juvenile held in continuous preadjudication detention shall commence within 45 days of the initial appearance of the juvenile before the court unless the hearing is continued for good cause shown.

(b) Notice of the hearing must be given by a notice or summons in accordance with I.C. Sections 20-512 and 20-513, unless verbal notice of such hearing has been given to the parties in open court and placed upon the record.

(c) At the hearing the general public and persons having a direct interest in the case or who work for the court may be permitted to attend, subject to the provisions of I.J.R. 52. The presence of the juvenile in the court at the time of the hearing may be waived by the court, but only when good cause is found that it is in the best interest of the juvenile, and only if the juvenile is represented by counsel who is in attendance at all times during the hearing.

(d) When a juvenile, other than the juvenile against whom the petition has been filed, is summoned as a witness in any hearing under the J.C.A., the parent(s), a counselor, a friend, or other person having a supportive relationship with the juvenile shall, if available, be permitted to remain in the courtroom at the witness stand with the juvenile during the juvenile's testimony unless, in written findings made and entered, the court finds that the juvenile's constitutional right to a fair trial will be unduly prejudiced.

(e) The entire hearing shall be placed upon the record.

(f) The rules of evidence and discovery in a J.C.A. evidentiary hearing (trial) are the same as the rules that apply in a criminal proceeding.

(g) All issues shall be tried solely before the court.

(h) The state has the burden of proving beyond a reasonable doubt that the juvenile has committed acts bringing the juvenile within the purview of the J.C.A.

(i) The court shall make a finding as to whether or not the juvenile has committed acts which bring the juvenile within the purview of the J.C.A. In making this finding, the court shall consider only admissible evidence introduced at the hearing and shall not consider any reports, documents, or other information obtained by the judge in making an initial inquiry in the proceeding.

(Amended June 25, 1997, effective July 1, 1997.)

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