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I.J.R. 17. Sentencing Hearing (J.C.A.)

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

(a) At the time the court finds that a juvenile is within the purview of the J.C.A. under I.J.R. 15 or the juvenile pleads guilty (admits) to the charge (petition), or as soon thereafter as is practicable, the court shall set time and place for a sentencing hearing and give notice thereof to the juvenile and the parent(s), guardian, or custodian. In the event the time for the sentencing hearing is set in open court, notice of such hearing may be given to the parties verbally and placed upon the record. In the event such hearing is set at a later date, written notice thereof shall be given to the juvenile and the parent(s), guardian, or custodian in the same manner as a notice or summons of the initial J.C.A. hearing. With the consent of the juvenile and the juvenile's counsel the sentencing hearing may immediately follow the J.C.A. evidentiary hearing (trial).

(b) The sentencing hearing shall be an informal hearing in which the court may hear any relevant evidence from the prosecuting attorney; the juvenile; the parent(s), guardian, or custodian; or other investigator having knowledge of the juvenile so as to enable the court to make a considered disposition of the proceeding. The juvenile must be present at the sentencing hearing unless waived by the juvenile upon the advice of counsel after receiving the prior approval of the court.

(c) As a result of the sentencing hearing, the court shall enter a written decree together with findings of fact and conclusions of law finding the juvenile within the purview of the J.C.A. and imposing one or more of the provisions authorized by I.C. Section 20-520. If the court determines probation or detention is required, it must be ordered at the time of sentencing wherein commitment to the Department of Juvenile Corrections occurred. In the event the juvenile is placed on probation, such order may include or incorporate by reference the terms, conditions, and requirements of probation in the written decree.

(d) In the event it is proposed by any person that a juvenile be placed in custody or detention outside of the state of Idaho, pursuant to the Interstate Compact on the Placement of Children set forth in I.C. Section 16-2102, the court shall first hold a hearing upon 10 days notice to all affected parties to determine whether equivalent facilities are available in the state of Idaho and whether the placing of the juvenile in custody or detention outside the state will be in the best interest of the juvenile or will produce undue hardship. At such hearing, any interested party may testify concerning these issues, and upon conclusion of the hearing, the court shall determine whether the juvenile should be detained or placed in custody outside of the state of Idaho.



(e) In accordance with the I.C. Section 20-520, and the Juvenile Justice Delinquency Prevention Act, a juvenile adjudicated of a status offense 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.

(f) As a condition of probation, the sentencing court may order the juvenile to serve a specified period of discretionary detention time. "Discretionary detention time" means detention time to be served at the discretion of the probation officer as a sanction for violating a term or condition of probation. Discretionary detention time cannot be applied to status offenders. Discretionary detention time is to be served as follows:

(1) On receipt of a written statement of facts made under oath or affirmation by the probation officer showing reasonable cause to believe that the juvenile violated any term or condition of probation, a court may order, in writing, that the juvenile serve a specified number of days not to exceed 3 days of



discretionary detention time.

(2) Any time served in detention as discretionary detention time must be credited against the period of discretionary detention time and the total detention time as ordered in the judgment.

(3) Nothing in this subsection limits the authority of a sentencing court to impose additional terms and conditions of probation including detention time.

(g) If, pursuant to I.C. Section 20-523, a written screening team report is compiled, it shall be presented to the court and be made available to the parties at least 48 hours prior to the sentencing hearing, excluding Saturdays, Sundays, and holidays.

(Amended June 17, 2019, effective July 1, 2019; amended April 15, 2020, effective July 1, 2020; amended June 8, 2021, effective July 1, 2021.)

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