I.J.R. 19. Standards for Commitment to the Department of JuvenileCorrections (J.C.A.)

Idaho Juvenile Rule 19. Standards for Commitment to the Department of JuvenileCorrections (J.C.A.)

(a) A juvenile shall not be committed to the Department of Juvenile Corrections unless the county probation officer has convened a screening team as ordered by the court pursuant to I.C. Section 20-523 to evaluate alternatives to commitment. Screening teams shall not be required for suspended commitments provided a screening team is convened prior to actual commitment.

(b) A juvenile under the age of twelve (12) years shall not be committed to the Department of Juvenile Corrections unless the court finds that there are extraordinary circumstances. The court may not commit a juvenile offender under the age of ten (10) years to the custody of the Department.

(c) The screening team shall consist of representatives from the County Juvenile Probation Office, the Idaho Department of Juvenile Corrections and the Idaho Department of Health and Welfare. In addition, the screening team may consist of the prosecuting attorney, the defense attorney, local school officials, and any other persons that the court may deem appropriate including parents, custodians or guardians of the juvenile. Participants shall share relevant information concerning the juvenile offender with other screening team members. All such information shall be maintained as confidential pursuant to I.C.A.R. 32.

(d) The screening team shall evaluate:

1) the risks to the community if the juvenile is not committed to the Idaho Department of Juvenile Corrections;

2) the needs of the juvenile including but not limited to mental health or substance abuse treatment; parental, guardian or custodian engagement in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenileís behavior; and

3) what community based programs or alternatives can address the needs and risks identified. The screening team shall employ a strengths-based approach considering the juvenile's and family's strengths as well as weaknesses and include an evaluation of the juvenile's and parent's, guardian's or custodian's abilities, barriers and commitment to participation in the community based programs identified. Community based programs or alternatives to commitment to be considered shall include but are not limited to services identified in I.C. Sections 20-511A and 20-520(i) and any other services provided through the Idaho Department of Juvenile Correction's funding incentives. In any

matter referred to the screening team in which a mental health assessment pursuant to I.C. Section 20-511A or comprehensive substance abuse assessment pursuant to I.C. Section 20-520(i) have been ordered, such assessment shall be expedited and completed before the screening team convenes.

(e) The county probation officer or other court designee shall prepare a written report to the court summarizing the screening team's findings and recommendations. If the screening team does not reach consensus regarding its findings or recommendations, the written report shall contain a summary of the different opinions regarding risks, needs and recommendations. The written report 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.

(f) Before commitment to the custody of the Department of Juvenile Corrections, pursuant to I.C. Section 20-520, the court must make findings on the record that the juvenile meets any of the criteria:

(1) The juvenile has been adjudicated for a crime that would be a felony if committed by an adult and two or more of the following circumstances are present:

(A) The crime is a crime of violence, or is a crime of a sexual nature, or is a crime involving the manufacture, sale or other delivery of a controlled substance;

(B) The crime either did or reasonably could have resulted in serious bodily injury or death to others;

(C) The crime demonstrates that the juvenile has exhibited such wanton and reckless disregard for the property rights of others that release of the juvenile could constitute substantial risk to the community;

(D) Other than the charges presently before the court, the juvenile has been adjudicated or convicted of two or more felonies or three or more misdemeanors within the past 12 months and is presently or has been on probation or committed to the custody of the Department of Juvenile Corrections within the past 12 months;

(E) A community-based program is not available or not appropriate;

(F) The juvenile has failed in a less secure out of home placement;

(G) The juvenile has failed to comply with the terms of a home detention order.

OR

(2) The juvenile has been adjudicated for a crime that would be a misdemeanor if committed by an adult and three or more of the following circumstances are present:

(A) Other than the charges presently before the court, the juvenile has been adjudicated or convicted of two or more felonies or three or more misdemeanors in the past 12 months and is presently or has been on probation or committed to the custody of the Idaho Department of Health & Welfare or Department of Juvenile Corrections, within the past 12 months;

(B) The crime demonstrates that the juvenile has exhibited such wanton and reckless disregard for the property rights of others that release of the juvenile could constitute a substantial risk to the community;

(C) The crime either did or could have reasonably resulted in serious bodily injury or death to others;

(D) The crime is a crime of violence, or a crime of a sexual nature;

(E) A community based program is not available or not appropriate;

(F) The juvenile has failed in a less secure out of home placement;

(G) The juvenile has failed to comply with the terms of a home detention order.

(Amended March 8, 1999, effective July 1, 1999; amended April 26, 2007, effective July 1, 2007; amended, effective February 1, 2009.)

Source URL: http://www.isc.idaho.gov/ijr19