I.J.R. 20. Release From State Custody (J.C.A.)

Idaho Juvenile Rule 20. Release From State Custody (J.C.A.)

(a) Following the release of a juvenile from the custody of the Department of Juvenile Corrections, or before the juvenile's release if the court deems it appropriate, the court may hold a hearing pursuant to I.C. Section 20-533 to review the conditions of probation and determine whether the existing conditions should be amended or eliminated, or if additional conditions should be imposed. Written notice of the hearing shall be provided by the clerk of the court to the juvenile, parent(s), legal guardian or custodian, and any person who has been made party to the proceeding. Notice will be deemed sufficient if the clerk mails notice to the person's last known mailing address.

(1) At this hearing, the court may also order conditions to be complied with by the juvenile's parent(s), legal guardian or custodian, or any person having been made a party of the proceeding that the court deems to serve the best interest of the juvenile or the community.

(2) At this hearing, the juvenile, parent(s), or legal guardian are entitled to the same right of legal representation that would be afforded such persons as provided in I.C. Section 20-514.

(b) In the event a juvenile probation officer, as authorized by court order, establishes additional conditions of probation with which the juvenile offender must comply upon the juvenile's release from the custody of the Department of Juvenile Correction, the probation officer shall notify the juvenile at the time the additional conditions are imposed of the juvenile's right to request a hearing before the court to contest the additional conditions. Such notice shall be given to the juvenile in writing and shall also inform the juvenile that a request for hearing to contest the additional conditions of probation must be made in writing to the court within 14 days of receiving the written notice. If the juvenile timely requests a hearing, the clerk shall send written notice of the hearing to all the parties entitled to notice in paragraph (a) of this rule. The court shall have the authority to enter any order it could have under paragraphs (a) or (a)(1) of this rule, and the parties shall have the same right to counsel as provided in paragraph (a)(2) of this rule.

(c) Upon a subsequent violation of probation, the court may recommit the juvenile to the custody of the Department of Juvenile Corrections. In order to impose detention as a sanction for a probation violation, the court may only impose that detention previously suspended at the time of commitment to the Department's custody.

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