I.J.R. 27. Transfer to Juvenile Court.

Idaho Juvenile Rule 27. Transfer to Juvenile Court.

(a) In the courtís discretion, a misdemeanor citation naming a defendant who was under 18 years of age at the time of the alleged violation may be transferred to juvenile court and treated under the provisions of the J.C.A. The transfer request may be made by the juvenile, the juvenileís attorney, the prosecutor or upon the courtís own motion. A party may make the request orally upon the record or in writing. The party making the request shall provide the court, inwriting, with the name and address of the juvenileís parent or guardian. Either party may request that the transfer request be set for a hearing. If the court grants the request to transfer the case, the court shall enter a written order transferring the case to the juvenile court.

(b) Upon entry of the transfer order, the misdemeanor case shall be closed and a new juvenile case shall be opened. The citation shall be filed in the juvenile case together with any other documents filed in the misdemeanor case. The citation may serve as the petition, or the prosecutor may file a petition charging the same offense as in the citation. The written transfer order shall remain in the misdemeanor case file, and a copy of the transfer order shall be filed in the new juvenile case.

(c) The clerk shall set the new juvenile case for an admit/deny hearing on the juvenile court calendar. The clerk shall cause a notice of admit/deny hearing to be mailed by certified mail to the juvenile and the juvenile's parent or guardian. The hearing shall be set not less than 14 days from the mailing of the notice.

(d) The admit/deny hearing shall be conducted pursuant to I.J.R. 6. All other hearings and proceedings shall be conducted in accordance with the Juvenile Corrections Act and the Idaho Juvenile Rules.

(ADOPTED April 26, 2007, effective July 1, 2007.)

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