I.J.R. 52. Closed Hearings (C.P.A.) (J.C.A.)

Idaho Juvenile Rule 52. Closed Hearings (C.P.A.) (J.C.A.)

(a) All C.P.A. hearings shall be closed to the public, except for those persons found by the court to have a direct interest in the case or in the work of the court.

(b) All Juvenile Correction Act proceedings on a petition filed under I.C. § 20-510 shall be closed to the public except for those persons found by the court to have a direct interest in the case or who work for the court, until a admit/deny hearing is held pursuant to Idaho Juvenile Rule 6 to permit the parties to request that the court consider, or permit the court to consider on its own motion, closing the proceedings. Thereafter the proceedings shall be open unless the court enters an order closing them. At the admit/deny hearing, the court shall make a determination whether the proceedings shall be opened or closed to the public as provided in (1) and (2) below:

(1) Juvenile Correction Act proceedings brought against any juvenile under the age of fourteen (14) or brought against a juvenile fourteen (14) years or older who is charged with an act that would not be a felony if committed by an adult may be closed to the public at the court's discretion by a written order made in each case.

(2) Juvenile Correction Act proceedings brought against a juvenile fourteen (14) years or older who is charged with an act that would be a felony if committed by an adult shall be open to the public unless the court determines by a written order made in each case that extraordinary circumstances exist which justify that the proceedings should be confidential.

(c) All hearings and screening team meetings held pursuant to I.C. § 20-511A and Idaho Juvenile Rule 54 shall be closed to the public.

(d) Notwithstanding any other provision of this rule, in every case the court may exclude the public from a proceeding during the testimony of a child witness or child victim if the court determines that the exclusion of the public is necessary to protect the welfare of the child witness or child victim.

(e) Persons found by the court to have a direct interest in the case or who work for the court may attend all Juvenile Corrections Act proceedings.

(f) If a juvenile fourteen (14) years or older who is charged with an act which would be a felony if committed by an adult is found not to have committed an act that would be a felony if committed by an adult, or the charge is reduced to allege an act that would not constitute a felony if committed by an adult, all further court proceedings may be closed upon written order of the court made in each case.

(g) If a petition filed against a juvenile fourteen (14) years or older alleges acts committed by the juvenile which would be a felony if committed by an adult, and acts which would be a misdemeanor if committed by an adult or a status offense, or if separate petitions are filed against a juvenile fourteen (14) years of age or older which, if consolidated, allege acts which would be a felony if committed by an adult, and acts which would be a misdemeanor if committed by an adult or a status offense, the proceedings relating to all of the charges, including those charges alleging acts which would be a misdemeanor if committed by an adult or a status offense, shall be open to the public as though all of the charges allege acts which would be felonies if committed by an adult. The case records and files of the proceedings in such a case shall be subject to the disclosure provisions of Idaho Juvenile Rule 53 and Rule 32 of the Idaho Court Administrative Rules.

Comment of the Child Protection Committee

This rule gives the court broad discretion on who may attend juvenile proceedings. The direct interest standard can be considered on a case-by-case basis. This standard is consistent with I.C. § 16-1613.

(Revised Rule 52 - adopted August 21, 2006.)

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