Idaho
Department of Juvenile Corrections

Idaho Juvenile Corrections Act and Rules

July 2009

For informational use only

TITLE 20, CHAPTER 5
JUVENILE CORRECTIONS ACT

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TITLE 20
STATE PRISON AND COUNTY JAILS
CHAPTER 5
JUVENILE CORRECTIONS ACT

Juvenile Corrections Act created in 1995, Section 1, Chapter 44, Idaho Session Laws as amended in 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009.

20-501. LEGISLATIVE INTENT. It is the policy of the state of Idaho that the juvenile corrections system will be based on the following principles: accountability; community protection; and competency development. Where a juvenile has been found to be within the purview of the juvenile corrections act, the court shall impose a sentence that will protect the community, hold the juvenile accountable for his actions, and assist the juvenile in developing skills to become a contributing member of a diverse community. It is the further policy of the state of Idaho that the parents or other legal guardians of the juvenile offender participate in the accomplishment of these goals through participation in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior. It is the further intent of the legislature that the parents or legal guardians of the juvenile offender be held accountable, where appropriate, through monetary reimbursement for supervision and confinement of the juvenile offender, and restitution to victims of the juvenile's delinquent acts. In enacting this legislation, the legislature finds that the juvenile corrections system should encompass the following aspects: day treatment, community programs, observation and assessment programs, probation services, secure facilities, after-care and assistance to counties for juveniles not committed to the custody of the department of juvenile corrections.

The following is a brief description of what the legislature intends to become the components of Idaho's juvenile corrections system:

Probation. Probation officers would have twenty-four (24) hour on call responsibility for juveniles and would monitor their activities on a continual basis. Probation officers would be responsible for assisting juveniles and their families in accessing counseling or treatment resources, close supervision of juveniles' activities, supervision of restitution and coordination of other services provided to juveniles. Juvenile offenders ordered into the custody of the department of juvenile corrections would be monitored by a county probation officer.

Day treatment. Day treatment programs would be time limited nonresidential treatment and educational programs. Included in these programs would be trackers who would provide intensive supervision of juveniles through daily contact and by counseling juveniles regarding employment, education, courts, family and life skills. Nonresidential alcohol and drug programs would provide outpatient assessment and counseling for juveniles with substance abuse problems.

Community programs. It is intended that community programs would exist throughout the state to provide twenty-four (24) hour residential supervision and treatment options to juveniles in close proximity to their families and their community. It is intended that these programs would strengthen the juvenile's relationship with family, engender a commitment to school and employment, promote the development of competency and life skills and help juveniles generalize appropriate behavior into their environment.

Observation and assessment. Regional observation and assessment centers would be provided, either directly or on a contract basis, to conduct observation and assessment of the juvenile in a short-term residential experience. It is intended that these programs would maintain standardized home and daily routines with intensive daily programming.

Secure facilities. Secure facilities would provide secure confinement, discipline, education and treatment of the most seriously delinquent juveniles. Programs at the secure facilities would be designed to help juveniles recognize accountability for delinquent behavior by confronting and eliminating delinquent norms, criminal thinking and antisocial behavior and making restitution to victims through community service or other restitution programs.

It is the further intent of the legislature that the primary purpose of this act is to provide a continuum of programs which emphasize the juvenile offender's accountability for his actions while assisting him in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety. These services and programs will individualize treatment and control of the juvenile offender for the benefit of the juvenile and the protection of society. It is legislative intent that the department of juvenile corrections be operated within the framework of the following principles to accomplish this mission:

(1) Provide humane, disciplined confinement to a juvenile who presents a danger to the community.

(2) Strengthen opportunities for the juvenile's development of competency and life skills by expanding the juvenile's access to applicable programs and community resources.

(3) Hold juveniles accountable for their delinquent behavior through such means as victim restitution, community service programs and the sharing of correctional costs.

(4) Invoke the participation of the juvenile offender's parent or legal guardian in assisting the juvenile to recognize and accept responsibility for his delinquent or other antisocial behavior and hold the parent or legal guardian accountable, where appropriate, through the payment of detention costs and restitution to victims and through attendance at programs for the development of positive parenting skills designed to promote a functional relationship between the juvenile and his family.

(5) Develop efficient and effective juvenile correctional programs within the framework of professional correctional standards, legislative intent and available resources.

(6) Provide for a diversity of innovative and effective programs through research on delinquent behavior and the continuous evaluation of correctional programs.

(7) Assist counties in developing meaningful programs for juveniles who have come into the juvenile corrections system but who have not been committed to the custody of the department of juvenile corrections.

(8) Provide programs to increase public awareness of the mission of the juvenile corrections system and encourage public participation in developing an effective juvenile corrections system designed to aid in reducing juvenile crime in this state.

(9) Develop and maintain a statewide juvenile offender information system.

20-502. DEFINITIONS. When used in this chapter, unless the context otherwise requires:

(1) "Adult" means a person eighteen (18) years of age or older.

(2) "Commit" means to transfer legal custody.

(3) "Community-based program" means an in-home confinement program or a nonsecure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county.

(4) "Court" means any district court within the state of Idaho, or magistrate's division thereof.

(5) "Department" means the state department of juvenile corrections.

(6) "Detention" means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities.

(7) "Detention center" means a facility established pursuant to sections 20-517 and 20-518, Idaho Code.

(8) "Director" means the director of the department of juvenile corrections.

(9) "Diversion" means the utilization of local community resources, churches, counseling for the juvenile and/or family, substance abuse counseling, informal probation, community service work, voluntary restitution, or any other available service or program as an alternative to the filing of a petition with the juvenile court.

(10) "Judge" means a district judge or a magistrate.

(11) "Juvenile" means a person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of this chapter.

(12) "Juvenile corrections center" means any state-operated secure facility wherever located.

(13) "Juvenile offender" means a person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure or community-based facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult.

(14) "Legal custody" means the relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

(15) "Legal guardian" means a person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender.

(16) "Observation and assessment program" means any state-operated or purchased service program responsible for temporary custody of juvenile offenders for observation and assessment.

(17) "Secure facility" means any architecturally secure state-operated facility or facility operated under contract with the state which provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department.

(18) "Staff secure facility" means a residential facility with awake staff twenty-four (24) hours a day, seven (7) days a week for intensive supervision of juveniles.

(19) "Work program" means a public service work project which employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offender's delinquent behavior.

20-503. DEPARTMENT OF JUVENILE CORRECTIONS CREATED -- APPOINTMENT OF DIRECTOR -- POWERS AND DUTIES OF DEPARTMENT. (1) The department of juvenile corrections is hereby created. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall be under the control and supervision of a director, who shall be appointed by the governor, with the advice and consent of the senate. The director shall exercise all of the powers and duties necessary to carry out the proper administration of the department and may delegate duties to employees and officers of the department. The director shall have the authority to employ an attorney or attorneys to provide legal services to the department and such managers, assistants, clerical staff and other employees necessary to the proper functioning and administration of the department.

(3) The department of juvenile corrections shall be composed of such administrative units as may be established by the director for the proper and efficient administration of the powers and duties assigned to the director or the department. The director shall appoint an administrator for each administrative unit within the department.

(4) The director shall have full power and authority to do all things necessary to establish and provide for the administration and operation of the department of juvenile corrections and to accomplish an orderly transition to the department of juvenile corrections and the counties of the duties and responsibilities for juvenile offenders and the juvenile justice system being performed by the department of health and welfare. It is intended that the director and staff of the department of health

and welfare work cooperatively with the director and staff of the department of juvenile corrections and the counties in this effort, while continuing with their duties to juvenile offenders in the custody of the department of health and welfare until the official transfer of such duties to the department of juvenile corrections and the counties on October 1, 1995.

(5) Effective October 1, 1995, all existing commitments to the department of health and welfare made pursuant to section 16-1814(1)6., Idaho Code, are hereby transferred to the department of juvenile corrections. All powers, duties and functions with respect to those commitments are hereby transferred from the department of health and welfare to the department of juvenile corrections. The director of the department of juvenile corrections shall have all the powers and duties as may have been or could have been exercised by his predecessors in law pursuant to these commitments and he shall be the successor in law to those commitment duties without regard to the language of individual judicial orders of commitment for the juveniles.

20-504. DUTIES OF THE DEPARTMENT OF JUVENILE CORRECTIONS. (1) The department shall have jurisdiction over all juveniles committed to it pursuant to chapter 5, title 20, Idaho Code.

(2) The department is responsible for all juvenile offenders committed to it by the courts of this state for confinement. The department shall also establish minimum standards for detention, care and certification of approved detention facilities based upon such standards.

(3) The department shall establish and administer all secure residential facilities including all state juvenile corrections centers.

(4) The department shall make all decisions regarding placement of juvenile offenders committed to it in the most appropriate program for supervision and treatment.

(5) The department shall establish an observation and assessment process for juvenile offenders committed to it by a court.

(6) The department shall establish liaison services with the counties or within the department's regions.

(7) The department may establish and operate work programs designed to employ juvenile offenders in public service work projects for the purpose of reimbursing victims of the juvenile offender's delinquent behavior.

(8) The department is hereby authorized and may place juveniles committed to it pursuant to this chapter in a community-based or private program; provided, that the person, agency or association operat-

ing the facility or program has been approved and has otherwise complied with all applicable state and local laws.

(9) The department shall establish minimum standards for the operation of all private residential and nonresidential facilities and programs which provide services to juvenile offenders. The standards shall be no more stringent than standards imposed for facilities operated by the department or for detention facilities operated by counties.

(10) The department shall provide technical assistance to counties establishing research-based programs for juveniles who either have been found to come under the purview of this chapter or who have had their case informally diverted pursuant to section 20-511, Idaho Code, and who have not been committed to the legal custody of the department.

(11) The department shall have authority to adopt such administrative rules pursuant to the procedures provided in chapter 52, title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of this act.

(12) Subject to any competitive bidding requirements otherwise provided by law, the department shall have authority to enter into contracts with a private association or organization or other public agency or organization for the inspection and licensure of detention facilities.

(13) Subject to any competitive bidding requirements otherwise provided by law, the department shall have authority to enter into contracts with private providers or local governmental agencies for the confinement or other permanent or temporary placement of juveniles committed to its custody.

(14) The department shall have authority to apply for, receive and expend federal funds, subject to appropriation by the legislature. The department shall have authority to establish guidelines for and administer the distribution of state juvenile corrections act funds to counties for the employment and training of county probation officers, the establishment of secure and nonsecure residential or nonresidential facilities and programs for juvenile offenders. The department may require that a county provide matching funds as a condition of receiving juvenile corrections act funds. The department, by rule, in cooperation with the courts and the counties, shall establish uniform standards for county juvenile probation services, as well as qualifications for and standards for the training of juvenile probation officers.

(15) All of the powers and duties imposed upon or granted to the director of the department of health and welfare or the board of health and welfare pursuant to chapter 18, title 16, Idaho Code, are hereby transferred to the director of the department of juvenile corrections. The

director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law with respect to chapter 18, title 16, Idaho Code, and shall be the successor in law to all contractual obligations entered into by his predecessor in law.

20-504A. STATE JUVENILE CORRECTIONS CENTERS -- PURPOSES -- POWERS AND DUTIES OF THE DEPARTMENT AND THE DIRECTOR. (1) The purposes of a juvenile corrections center shall be:

(a) The care, control and competency development of adjudicated juvenile offenders meeting standards for admission as adopted by the Idaho supreme court;

(b) The provision pursuant to agreement with the counties of detention services for juveniles subject to administrative or court order;

(c) The provision of observation and assessment services for juveniles committed to the department of juvenile corrections; and

(d) To accept for placement those individuals sentenced to a state juvenile corrections center by a district court, or pursuant to agreement with the board of correction, subsequent to waiver of juvenile court jurisdiction.

(2) The department shall administer and provide general oversight of all state juvenile corrections centers and any other secure or nonsecure facilities as required by the juvenile corrections act.

(3) The department shall assure that the educational programs of state juvenile corrections centers are in compliance with educational standards for secure juvenile facilities which are approved by the Idaho state board of education or an accrediting association recognized by the Idaho state board of education.

(4) The department shall have the power to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, for the administration and operation of state juvenile corrections centers.

(5) The director shall have the power:

(a) To employ, fix the salary and prescribe the duties of a superintendent for each juvenile corrections center. The superintendent shall be a nonclassified employee and shall serve at the pleasure of the director. With the advice of the director, the superintendent may appoint and prescribe the duties of assistants, instructors, specialists and other employees required for the operation of the center;

(b) To remove any employee of a juvenile corrections center for cause;

(c) To ensure that all teachers, except specialists, hold teaching certificates issued under the authority of the state board of education which are valid for the grades and subjects taught. All specialists shall hold diplomas from an accredited school of their specialty;

(d) To have, at all times, general supervision and control of all property, real and personal, appertaining to the center, and to insure the same; and

(e) To expend tax moneys appropriated, or otherwise placed to the credit of the center for maintenance and operation and to account for the same as prescribed by law.

(6) Wherever the term "State Youth Training Center" or "State Youth Services Center" shall appear in the Idaho Code it shall mean any state juvenile corrections center.

20-505. JURISDICTION. Subject to the prior jurisdiction of the United States, the court shall have exclusive, original jurisdiction over any juvenile and over any adult who was a juvenile at the time of any act, omission or status, in the county in which the juvenile resides, or in the county in which the act, omission or status allegedly took place, in the following cases:

(1) Where the act, omission or status occurs in the state of Idaho and is prohibited by federal, state, local or municipal law or ordinance by reason of minority only;

(2) Where the act or omission occurs in the state of Idaho and is a violation of any federal, state, local or municipal law or ordinance which would be a crime if committed by an adult;

(3) Concerning any juvenile where the juvenile comes under the purview of the interstate compact on juveniles as set forth in chapter 19, title 16, Idaho Code;

(4) This chapter shall not apply to juvenile violators of beer, wine or other alcohol and tobacco laws; except that a juvenile violator under the age of eighteen (18) years at the time of the violation may, at the discretion of the court, be treated under the provisions of this chapter;

(5) This chapter shall not apply to the violent juvenile offender, as defined in this chapter;

(6) This chapter shall not apply to juvenile violators of traffic, watercraft, fish and game, failure to obey a misdemeanor citation and criminal contempt laws; except that a juvenile violator under the age of

eighteen (18) years at the time of such violation may, at the discretion of the court, be treated under the provisions of this chapter;

(7) This chapter shall not apply to juvenile sex offenders who violate the provisions of section 18-8414, Idaho Code.

20-506. TRANSFER FROM OTHER COURTS. If during the pendency of a criminal or quasi-criminal charge against any juvenile in any other court, it shall be ascertained that the juvenile was under the age of eighteen (18) years at the time of committing the alleged offense, except where such juvenile has left the state, or where said charge is that such juvenile is a juvenile traffic, beer, wine or other alcohol or tobacco violator, or is within the purview of section 20-508(1)(a) or (1)(b), Idaho Code, it shall be the duty of such court forthwith to transfer the case, together with all the papers, documents and testimony connected therewith, to the court having jurisdiction over the juvenile with respect to the offense charged. The court making such transfer shall order the juvenile to be taken forthwith to the court to which the transfer is being made or place of detention designated by the court or shall release the juvenile to the custody of some suitable person to be brought before the court at a time designated. The court to which the case is transferred shall then proceed as provided in this act.

20-507. RETENTION OF JURISDICTION. Jurisdiction obtained by the court in the case of a juvenile shall be retained by it for the purposes of this act until he becomes twenty-one (21) years of age, unless terminated prior thereto. If a juvenile under the jurisdiction of the court and after attaining eighteen (18) years of age, is charged with a felony, he shall be treated as any other adult offender. If a person eighteen (18) years of age or older already under court jurisdiction is convicted of a felony, that conviction shall terminate the jurisdiction of the court, provided, however, that nothing herein contained shall prohibit any court from proceeding as provided in section 20-508(2), Idaho Code.

20-508. WAIVER OF JURISDICTION AND TRANSFER TO OTHER COURTS. (1) After the filing of a petition and after full investigation and hearing, the court may waive jurisdiction under the juvenile corrections act over the juvenile and order that the juvenile be held for adult criminal proceedings when:

(a) A juvenile is alleged to have committed any of the crimes enumerated in section 20-509, Idaho Code; or

(b) A juvenile is alleged to have committed an act other than those enumerated in section 20-509, Idaho Code, after the child became fourteen (14) years of age which would be a crime if committed by an adult; or

(c) An adult at the time of the filing of the petition is alleged to have committed an act prior to his having become eighteen (18) years of age which would be a felony if committed by an adult, and the court finds that the adult is not committable to an institution for the mentally deficient or mentally ill, is not treatable in any available institution or facility available to the state designed for the care and treatment of juveniles, or that the safety of the community requires the adult continue under restraint; or

(d) An adult already under the jurisdiction of the court is alleged to have committed a crime while an adult.

(2) A motion to waive jurisdiction under the juvenile corrections act and prosecute a juvenile under the criminal law may be made by the prosecuting attorney, the juvenile, or by motion of the court upon its own initiative. The motion shall be in writing and contain the grounds and reasons in support thereof.

(3) Upon the filing of a motion to waive jurisdiction under the juvenile corrections act, the court shall enter an order setting the motion for hearing at a time and date certain and shall order a full and complete investigation of the circumstances of the alleged offense to be conducted by county probation, or such other agency or investigation officer designated by the court.

(4) Upon setting the time for the hearing upon the motion to waive jurisdiction, the court shall give written notice of said hearing to the juvenile, and the parents, guardian or custodian of the juvenile, and the prosecuting attorney, at least ten (10) days before the date of the hearing, or a lesser period stipulated by the parties, and such notice shall inform the juvenile and the parents, guardian or custodian of the juvenile of their right to court appointed counsel. Service of the notice shall be made in the manner prescribed for service of a summons under section 20-512, Idaho Code.

(5) The hearing upon the motion to waive jurisdiction shall be held in the same manner as an evidentiary hearing upon the original petition and shall be made part of the record.

(6) If as a result of the hearing on the motion to waive jurisdiction the court shall determine that jurisdiction should not be waived, the petition shall be processed in the customary manner as a juvenile corrections act proceeding. However, in the event the court determines, as a

result of the hearing, that juvenile corrections act jurisdiction should be waived and the juvenile should be prosecuted under the criminal laws of the state of Idaho, the court shall enter findings of fact and conclusions of law upon which it bases such decision together with a decree waiving juvenile corrections act jurisdiction and binding the juvenile over to the authorities for prosecution under the criminal laws of the state of Idaho.

(7) No motion to waive juvenile corrections act jurisdiction shall be recognized, considered, or heard by the court in the same case once the court has entered an order or decree in that case that said juvenile has come within the purview of the juvenile corrections act, and all subsequent proceedings after the decree finding the juvenile within the purview of the act must be under and pursuant to the act and not as a criminal proceeding.

(8) In considering whether or not to waive juvenile court jurisdiction over the juvenile, the juvenile court shall consider the following factors:

(a) The seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by juvenile facilities;

(b) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(c) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons;

(d) The maturity of the juvenile as determined by considerations of his home, environment, emotional attitude, and pattern of living;

(e) The juvenile's record and previous history of contacts with the juvenile corrections system;

(f) The likelihood that the juvenile will develop competency and life skills to become a contributing member of the community by use of facilities and resources available to the court;

(g) The amount of weight to be given to each of the factors listed in subsection (8) of this section is discretionary with the court, and a determination that the juvenile is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one (1) or a combination of the factors set forth above, which shall be recited in the order of waiver.

(9) If the court does not waive jurisdiction and order a juvenile or adult held for criminal proceedings, the court in a county other than the juvenile's or adult's home county, after entering a decree that the juvenile or adult is within the purview of this chapter, may certify the case for sentencing to the court of the county in which the juvenile or adult

resides upon being notified that the receiving court is willing to accept transfer. In the event of a transfer, which should be made unless the court finds it contrary to the interest of the juvenile or adult, the jurisdiction of the receiving court shall attach to the same extent as if the court had original jurisdiction.

(10) Upon conviction of a juvenile held for adult criminal proceedings under this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence or withhold judgment pursuant to section 19-2601, Idaho Code, and commit the defendant to the custody of the department of juvenile corrections for an indeterminate period of time in accordance with section 20-520(1)(r), Idaho Code. The court, in its discretion, may order that the suspended sentence or withheld judgment be conditioned upon the convicted person's full compliance with all reasonable program requirements of the department of juvenile corrections. Such a sentence may also set terms of probation, which may be served under the supervision of county juvenile probation. However, in no event may the total of the actual time spent by the convicted person in the custody of the department plus any adult sentence imposed by the court exceed the maximum period of imprisonment that could be imposed on an adult convicted of the same crime.

(c) If a convicted person is given a suspended sentence or withheld judgment conditioned upon the convicted person's compliance with all reasonable program requirements of the department pursuant to paragraph (b) of this subsection, and if the department reasonably believes that the convicted person is failing to comply with all reasonable program requirements, the department may petition the sentencing court to revoke the commitment to the department and transfer the convicted person to the county jail or to the custody of the state board of correction for the remainder of the sentence.

20-509. VIOLENT OFFENSES, CONTROLLED SUBSTANCES VIOLATIONS NEAR SCHOOLS AND OFFENDERS. (1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age

fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

(a) Murder of any degree or attempted murder;

(b) Robbery;

(c) Rape, but excluding statutory rape;

(d) Forcible sexual penetration by the use of a foreign object;

(e) Infamous crimes against nature, committed by force or violence;

(f) Mayhem;

(g) Assault or battery with the intent to commit any of the above serious felonies;

(h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile has been found to have committed the offense for which the juvenile was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended

charge is included within the acts enumerated in subsection (1) of this section, the juvenile shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence or withhold judgment pursuant to section 19-2601, Idaho Code, and commit the defendant to the custody of the department of juvenile corrections for an indeterminate period of time in accordance with section 20-520(1)(r), Idaho Code. The court, in its discretion, may order that the suspended sentence or withheld judgment be conditioned upon the convicted person's full compliance with all reasonable program requirements of the department of juvenile corrections. Such a sentence may also set terms of probation, which may be served under the supervision of county juvenile probation. However, in no event may the total of the actual time spent by the convicted person in the custody of the department plus any adult sentence imposed by the court exceed the maximum period of imprisonment that could be imposed on an adult convicted of the same crime.

(c) If a convicted person is given a suspended sentence or withheld judgment conditioned upon the convicted person's compliance with all reasonable program requirements of the department pursuant to paragraph (b) of this subsection, and if the department reasonably believes that the convicted person is failing to comply with all reasonable program requirements, the department may petition the sentencing court to revoke the commitment to the department and transfer the convicted person to the county jail or to the custody of the state board of correction for the remainder of the sentence.

20-510. INFORMATION -- INVESTIGATION -- PETITION. Any peace officer, any prosecuting attorney, or any authorized representative of the board of trustees of a school district of this state, having knowledge of a juvenile who is within the purview of this act may file a petition with the court in such form as may be required by the court, except a

peace officer may also issue a citation for a curfew violation pursuant to section 20-549, Idaho Code. Said individual or agency shall be responsible for providing the evidence to support the allegations made in the petition, provided this in no way shall relieve peace officers from enforcement of the law as set forth in section 31-2227, Idaho Code. The court may make a preliminary inquiry to determine whether the interests of the public or of the juvenile require that further action be taken. Such inquiry may be made through the county probation officer or such other agent or investigation officer designated by the court. Thereupon, the court may make such informal adjustment as is practicable, or dismiss the petition, or set the matter for hearing. If an informal adjustment is made, it shall provide for full or partial restitution in the manner and form prescribed by the court when the offense involves loss or damage of property of another. A probation officer shall not file a petition unless the juvenile has previously been under the jurisdiction of the court. The petition and all subsequent court documents shall be entitled "In the interest of ..., a juvenile under eighteen (18) years of age." The petition may be made upon information and belief but it shall be made under oath. It shall set forth plainly: (1) the facts which bring the juvenile within the purview of this act; (2) the name, age, and residence of the juvenile; (3) the names and residences of his parents and spouse, if any; (4) the name and residence of his legal guardian, if there be one, or the person or persons having custody or control of the juvenile, or of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner the petition shall so state.

Service of a petition upon the parents, legal guardian or person or persons having custody or control of the juvenile shall subject the parents, legal guardian or person or persons having custody or control of the juvenile to the provisions of this chapter. The petition shall inform the parents, legal guardian or other person legally obligated to care for and support the juvenile that service of the petition upon them shall make them subject to the provisions of this chapter.

20-511. DIVERSION OR INFORMAL DISPOSITION OF THE PETITION. (1) Prior to the filing of any petition under this act, the prosecuting attorney may request a preliminary inquiry from the county probation officer to determine whether the interest of the public or the juvenile requires a formal court proceeding. If court action is not required, the prosecuting attorney may utilize the diversion process and refer the case directly to the county probation officer or a community based-diversion program for informal probation and counseling. If com-

munity service is going to be utilized pursuant to this subsection, the prosecuting attorney shall collect a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

(2) After the petition has been filed and where, at the admission or denial hearing, the juvenile admits to the allegations contained in the petition, the court may decide to make an informal adjustment of the petition. Informal adjustment includes, but is not limited to:

(a) Reprimand of the juvenile;

(b) Informal supervision with the probation department;

(c) Community service work;

(d) Restitution to the victim;

(e) Participation in a community-based diversion program.

(3) Information uniquely identifying the juvenile, the offense, and the type of program utilized shall be forwarded to the department. This information shall be maintained by the department in a statewide juvenile offender information system. Access to the information shall be controlled by the department, subject to the provisions of section 9-342, Idaho Code.

Such informal adjustment of the petition shall be conducted in the manner prescribed by the Idaho juvenile rules. When an informal adjustment is made pursuant to this section and the juvenile is to perform community service work, the court shall assess the juvenile a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is to perform. This fee shall be remitted by the court to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

20-511A. MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT. (1) A judge of any court shall order the department of health and welfare to submit appropriate mental health assessments and a plan of treatment for the court's approval if at any stage of a proceeding under this chapter or the child protective act, chapter 16, title 16, Idaho

Code, a judge has reason to believe, based upon the record and proceedings of the court or upon an affidavit of a party, state or county agency or any person having physical custody of the juvenile, that the juvenile:

(a) Is suffering a substantial increase or persistence of a serious emotional disturbance as defined in section 16-2403, Idaho Code, which impairs his or her ability to comply with the orders and directives of the court, or which presents a risk to the juvenile's safety or well-being or the safety of others; and

(b) Such condition has not been adequately addressed with supportive services and/or corrective measures previously provided to the juvenile, or the juvenile's needs with respect to the serious emotional disturbance are not being met or have not been met.

(2) The court may convene a screening team consisting of representatives from the department of health and welfare, county probation, local school officials, teen early intervention specialists as provided for under section 16-2404A, Idaho Code, the department of juvenile corrections and/or other agencies or persons designated by the court to review the plan of treatment and provide written recommendations to the court. Parents and guardians of the juvenile, if available, shall be included in the screening team and consulted with regard to the plan of treatment.

(3) If the court, after receiving the mental health assessment and plan of treatment submitted by the department of health and welfare and any recommendations from the screening team, determines that additional information is necessary to determine whether the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, or to determine an appropriate plan of treatment for the juvenile, the court may order an evaluation and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist, with the expenses of such evaluation and/or recommendations to be borne by the department of health and welfare.

(4) If the court concludes that the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, the plan of treatment, as approved by the court, shall be entered into the record as an order of the court. The department of health and welfare shall provide mental health treatment as designated by the approved plan of treatment. If in-patient or residential treatment is required as part of the plan of treatment, the court shall hold a hearing on whether to order such treatment unless the hearing is waived by the juvenile and the juvenile's parents or guardians. The court may order parents, legal guardians or custodians to adhere to the treatment designated in the plan of treatment. Representatives from the department of health and welfare, county probation, local school offi-

cials, teen early intervention specialists as provided for under section 16-2404A, Idaho Code, the department of juvenile corrections and/or other agencies or persons designated by the court shall attend case review hearings as scheduled by the court.

(5) All costs associated with assessment and treatment shall be the responsibility of the parents of the juvenile according to their ability to pay based upon the sliding fee scale established pursuant to section 16-2433, Idaho Code. The financial obligation of the family shall be determined after consideration of all available payment and funding sources including title XIX of the social security act, as amended, all available third party sources, and parent resources according to any order for child support under chapter 10, title 32, Idaho Code. Services shall not be conditioned upon transfer of custody or parental rights.

20-512. SUMMONS -- NOTICE -- CUSTODY OF JUVENILE. After a petition shall have been filed and after such further investigation as the court may direct, and if the matter is set for hearing, the court shall issue a summons requiring the person or persons who have custody or control of the juvenile to appear personally and bring the juvenile before the court at a time and place stated; provided, however, if hearing is to be held, it shall be held not later than fifteen (15) days after the summons is issued unless the court should order on being shown cause that the time be extended. If the person so summoned shall be other than a parent or guardian of the juvenile, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed for the hearing. Notice shall be given as hereinafter provided. A subpoena may be issued requiring the appearance of any other person whose presence is required by the juvenile, his guardian or any other person who, in the opinion of the judge, is necessary. If it appears the juvenile is in such condition or surroundings that his welfare requires that he be taken into custody immediately, the judge, as provided in section 20-516, Idaho Code, may order by endorsement upon the summons that the officer serving the same shall at once take the juvenile into custody and bring him before the court.

20-513. SERVICE OF SUMMONS -- TRAVEL EXPENSES. Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the judge is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof,

or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight (48) hours before the time fixed in the summons for the hearing. When publication is used the summons shall be published in two (2) consecutive issues of a weekly newspaper printed and published in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall be made by the sheriff or a probation officer upon the request of the court and a return must be made by the sheriff on the summons showing that such service has been made. The judge may authorize payment of any necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this act, and such expenses when approved by the judge shall be a charge upon the county, except that not more than five (5) witnesses on behalf of any parent or guardian may be required to attend such hearing at the expense of the county. The court may summon the appearance of any person whose presence is deemed necessary as a witness or possible resource for the care and treatment of the juvenile, including persons whom the juvenile or the family wishes to have present.

20-514. APPOINTMENT OF COUNSEL -- PAYMENT OF COST OF LEGAL SERVICES. (1) As early as possible in the proceedings, and in any event before the hearing of the petition on the merits, the juvenile and his parents, or guardian, shall be notified of their right to have counsel represent them. When it appears to the court that the juvenile or his parents or guardian desire counsel but are financially unable to pay for such legal services, the court shall appoint counsel to represent the juvenile and his parents or guardian; provided that in the event the court shall find that there is a conflict of interest between the interests of the juvenile and his parents or guardian, then the court shall appoint separate counsel for the juvenile, whether or not he or his parents or guardian are able to afford counsel, unless there is an intelligent waiver of the right of counsel by the juvenile and the court further determines that the best interest of the juvenile does not require the appointment of counsel. Counsel appointed under this section shall initially receive reasonable compensation from the county and the county shall have the right to be reimbursed for the cost thereof by the parents or guardian as hereafter provided in this section.

(2) The parents, spouse or other person liable for the support of the juvenile, or the estates of such persons, and the estate of such juve-

nile, shall be liable for the cost to the county of legal services rendered to the juvenile by counsel appointed pursuant to this section, unless the court finds such persons to be needy persons and financially unable to pay the cost of such legal services.

(3) The prosecuting attorney of each county may, on behalf of the county, recover payment or reimbursement, as the case may be, from each person who is liable for the payment or reimbursement of the cost of court appointed counsel for the juvenile, his parents or guardian under this section. In the event such payment or reimbursement is not made upon demand by the prosecuting attorney, suit may be brought against such persons by the prosecuting attorney within five (5) years after the date on which such counsel was appointed by the court.

20-515. FAILURE TO OBEY SUMMONS, A CONTEMPT -- WARRANT. If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual, or that the welfare of the juvenile requires that he be brought forthwith into the custody of the court, a warrant or a capias may be issued for the parent, guardian or the juvenile.

20-516. APPREHENSION AND RELEASE OF JUVENILES -- DETENTION. (1) A peace officer may take a juvenile into custody, or a private citizen may detain a juvenile until the juvenile can be delivered forthwith into the custody of a peace officer, without order of the court:

(a) When he has reasonable cause to believe that the juvenile has committed an act which would be a misdemeanor or felony if committed by an adult; or

(b) When in the presence of a peace officer or private citizen the juvenile has violated any local, state or federal law or municipal ordinance; or

(c) When there are reasonable grounds to believe the juvenile has committed a status offense. Status offenses are truancy, running away from or being beyond the control of parents, guardian, or legal custodian and curfew violations. Status offenders shall not be placed in any jail facility but instead may be placed in juvenile shelter care facilities, except in the case of runaways, when there is a specific detention request from a foreign jurisdiction to hold the juvenile pending transportation arrangements.

(2) A peace officer may take a juvenile into custody upon a written order or warrant signed by a judge. The judge may issue the order or warrant after finding that there is reasonable cause to believe that the juvenile comes within the purview of this chapter. Such taking into custody shall not be deemed an arrest. Jurisdiction of the court shall attach from the time the juvenile is taken into custody. When an officer takes a juvenile into custody, he shall notify the parent, guardian or custodian of the juvenile as soon as possible. Unless otherwise ordered by the court, or unless it appears to the officer taking the juvenile into custody that it is contrary to the welfare of society or the juvenile, such juvenile shall be released to the custody of his parent or other responsible adult upon written promise, signed by such person, to bring the juvenile to the court at a stated time. Such written promise shall be submitted to the court as soon as possible. If such person shall fail to produce the juvenile as agreed, or upon notice from the court, a summons for such person may be issued by the court and a warrant may be issued for apprehension of the juvenile.

(3) A juvenile taken into custody may be fingerprinted and photographed. Any fingerprints and photographs taken shall be forwarded as provided in subsection (8) of this section. If the court finds good cause it may order any fingerprints and photographs expunged.

(4) When a juvenile is not released he shall be taken forthwith to the court or place of detention specified by the court and then not later than twenty-four (24) hours, excluding Saturdays, Sundays and holidays, shall be brought before the court for a detention hearing to determine where the juvenile will be placed until the next hearing. Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities.

Placements may include, but are not limited to, the following:

(a) Parents of the juvenile;

(b) Relatives of the juvenile;

(c) Foster care;

(d) Group care;

(e) A juvenile detention facility; or

(f) Community-based diversion programs.

(5) The person in charge of a detention facility shall give immediate notice to the court that the juvenile is in his custody.

(6) No juvenile shall be held in detention longer than twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, unless a petition has been filed and the court has signed the detention order.

(7) As soon as a juvenile is detained by court order, his parents, guardian or legal custodian shall be informed by notice in writing on

forms prescribed by the court that they may have a prompt hearing regarding release or detention.

(8) A juvenile taken into detention for an offense shall be fingerprinted and photographed. Fingerprints and photographs taken of juveniles shall be forwarded to the appropriate law enforcement agency and filed with the bureau of criminal identification of the Idaho state police which shall create a juvenile fingerprint file and enter the fingerprint data into the automated fingerprint identification system. The fingerprint data shall then be forwarded to the department to be maintained in a statewide juvenile offender information system. Access to the information in the juvenile offender system shall be controlled by the department, subject to the provisions of section 9-342, Idaho Code. If the court finds good cause it may order the fingerprints and photographs of the juvenile expunged.

(9) Peace officers' records of juveniles shall be kept separate from records of adults and shall be subject to disclosure according to chapter 3, title 9, Idaho Code.

20-517. DETENTION ACCOMMODATIONS. (1) The county commissioners shall provide a detention facility for the detention of juveniles to be conducted by the court, or, subject to the approval of the court, by other appropriate public agency, provided that such detention shall comply with the provisions of section 20-518, Idaho Code; or within the limits of funds provided by the county commissioners the court may arrange for the use of private homes for such detention, subject to the supervision of the court or other agency, or may arrange with any institution or agency to receive for temporary care and custody juveniles within the jurisdiction of the court, provided said private individual or agency facilities, except relatives of the juvenile, shall meet the licensing requirements as provided in this chapter for care of juveniles. Nothing herein shall prevent a jail facility from being utilized as a detention facility if it complies with the provisions of section 20-518, Idaho Code.

(2) For the purpose of carrying out the provisions of this section, the county commissioners may enter into contracts or agreements with public or private agencies, individuals, other counties, or the department of juvenile corrections which may include the expenditures of moneys outside the county boundaries. If the county in which the court is located has made an agreement with another governmental unit or agency located outside the county or the judicial district for the detention of juveniles under this act, then any court in the county may order a juvenile

detained outside of the county or outside of the judicial district in the detention facility described in such agreement.

(3) The county wherein any court has entered an order for the detention of a juvenile outside of the county or outside of the judicial district as provided by subsection (2) of this section shall pay all direct and indirect costs of the detention of the juvenile to the governmental unit or agency owning or operating the detention facility in which the juvenile was detained. The amount of such cost may be determined on a per day per juvenile basis by agreement between the county wherein the court entered the order of detention and the county or governmental unit or agency owning or operating such detention facility.

(4) All funds appropriated by the state for the planning and design of regional detention facilities shall be administered and distributed by the director of the department of administration for the planning and design of regional detention facilities in accordance with the requirements or directives of such appropriation. In administering such fund, the director of the department of administration shall consult with the designated county officials of every county involved or affected by a proposed regional detention facility and shall abide by the decision of the designated representatives of each of the counties so involved or affected.

20-518. STANDARDS FOR DETENTION. The following shall be minimum standards for the detention of juveniles provided for in section 20-517, Idaho Code:

(1) Juvenile detention facilities must be so constructed and/or maintained as to keep juveniles segregated from adult offenders or those being treated as adult offenders under section 20-508 or 20-509, Idaho Code, with there to be no contact as to sight and/or sound between the two (2) classes.

(2) Juvenile detention facilities must provide supervision and observation of juvenile detainees sufficient to protect the physical and mental health of the detainees.

(3) Juveniles held in detention must be provided with at least three (3) adequate and nutritional meals per day.

(4) Juveniles held in detention must have access to reading materials on a regular and systematic basis. Detained juveniles may receive books, newspapers and periodicals from any source including delivery to the detention facilities by family members, subject to the right of detention authorities to inspect and remove dangerous or harmful materials. Detention authorities may forbid the introduction into holding quarters of obscene books or periodicals.

(5) A visiting program shall be established in juvenile detention facilities which will allow for family visits to each juvenile for at least two (2) hours each week.

(6) Notwithstanding any other provision in this chapter, the minimum standards set forth herein shall not apply to any person who attains his or her eighteenth birthday prior to beginning or while in detention. When such person attains his or her eighteenth birthday, he or she shall be transferred from juvenile detention to the county jail.

20-519. EVIDENTIARY HEARING. If the juvenile denies the allegations in the petition, the court shall conduct a full evidentiary hearing, in the manner prescribed by the Idaho juvenile rules. The juvenile shall have the right to call witnesses on his own behalf. A record shall be made in all proceedings connected with the case and shall be preserved in the event of appeal. If at the conclusion of the evidentiary hearing the court finds the juvenile to come within the purview of the act, the court shall so rule, and then shall set the matter down for sentencing, or may, in the interest of time, hold a sentencing hearing at the conclusion of the evidentiary hearing if all information necessary to the disposition of the case is available at the time.

When a juvenile, other than the juvenile against whom the petition has been filed, is summoned as a witness in any hearing under this act, notwithstanding any other statutory provision, parents, a counselor, a friend or other person having a supportive relationship with the juvenile shall, if available, be permitted to remain in the courtroom at the witness stand with the juvenile during the juvenile's testimony unless, in written findings made and entered, the court finds that the juvenile's constitutional right to a fair trial will be unduly prejudiced.

20-520. SENTENCING. (1) Upon the entry of an order finding the juvenile is within the purview of the act, the court shall then hold a sentencing hearing in the manner prescribed by the Idaho juvenile rules to determine the sentence that will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out of home placement services provided, and the social, physical and mental condition of the juvenile. The court shall not consider or review the report prior to the entry of an order

of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to sentence the juvenile as follows:

(a) Place the juvenile on formal probation for a period not to exceed three (3) years from the date of the order, except the court may place a juvenile on formal probation for a period not to exceed the juvenile's twenty-first birthday if the court finds that the juvenile has committed a crime of a sexual nature;

(b) Sentence the juvenile to detention pursuant to this act for a period not to exceed thirty (30) days for each act, omission or status which is prohibited by the federal, state, local or municipal law or ordinance by reason of minority only. The sentence shall not be executed unless the act, omission or status is in violation of section 922(x) of title 18, United States Code, or the court finds that the juvenile has violated the court's decree imposing the sentence as provided below.

If the court, after notice and hearing, finds that a juvenile has violated the court's decree imposing the sentence under circumstances that bring the violation under the valid court order exception of the federal juvenile justice and delinquency prevention act of 1974, as amended, the court may commit the juvenile to detention for the period of detention previously imposed at sentencing;

(c) Commit the juvenile to a period of detention, pursuant to this act, for a period of time not to exceed ninety (90) days for each unlawful or criminal act the juvenile is found to have committed, if the unlawful or criminal act would be a misdemeanor if committed by an adult, or where the juvenile has been adjudicated as an habitual status offender;

(d) If the juvenile has committed an unlawful or criminal act which would be a felony if committed by an adult, the court may commit the juvenile to detention for a period not to exceed one hundred eighty (180) days for each unlawful or criminal act;

(e) Whenever a court commits a juvenile to a period of detention it shall notify the school district where the detention facility is located. No juvenile who is found to come within the purview of the act for the commission of a status offense shall be sentenced to detention in a jail facility unless an adjudication has been made that the juvenile is an habitual status offender;

(f) Commit the juvenile to detention and suspend the sentence on specific probationary conditions;

(g) The court may suspend or restrict the juvenile's driving privileges for such periods of time as the court deems necessary,

and the court may take possession of the juvenile's driver's license. The juvenile may request restricted driving privileges during a period of suspension, which the court may allow if the juvenile shows by a preponderance of evidence that driving privileges are necessary for his employment or for family health needs;

(h) The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist or psychologist, or that he receive other special care, or that he submit to an alcohol or drug evaluation, if needed, and for such purposes may place the juvenile in a hospital or other suitable facility;

(i) The court may order that the department of health and welfare conduct a comprehensive substance abuse assessment of the juvenile. After receiving the comprehensive substance abuse assessment, and upon a finding by the court that treatment will provide a cost-effective means of achieving the sentencing goals of accountability, competency development and community protection, the court may order that the juvenile receive immediate treatment for substance abuse in keeping with a plan of treatment approved by the court. The initial cost of the assessment and treatment shall be borne by the department of health and welfare. The director of the department of health and welfare may promulgate rules consistent with this paragraph (i) to establish a schedule of fees to be charged to parents by the department of health and welfare for such services based upon the cost of the services and the ability of parents to pay;

(j) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile, his legal guardian or custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one (1) parent, restrictions on the juvenile's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

(k) The court may make any other reasonable order which is in the best interest of the juvenile or is required for the protection of the public, except that no person under the age of eighteen (18) years may be committed to jail, prison or a secure facility which does not meet the standards set forth in section 20-518, Idaho Code, unless jurisdiction over the individual is in the process of being waived or has been waived pursuant to section 20-508 or

20-509, Idaho Code. The court may combine several of the above-listed modes of disposition where they are compatible;

(l) An order under the provisions of this section for probation or placement of a juvenile with an individual or an agency may provide a schedule for review of the case by the court;

(m) Order the proceeding expanded or altered to include consideration of the cause pursuant to chapter 16, title 16, Idaho Code;

(n) Order the case and all documents and records connected therewith transferred to the magistrate division of the district court for the county where the juvenile and/or parents reside if different than the county where the juvenile was charged and found to have committed the unlawful or criminal act, for the entry of a dispositional order;

(o) Order such other terms, conditions, care or treatment as appears to the court will best serve the interests of the juvenile and the community;

(p) The court shall assess a twenty dollar ($20.00) detention/probation training academy fee against the juvenile for every petition filed where there has been an adjudication that the juvenile is within the purview of this chapter. All moneys raised pursuant to this paragraph shall be transmitted by the court for deposit in the juvenile corrections fund which is created in section 20-542, Idaho Code;

(q) Additionally, the court shall assess a fee of sixty cents (60¢) per hour of community service against the juvenile for every petition filed where there has been an adjudication that the juvenile is within the purview of this chapter and the court is ordering community service. Such fee is to be remitted by the court to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service pursuant to this chapter. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required;

(r) Commit the juvenile to the legal custody of the department of juvenile corrections for an indeterminate period of time not to exceed the juvenile's nineteenth birthday, unless the custody review board determines that extended time in custody is necessary to address competency development, accountability, and community protection; provided however, that no juvenile shall remain in the custody of the department beyond the juvenile's twenty-first

birthday. The department shall adopt rules implementing the custody review board and operations and procedures of such board;

(s) Notwithstanding any other provision of this section, a court may not commit a juvenile offender under the age of ten (10) years to a period of detention or to the custody of the department of juvenile corrections for placement in secure confinement.

(2) When an order is entered pursuant to this section, the juvenile shall be transported to the facility or program so designated by the court or the department, as applicable, by the sheriff of the county where the juvenile resides or is committed, or by an appointed agent. When committing a juvenile to the department, or another entity, the court shall at once forward to the department or entity a certified copy of the order of commitment.

(3) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the juvenile or his parents or both to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of sections 19-5304 and 19-5305, Idaho Code. The amount of restitution which may be ordered by the court shall not be subject to the limitations of section 6-210, Idaho Code. Court-ordered restitution shall be paid prior to any other court-ordered payments unless the court specifically orders otherwise.

(4) The court may order the juvenile's parents, legal guardian or custodian to pay the charges imposed by community programs ordered by the court for the juvenile, or the juvenile's parents, legal guardian or custodian.

(5) Any parent, legal guardian or custodian violating any order of the court entered against the person under the provisions of this chapter shall be subject to contempt proceedings under the provisions of chapter 6, title 7, Idaho Code.

20-521. HABITUAL STATUS OFFENDER. Any juvenile who has been adjudicated for commission of two (2) status offenses within twelve (12) months may be charged, petitioned and adjudicated as an habitual status offender for the third status offense committed within that twelve (12) month period.

The court may utilize any dispositional alternative for an habitual status offender that is detailed in section 20-520, Idaho Code, except that the juvenile shall not be placed in the Idaho juvenile corrections center.

20-522. JURISDICTION OVER PARENTS. Whenever a juvenile is found to come under the purview of this chapter, the court shall have jurisdiction and authority to have the juvenile and the juvenile's parent(s), legal guardian or custodian sign a probationary contract with the court containing terms and conditions that the juvenile and the juvenile's parent(s), legal guardian or custodian must adhere to as a condition of the juvenile's probation. The probationary contract may provide that upon a violation or breach of the terms and conditions of the probationary contract, the juvenile's parent(s), legal guardian or custodian shall be liable to the court for a specific monetary sum not in excess of one thousand dollars ($1,000) for the breach of contract. All such moneys shall be payable to the court and shall be in addition to any other fines, penalties or other sanctions provided by law. Any moneys received by the court pursuant to this section shall be paid into the juvenile corrections fund created in section 20-542, Idaho Code. In lieu of or in addition to a monetary payment, the court may order that the parent(s), legal guardian or custodian attend parenting classes or undergo other treatment or counseling. Any person violating any order of the court entered under the provisions of this section shall be subject to contempt proceedings under the provisions of chapter 6, title 7, Idaho Code.

20-523. SCREENING TEAMS TO PROVIDE ASSISTANCE TO COURT. In order to provide assistance to a court in making a disposition pursuant to section 20-520, Idaho Code, a screening team composed of a county probation officer or other investigation officer or agency designated by the court may meet and provide a written recommendation delineating options to the court for disposition of the case pursuant to this chapter.

20-524. SUPPORT OF JUVENILE -- REIMBURSEMENT FOR COSTS INCURRED. (1) Whenever a juvenile is placed by the court in custody other than that of the juvenile's parents, guardian or custodian, after due notice to the parent, guardian or other persons legally obligated to care for and support the juvenile, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the juvenile. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

(2) If the juvenile is detained, the court may order that the parents or other legal guardian of the juvenile contribute to the costs of detention in an amount to be set by the court. The order may be filed and shall have the effect of a civil judgment. It is the intent of the legislature that foster parents or a parent or legal guardian receiving public assistance relating to that juvenile should not benefit from the continued receipt of payments or public assistance from any state or federal agency while the juvenile is detained. The department of health and welfare is directed to promulgate a rule implementing this intent.

(3) All child support orders shall notify the obligor that the order will be enforced by income withholding pursuant to chapter 12, title 32, Idaho Code.

(4) Failure to include these provisions does not affect the validity of the support order or decree. The court shall require that the social security numbers of both the obligor and obligee be included in the order or decree.

20-524A. PAYMENT OF DETENTION COSTS. If the juvenile is committed to the custody of the department of juvenile corrections pursuant to chapter 5, title 20, Idaho Code, the department shall reimburse the county for the period of time in excess of five (5) calendar days during which the juvenile is housed at a detention facility. This time period shall begin to run on the first business day the department receives a copy of the order of commitment, executed by the court. Orders received by the department after 3 o'clock p.m., mountain standard time, on a business day, will be considered to have been received the next business day. Facsimile transmissions of the order are acceptable.

20-525. RECORDS -- PRIVILEGED INFORMATION. (1) The court shall maintain records of all cases brought before it. In proceedings under this act the following juvenile courtroom proceedings and records shall be open to the public: all proceedings against a juvenile of the age of fourteen (14) years or older and who is petitioned or charged with an offense which would be a felony if committed by an adult including the court docket, petitions, complaints, information, arraignments, trials, sentencings, probation violation hearings and dispositions, motions and other papers filed in any case in any district; transcripts of testimony taken by the court; and findings, verdicts, judgments, orders, decrees and other papers filed in proceedings before the court of any district.

(2) Juvenile courtroom proceedings and records shall remain confidential when the court and the prosecutor agree extraordinary cir-

cumstances exist that justify records of a juvenile of the age of fourteen (14) years or older and who is petitioned or charged with an offense which would be a felony if committed by an adult should remain confidential because it is in the best interest of the juvenile.

(3) In proceedings under this act the following records and court proceedings of juveniles of the age of thirteen (13) years or younger shall not be withheld from public inspection, except on court order, which order must be made in writing in each case: the court docket, petitions, complaints, information, arraignments, trials, sentencings, probation violation hearings and dispositions, motions and other papers filed in any case in any district; transcripts of testimony taken by the court; and findings, verdicts, judgments, orders, decrees and other papers filed in proceedings before the court of any district.

(4) These records shall be open to inspection according to chapter 3, title 9, Idaho Code. All information obtained and social records prepared in the discharge of official duty by an employee of the court shall be subject to disclosure according to chapter 3, title 9, Idaho Code.

(5) The victim of misconduct shall always be entitled to the name of the juvenile involved, the name of the juvenile's parents or guardian, and their addresses and telephone numbers, if available in the records of the court.

(6) Notwithstanding the other provisions of this act and notwithstanding any order entered pursuant hereto, nothing in this act shall prohibit the exchange of records created pursuant to this act between prosecuting attorneys or courts in this state.

20-525A. EXPUNGEMENT OF RECORD -- HEARING -- FINDINGS NECESSARY -- SPECIAL INDEX -- EFFECT OF ORDER. (1) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed a felony offense or having been committed to the department of juvenile corrections may, after the expiration of five (5) years from the date of termination of the continuing jurisdiction of the court, or, in case the juvenile was committed to the juvenile corrections center, five (5) years from the date of his release from the juvenile corrections center, or after reaching age eighteen (18), whichever occurs last, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and of the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(2) Any person who has been adjudicated in a case under this act and found to be within the purview of the act for having committed misdemeanor or status offenses only and not having been committed to the department of juvenile corrections may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(3) In any case where the prosecuting attorney has elected to utilize the diversion process or the court orders an informal adjustment pursuant to section 20-511, Idaho Code, the person may, after the expiration of one (1) year from the date of termination of the continuing jurisdiction of the court or after reaching age eighteen (18) years, whichever occurs later, petition the court for the expungement of his record. Upon the filing of the petition, the court shall set a date for a hearing and shall notify the prosecuting attorney of the pendency of the petition and the date of the hearing. The prosecuting attorney and any other person who may have relevant information about the petitioner may testify at the hearing.

(4) The court may not expunge a conviction for any of the following crimes from a juvenile's record:

(a) Administering poison with intent to kill (18-4014, Idaho Code);

(b) Aggravated battery (18-907, Idaho Code);

(c) Armed robbery (chapter 65, title 18, Idaho Code);

(d) Arson (chapter 8, title 18, Idaho Code);

(e) Assault with intent to commit a serious felony (18-909, Idaho Code);

(f) Assault with intent to murder (18-4015, Idaho Code);

(g) Assault or battery upon certain personnel, felony (18-915, Idaho Code);

(h) Forcible sexual penetration by use of a foreign object (18-6608, Idaho Code);

(i) Infamous crime against nature, committed by force or violence (18-6605, Idaho Code);

(j) Injury to child, felony (18-1501, Idaho Code);

(k) Kidnapping (18-4501, Idaho Code);

(l) Murder of any degree (18-4001 and 18-4003, Idaho Code);

(m) Rape, excluding statutory rape (18-6101 and 18-6108, Idaho Code);

(n) Ritualized abuse of a child (18-1506A, Idaho Code);

(o) Sexual exploitation of a child (18-1507, Idaho Code);

(p) Unlawful use of destructive device or bomb (18-3320, Idaho Code);

(q) Voluntary manslaughter (18-4006 1., Idaho Code);

(r) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(s) A violation of the provisions of section 37-2732B, Idaho Code, related to drug trafficking or manufacturing of illegal drugs.

(5) If the court finds after hearing that the petitioner has not been adjudicated as a juvenile for any of the crimes identified in subsection (4) of this section, and has not been convicted of a felony, or of a misdemeanor wherein violence toward another person was attempted or committed since the termination of the court's jurisdiction or his release from the juvenile corrections center, and that no proceeding involving such felony or misdemeanor is pending or being instituted against him, and if the court further finds to its satisfaction that the petitioner has been held accountable, is developing life skills necessary to become a contributing member of the community and that the expungement of the petitioner's record will not compromise public safety, it shall order all records in the petitioner's case in the custody of the court and all such records, including law enforcement investigatory reports and fingerprint records, in the custody of any other agency or official sealed; and shall further order all references to said adjudication, diversion or informal adjustment removed from all indices and from all other records available to the public. However, a special index of the expungement proceedings and records shall be kept by the court ordering expungement, which index shall not be available to the public and shall be revealed only upon order of a court of competent jurisdiction. Copies of the order shall be sent to each agency or official named in the order. Upon the entry of the order the proceedings in the petitioner's case shall be deemed never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter be permitted only by the court upon petition by the person who is the sub-

ject of the records or by any other court of competent jurisdiction, and only to persons named in the petition.

20-526. ENCOURAGING VIOLATIONS. Any person who by any act or neglect encourages, aids or causes a juvenile to come within the purview or jurisdiction of this chapter, or who after notice that the driving privileges of the juvenile have been suspended or restricted under the provisions of this chapter knowingly permits or encourages said juvenile to operate a motor vehicle in violation of such suspension or restriction shall be guilty of a misdemeanor. The court may impose conditions upon any person found guilty under this section, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

20-527. SCHOOL TRUSTEES TO REPORT TRUANTS. When a juvenile of compulsory school age is expelled or is reported to have repeatedly violated the attendance regulations of the school district in which the juvenile is enrolled, pursuant to section 33-206, Idaho Code, the prosecuting attorney may file a petition under this act. The court shall cause an investigation to be made and upon receipt of the written report of the investigation, the court may proceed under this act or the child protective act with respect to the juvenile and may proceed against the juvenile's parent(s), guardian or custodian under this act pursuant to section 33-207, Idaho Code.

20-528. APPEALS. All orders or final judgments made by any court in matters affecting a juvenile within the purview of this act may be appealed by the juvenile or the state. A decision by the court pursuant to section 20-508, Idaho Code, not to waive jurisdiction under this act over the juvenile may be appealed by the state. Appeals shall be reviewed as provided by the appellate rules of the supreme court of Idaho, except no undertaking shall be required. Upon filing of the notice of appeal, the district court shall take jurisdiction of the case and if the juvenile is in detention shall promptly hold a hearing after the filing of a request to determine whether the juvenile shall remain in detention.

20-529. APPOINTMENT OF COUNTY PROBATION OFFICERS. The courts in the several counties of this state shall enter into a contract or agreement for probation services to the counties or, if the court deems local probation services are preferable, may appoint one (1) or more per-

sons to serve as probation officers at the expense of the county with the concurrence of the county commissioners.

20-530. REASSESSMENT OF COMMITTED JUVENILES -- RECORDS -- FAILURE TO REASSESS. (1) The department shall make periodic reassessments of all juveniles committed to it for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force. Assessments may be made as frequently as the department considers desirable and shall be made with respect to every juvenile at intervals not exceeding one (1) year. Reports of periodic reassessments made pursuant to this section shall be filed with the court from which the juvenile was committed.

(2) The department shall keep written records of assessments, prognosis, and all orders concerning disposition or treatment of every juvenile committed to it.

(3) Failure of the department to assess a committed juvenile or to reassess him within one (1) year of a previous assessment shall not of itself entitle the juvenile to discharge from the control of the department but shall entitle him to petition the committing court for an order of discharge and the court shall discharge him unless the department satisfies the court of the need for further control.

20-531. SECURE FACILITIES. (1) The department shall maintain and operate secure facilities for the custody of juvenile offenders who pose a danger of serious bodily harm to others or who have engaged in a pattern of serious criminal offenses, and who cannot be controlled in a less secure setting.

(2) The department shall provide or make available to juvenile offenders in secure facilities, instruction appropriate to the age, needs and range of abilities of the juveniles. An assessment shall be made of each juvenile at the secure facility to determine abilities, learning disabilities, interests, attitudes and similar matters. Training in the development of competency and life skills designed to assist the juvenile in operating effectively within and becoming a contributing member of the community shall be provided. Prevocational education shall be provided to acquaint juvenile offenders with vocations, their requirements and opportunities.

(3) The department shall place juvenile offenders committed to the department in a state or privately operated secure facility that provides humane care and developmental opportunities for the juvenile offender while promoting accountability and community protection.

(4) The department shall adopt standards, policies and procedures for the regulation and operation of secure facilities. Such standards, policies and procedures shall not be inconsistent with law. Policies shall be promulgated as rules in compliance with chapter 52, title 67, Idaho Code.

20-532. TERMS OF COMMITMENT -- REVIEW AFTER COMMITMENT. A juvenile offender committed to a secure facility shall remain until the offender reaches nineteen (19) years of age, is retained for extended custody pursuant to section 20-520(1)(r), Idaho Code, or is released or discharged. A juvenile offender committed to a secure facility shall appear before the department within ninety (90) days after commitment, for review of treatment plans.

20-532A. ORDER FOR APPREHENSION AND DETENTION OF ESCAPEES FROM CUSTODY. Upon a finding by the Idaho department of juvenile corrections that a juvenile in the custody of the department has escaped from custody, a written order signed by the director or his designee shall be a sufficient order for detention for any law enforcement officer to apprehend and take into custody such person. It is hereby made the duty of all sheriffs, police, constables, parole officers, prison officials and other peace officers, to execute such order. From and after the issuance of the detention order and until taken into custody, the escapee shall be considered a fugitive from justice. Upon apprehension, the juvenile shall be detained in the closest available detention center and shall thereafter be transported by the department as soon as possible or, at the discretion of the detaining authority, the juvenile may be transported directly by that authority to the department's nearest regional facility.

20-533. RELEASE FROM CUSTODY OF THE DEPARTMENT. (1) The department shall determine an appropriate date for release of the juvenile offender from the custody of the department, based upon guidelines established by the department. The department shall review and update policy guidelines annually.

(2) Juvenile offenders may be released to their own home, to a residential community based program, to a nonresidential community based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on probation until the probation is terminated by the court. Following the release of a juvenile offender the court may conduct a hearing to review the juvenile's condi-

tions of probation and determine whether existing conditions should be amended or eliminated or additional conditions imposed.

(3) County probation officers shall enforce probation conditions and supervise juvenile offenders while on probation. As authorized by court order, probation officers may establish additional reasonable conditions of probation with which the juvenile offender must comply. The juvenile may move for a hearing before the court to contest any conditions imposed by the probation officer. If the probation officer establishes additional conditions of probation, the probation officer shall advise the juvenile at the time such additional conditions are imposed of the juvenile's right to move the court for a hearing to contest those conditions.

(4) When the department is considering release of a juvenile offender committed to the department for confinement, the department shall notify the prosecuting attorney of the county from which the juvenile offender was committed to confinement, the judge whose order caused the juvenile offender to be committed to confinement and the victims of the juvenile offender's unlawful conduct.

20-533A. COMPLIANCE WITH OPEN MEETING LAW -- EXECUTIVE SESSIONS AUTHORIZED -- CONFIDENTIALITY OF RECORDS. (1) All meetings of the custody review board of the Idaho department of juvenile corrections shall be held in accordance with the open meeting law as provided in chapter 23, title 67, Idaho Code, provided however:

(a) Deliberations and decisions of the board concerning whether or not a juvenile shall be held in custody of the Idaho department of juvenile corrections for an extended period of time past his or her nineteenth birthday may be made in executive session; and

(b) Votes of individual members in custody decisions shall not be made public, provided that the board shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to retain the juvenile in custody for an extended period of time by each board member in each case reviewed by that member shall be produced by the board. Such record shall be kept confidential and privileged from disclosure, provided the record shall be made available upon request to the governor, the chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee for all lawful purposes.

(3) A board member or employee of the Idaho department of juvenile corrections who distributes to any person not specifically listed in this section any hearing information or records that are legally required to be kept confidential shall be guilty of a misdemeanor.

(4) Nothing contained in this section shall prevent any person from obtaining the results of any action by the board or director of the Idaho department of juvenile corrections without reference to the manner in which any member voted, and the board shall make such information public unless doing so would violate public records laws.

(5) Nothing contained in this section shall prevent the director, designated staff of the director, the governor, the chairman of the senate judiciary and rules committee or the chairman of the house of representatives judiciary, rules and administration committee from attending any meeting, including any executive session, of the custody review board.

20-534. MAGISTRATE COURT PROBATION SECTIONS TO FURNISH INFORMATION TO DEPARTMENT. Probation sections of the magistrate division of the district court shall render full and complete cooperation to the department in supplying the department with all pertinent information relating to juvenile offenders committed to the department. This information may include, without limitation, prior criminal history, social history, psychological evaluations, and identifying information specified by the department.

20-535. REVIEW OF PROGRAMS FOR JUVENILES -- CERTIFICATION. The department shall annually review all state operated or state contracted programs which provide services to juvenile offenders and certify compliance with standards provided by the department. Written reviews shall be provided to the managers of those programs. Based upon policies established by the department, those programs which are unable or unwilling to comply with approved standards may not be certified. Any person owning or operating a private facility who willfully fails to comply with the standards established by the department shall be guilty of a misdemeanor.

20-536. CONTRACTS WITH PRIVATE PROVIDERS OF SERVICES FOR JUVENILE OFFENDERS -- CERTIFICATION REQUIRED. Nothing in this chapter shall prohibit the department from contracting with private providers or other entities for the provision of care, treatment and supervision of juvenile offenders committed to the custody of the department, if these programs are certified as in compli-

ance with department standards within six (6) months after commencing operation.

20-537. PROGRAM RECORDS AS PROPERTY OF DEPARTMENT -- CONTROL OF RECORDS. All records maintained by providers under contract with the department to provide services to juvenile offenders are the property of the department and shall be returned to it when the juvenile offenders are terminated from the provider's programs. The department shall maintain an accurate audit trail of information provided to other programs, providers or agencies regarding juvenile offenders under its jurisdiction.

20-538. RESTITUTION TO VICTIMS OF JUVENILE OFFENDERS -- DUTIES OF DEPARTMENT. (1) The department or county probation shall make reasonable efforts to ensure that restitution is made to the victim of the juvenile offender. Restitution may be made through the employment of juvenile offenders in work programs or directly to the person; provided, however, that reimbursement to the victim is conditional upon the juvenile offender's involvement in such program.

(2) Restitution may be made a condition of probation.

20-539. CREATION OF FUND. There is hereby created in the state treasury a fund known as the "juvenile corrections victim restitution fund," which shall be administered by the department. Moneys in the fund shall consist of wage payments made to juvenile offenders in work programs, appropriations and moneys received by the department from whatever source. Moneys in the fund shall be utilized to provide full or partial restitution to victims of the juvenile offender's delinquent behavior.

20-539A. DISTRIBUTION AND REPORTING REQUIREMENTS FOR STATE, OTHER PUBLIC AND PRIVATE CONTRACT FACILITIES. Each facility housing juvenile offenders in department custody, whether a state, other public or private contract facility, shall comply with the following requirements for disbursement and reporting:

(1) State facilities, upon receiving any moneys credited to a juvenile in its custody, shall deposit the funds in the juvenile corrections victim restitution fund pursuant to section 20-539, Idaho Code.

(2) Other public or private contract facilities housing juveniles in department custody, upon receiving any moneys credited to or earned by a juvenile at the facility, shall directly distribute the moneys on or

before the first day of each calendar quarter to the county court that committed the juvenile to department custody. Upon remitting moneys to a county on behalf of a juvenile offender, the facility shall report the direct distribution to the department for inclusion in the department's records.

20-540. REPORTS BY DEPARTMENT. When a juvenile offender has been committed to the department pursuant to this chapter, the department shall supply a report of the juvenile offender's educational and developmental progress to the committing court as often as the court deems necessary in its order of commitment, but not less frequently than every three (3) months.

20-541. SPECIAL COMMISSIONER -- DUTIES. The court shall be authorized to appoint a special commissioner to assist in the conduct of proceedings under this chapter. In any case in which the court refers a petition to the commissioner, the commissioner shall promptly cause the matter to be investigated and on the basis thereof shall either recommend dismissal of the petition or hold a hearing as provided in this act and make recommendations to the court regarding the disposition of the matter. Such commissioner shall be paid for services rendered on order of the court from county funds in such amount as is determined by the court.

20-542. JUVENILE CORRECTIONS FUND -- CREATION. There is hereby created in the state treasury, the juvenile corrections fund. Moneys in the fund shall be utilized by the department for construction and administration of facilities under the jurisdiction of the department of juvenile corrections, for assistance to a county or series of counties in constructing, contracting for or administering detention facilities for juveniles, to coordinate training for juvenile detention officers and/or juvenile probation officers, and for alternative programs designed to help juveniles avoid the traditional juvenile corrections system. All moneys in the fund may be expended only pursuant to appropriation by the legislature.

20-547. CONSTRUCTION OF ACT -- CITATION OF ACT -- OTHER CODE REFERENCES CONSTRUED. This act shall be liberally construed to the end that the legislative policy expressed herein is achieved. This act may be cited as the "Juvenile Corrections Act of 1995." On and after the effective date of this act, any citation in the

Idaho Code to chapter 18, title 16, Idaho Code, shall be understood and construed as a citation to chapter 5, title 20, Idaho Code, unless the context otherwise requires.

20-548. COMPENSATION -- AMOUNT -- CREDITING ACCOUNT OF JUVENILE -- JUVENILES NOT EMPLOYEES. Each juvenile who is engaged in productive work under the jurisdiction of the director of the department of juvenile corrections may receive for this work such compensation as the director shall determine, to be paid out of any funds available in the department of juvenile corrections competency development account. After payment of restitution pursuant to section 20-538, Idaho Code, compensation shall be credited to the account of the juvenile to be used for payment of fines, reimbursement to the department of juvenile corrections for expenses directly related to that juvenile, and upon certain circumstances, payment to the juvenile upon release from the department of juvenile corrections.

No juvenile compensated under this act shall be considered an employee of the state or the department of juvenile corrections, nor shall any juvenile come within any of the provisions of the worker's compensation law, or be entitled to any benefits thereunder whether on behalf of himself or any other person.

20-549. CURFEW VIOLATIONS -- CITATION -- NOTIFICATION. Violation by a juvenile of a curfew established by a municipal or county ordinance shall be punishable by a fine not to exceed three hundred dollars ($300), detention, or both. Fines shall be deposited in the county juvenile justice fund of the county where the violation occurred, or if such a fund has not been established, then in the current county expense account for juvenile corrections purposes in the county where the violation occurred. The imposition of detention shall be subject to the provisions of sections 20-520(1)(b) and 20-521, Idaho Code. Detention of a juvenile in a county jail for violation of a curfew is prohibited.

Any peace officer may issue a citation for violation of a curfew that shall thereafter proceed under the juvenile corrections act in the same manner as though the violation was charged by a petition. Citations shall be issued on the Idaho uniform citation form. The peace officer issuing a curfew citation may detain the violator and at the time the citation is issued shall make a reasonable effort to obtain the endorsement of the juvenile's parent or legal guardian on the citation. If the endorsement of a parent or legal guardian cannot be obtained with the exercise of rea-

sonable diligence, a copy of the citation shall be hand delivered or mailed to the juvenile's parent or legal guardian by a peace officer at least seven (7) days prior to the date set for the juvenile's appearance. The citation shall provide a date certain for the appearance before a magistrate of the juvenile and parent or legal guardian.

When sentencing a juvenile for violating a curfew, the court may also enter any order authorized in section 20-520, Idaho Code. The court shall have jurisdiction over the parent or legal guardian of the violator pursuant to section 20-522, Idaho Code.

RELATED STATUTES

TITLE 18, CHAPTER 25

18-2505. ESCAPE BY ONE CHARGED WITH, CONVICTED OF, OR ON PROBATION FOR A FELONY -- ESCAPE BY A JUVENILE FROM CUSTODY. (1) Every prisoner charged with, convicted of, or on probation for a felony who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a felony, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care. A person may not be charged with the crime of escape for leaving the aforementioned area of restriction unless the person was notified in writing by the court at the time of setting of bail, release or sentencing of the consequences of violating this section by intentionally leaving the area of restriction.

(2) Any person who is charged with, found to have committed, adjudicated for or is on probation for an offense which would be a felony

if committed by an adult, and who is confined in a juvenile detention facility or other secure or nonsecure facility for juveniles and who escapes or attempts to escape from the facility or from the lawful custody of any officer or person shall be subject to proceedings under chapter 5, title 20, Idaho Code, for an offense which would be a felony if committed by an adult. If the juvenile is or has been proceeded against as an adult, pursuant to section 20-508 or 20-509, Idaho Code, the person shall be guilty of a felony for a violation of this section and shall be subject to adult criminal proceedings.

18-2506. ESCAPE BY ONE CHARGED WITH OR CONVICTED OF A MISDEMEANOR -- ESCAPE BY A JUVENILE FROM CUSTODY. (1) (a) Every prisoner charged with or convicted of a misdemeanor who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a misdemeanor. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care. A person may not be charged with the crime of escape for leaving the aforementioned area of restriction unless the person was notified in writing by the court at the time of setting of bail, release or sentencing of the consequences of violating this section by intentionally leaving the area of restriction.

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a felony.

(2) Any person who is charged with, found to have committed, adjudicated for or is on probation for an offense which would be a misdemeanor if committed by an adult, and who is confined in a juvenile detention facility or other secure or nonsecure facility for juveniles and who escapes or attempts to escape from the facility or from the lawful custody of an officer or person, shall be subject to proceedings under the provisions of chapter 5, title 20, Idaho Code, for an act which would be a misdemeanor if committed by an adult, or, if the escape or attempted

escape was undertaken as provided in subsection (1)(b) of this section, for an offense which would be a felony if committed by an adult. If the juvenile is or has been proceeded against as an adult, pursuant to section 20-508 or 20-509, Idaho Code, the person shall be guilty of a misdemeanor, or if subsection (1)(b) of this section applies, of a felony and, in either case, shall be subject to adult criminal proceedings.

TITLE 19, CHAPTER 26

19-2601. COMMUNICATION, SUSPENSION, WITHHOLDING OF SENTENCE -- PROBATION. Whenever any person shall have been convicted, or enter a plea of guilty, in any district court of the state of Idaho, of or to any crime against the laws of the state, except those of treason or murder, the court in its discretion, may:

1. Commute the sentence and confine the defendant in the county jail, or, if the defendant is of proper age, commit the defendant to the custody of the state department of juvenile corrections; or

2. Suspend the execution of the judgment at the time of judgment or at any time during the term of a sentence in the county jail and place the defendant on probation under such terms and conditions as it deems necessary and expedient; or

3. Withhold judgment on such terms and for such time as it may prescribe and may place the defendant on probation; or

4. Suspend the execution of the judgment at any time during the first one hundred eighty (180) days of a sentence to the custody of the state board of correction. The court shall retain jurisdiction over the prisoner for the first one hundred eighty (180) days or, if the prisoner is a juvenile, until the juvenile reaches twenty-one (21) years of age. The prisoner will remain committed to the board of correction if not affirmatively placed on probation by the court. In extraordinary circumstances, where the court concludes that it is unable to obtain and evaluate the relevant information within the one hundred eighty (180) day period of retained jurisdiction, or where the court concludes that a hearing is required and is unable to obtain the defendant's presence for such a hearing within such period, the court may decide whether to place the defendant on probation or release jurisdiction within a reasonable time, not to exceed thirty (30) days, after the one hundred eighty (180) day period of retained jurisdiction has expired. Placement on probation shall be under such terms and conditions as the court deems necessary and expedient. The court in its discretion may sentence a defendant to more than one (1) period of retained jurisdiction after a defendant has been placed on pro-

bation in a case. In no case shall the board of correction or its agent, the department of correction, be required to hold a hearing of any kind with respect to a recommendation to the court for the grant or denial of probation. Probation is a matter left to the sound discretion of the court. Any recommendation made by the department to the court regarding the prisoner shall be in the nature of an addendum to the presentence report. The board of correction and its agency, the department of correction, and their employees shall not be held financially responsible for damages, injunctive or declaratory relief for any recommendation made to the district court under this section.

5. If the crime involved is a felony and if judgment is withheld as provided in subsection 3. of this section or if judgment and a sentence of custody to the state board of correction is suspended at the time of judgment in accordance with subsection 2. of this section or as provided by subsection 4. of this section and the court shall place the defendant upon probation, it shall be to the board of correction, to a county juvenile probation department, or any other person or persons the court, in its discretion, deems appropriate.

6. If the crime involved is a misdemeanor, indictable or otherwise, or if the court should suspend any remaining portion of a jail sentence already commuted in accordance with subsection 1. of this section, the court, if it grants probation, may place the defendant on probation. If the convicted person is a juvenile held for adult criminal proceedings, the court may order probation under the supervision of the county's juvenile probation department.

7. The period of probation ordered by a court under this section under a conviction or plea of guilty for a misdemeanor, indictable or otherwise, may be for a period of not more than two (2) years; and under a conviction or plea of guilty for a felony the period of probation may be for a period of not more than the maximum period for which the defendant might have been imprisoned.

TITLE 19, CHAPTER 51

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which

such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation of and collection of evidence in cases involving an allegation of sexual assault or battery.

(b) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions.

(c) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position.

(d) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers.

(e) To establish the minimum requirements of courses of study, attendance, equipment, facilities of all approved schools, and the scholastic requirement, experience and training of instructors at all approved schools.

(f) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers.

(g) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

(h) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision.

(i) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advance courses of instruction successfully completed by such peace officers while employed in this state.

(j) To allow a peace officer of a federally recognized Indian tribe within the boundaries of this state to attend the peace officer standards and training academy if said peace officer meets minimum physical and educational requirements of the academy. The Indian tribal law enforcement agency shall reimburse the peace officer standards and training academy for the officer's training. Upon satisfactory completion of the peace officer standards and training academy, the tribal peace officer shall receive a certificate of satisfactorily completing the academy.

(2) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho Code, employed after January 1, 1974, except any

elected official or deputy serving civil process, the deputy director of the Idaho state police, or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the Idaho state police, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of city police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(3) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date upon which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall decertify any officer who is convicted of any felony or offense which would be a felony if committed in this state. The council may decertify any officer who:

(a) Is convicted of any misdemeanor;

(b) Willfully or otherwise falsifies or omits any information to obtain any certified status; or

(c) Violates any of the standards of conduct as established by the council's code of ethics, as adopted and amended by the council.

All proceedings taken by the council shall be conducted in accordance with chapter 52, title 67, Idaho Code.

(4) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action, shall, within fifteen (15) days of such action, make a report to the council.

(5) The council shall, pursuant to the requirements of this section, establish minimum basic training and certification standards for county detention officers that can be completed within one (1) year of employment as a county detention officer.

(6) The council may, upon recommendation of the juvenile training council and pursuant to the requirements of this section, implement minimum basic training and certification standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho department of juvenile corrections who are engaged in the direct care and management of juveniles.

(7) The council may, upon recommendation of the correction standards and training council, and pursuant to the requirements of this section, establish minimum basic training and certification standards for state correction officers and for adult probation and parole officers.

(8) The council may, upon recommendation of a probation training advisory committee and pursuant to the requirements of this section, establish minimum basic training and certification standards for misdemeanor probation officers.

(9) The council may reject any applicant for certification who has been convicted of a misdemeanor, and the council shall reject an applicant for certification who has been convicted of a felony, the punishment for which could have been imprisonment in a federal or state penal institution.

(10) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding the form of judgment or withheld judgment, regardless of whether the sentence is imposed, suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or withdrawn or the case is dismissed or reduced under section 19-2604, Idaho Code, or any other comparable statute or procedure where the setting aside of the plea or conviction, or dismissal or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt or conviction.

19-5117. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF COUNTY DETENTION OFFICERS -- CERTIFICATION -- PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which county detention officers shall complete in order to be eligible for permanent employment as a county detention officer;

(b) To establish such basic training and certification so that it can be completed within one (1) year of employment as a county detention officer;

(c) To establish the requirements of minimum training standards for employment as a county detention officer in probationary, temporary, part-time and/or emergency situations;

(d) To certify county detention officers as having completed all requirements established by the council in order to be eligible for permanent employment as a county detention officer;

(e) To receive applications for financial assistance from counties and disburse available state funds to the counties for salaries and allowable living expenses or any part thereof, incurred while in attendance at approved training programs and schools, as authorized by the council. The annual reimbursement authorized by this section shall not exceed the funds available for such purpose and authorized by section 31-3201B, Idaho Code.

(2) Any county detention officer employed after July 1, 1997, shall be trained and certified within one (1) year of employment. Current county detention officers, who were employed prior to July 1, 1997, shall comply with the training and certification provisions of this section by July 1, 1999.

SUPREME COURT OF THE STATE OF IDAHO
www.isc.idaho.gov
IDAHO JUVENILE RULES (I.J.R.)

Rule 10. TRANSFER OF CASE FOR SENTENCING TO COUNTY OF JUVENILE'S RESIDENCE. (J.C.A.)

(a) When a petition alleges the commission of a juvenile offense in a county other than the county of the juvenile's residence, the matter may be transferred upon order of the court where the offense is alleged to have occurred (sending court) to the county of the juvenile's residence (receiving court) if the following conditions are met:

(1) (A) The juvenile admits to the allegation or enters into a written agreement as to the charges to be admitted and enters into a written notice of intent to enter an admission to the petition in the county where the offense is alleged to have occurred; or (B) The juvenile has been found by the Court to have committed the offense following evidentiary hearing and to be within the purview of the J.C.A.; and

(2) The sending court finds that transfer of the matter to the receiving court is in the best interest of the juvenile and the prompt administration of the court's business, and the sending court further determines that transfer of sentencing to the county of the juvenile's residence

will impose no unreasonable barriers of distance to any persons entitled to be heard at the sentencing hearing.

(b) For purposes of Idaho Juvenile Rules 10, 10A and 10B, a county of the juvenile's residence is deemed to be a county in which the juvenile is actually residing with a parent/legal guardian/legal custodian, or a county in which a proceeding involving the juvenile under the Idaho Child Protective Act is currently pending, or, if a juvenile is over 18 years of age, the county where the former juvenile has established a residence. Any juvenile whose residency cannot be ascertained by the juvenile courts may be deemed homeless and afforded the protections of the Idaho Child Protective Act by invoking Idaho Juvenile Rule 16.

(c) Upon satisfaction of the conditions set forth in (a)(1) and (2) above, the receiving court shall not refuse transfer of the matter hereunder, except upon a finding that the juvenile does not reside in the receiving county.

(d) Upon transferring a case, the sending court shall:

(1) Order the case and all original documents and records therein transferred to the magistrate's division of the district court of the county of the juvenile's residence for sentencing; and

(2) Notify the juvenile and the juvenile's parent(s) and/or legal guardian/legal custodian that any order appointing defense counsel at public expense does not extend beyond the county where the offense occurred, and that further legal representation must be requested through the court in the county of the juvenile's residence; and

(3) Notify the court in the county of the juvenile's residence in writing of the court's order of transfer and the manner in which restitution to any victim(s) has been resolved pursuant to (h) below.

(e) The receiving court shall notify the juvenile and the juvenile's parent(s) and/or legal guardian/legal custodian of the date and time of the juvenile's next appearance.

(f) Following entry of the order of transfer by the sending court, if the juvenile fails to enter an admission as contemplated in the written notice of intent to enter an admission, or the juvenile withdraws the admission previously entered before the sending court, or the receiving court fails or refuses to accept the admission or transfer of the matter, then all original documents and records shall be promptly returned to the sending court and the matter shall be set for evidentiary hearing. Nothing in this rule shall limit the receiving court's sentencing authority under Idaho Code § 20-520, nor prevent the court from proceeding to sentencing on any matter found within the purview of the court under the Juvenile Corrections Act.

(g) In all cases under this rule, the receiving court shall conduct an admit/deny hearing, if not previously held, pursuant to Idaho Juvenile Rule 6 and may combine the admit/deny and sentencing hearings.
(h) If the issue or the amount of restitution is contested, it shall be resolved by the court of the county where the criminal offense occurred.
(i) Any signature, acknowledgment or consent of a juvenile to a notice of intent to admit shall not be used to incriminate the juvenile in a subsequent trial on the merits of the charge.
(j) The written notification of a juvenile's intention to admit a petition shall substantially conform to the following form:

IN THE DISTRICT COURT OF THE ___ JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF _____

In the Interest of	)	
	)	AGREEMENT TO ADMIT TO CHARGES,
	)	PERMISSION TO READ PROBATION REPORTS
_____,	)	AND REQUEST TO TRANSFER CASE
	)	
A Juvenile.	)	

After having spoken with my attorney and with my parent(s) (or my guardian, or my legal custodian) I have decided that:
1. I want to have my case sent to the county where I live;
2. I agree to admit to the charge(s) against me when I am in front of the judge in that county;
3. I give up my right to keep this Court from looking at any probation officer reports before sentencing, and ask the Court to do so, in order to decide whether this transfer is in my best interest and the administration of justice; and if so,
4. I ask the Court to order my case transferred to the county where I am now living.

_____
Signature of Juvenile

_____
Signature of Juvenile's Attorney

(k) The sending court's order of transfer shall substantially conform to the following form:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

In the Interest of:	)	
	)	Case No. _____
_____	)	
	)	Petition No. _____
A Juvenile.	)	
	)	ORDER OF TRANSFER
_____	)	

The above petition(s) having been filed on the _____ day of _____, 20____ , and the said juvenile having [filed a notice of intent to admit/ admitted the violation(s), as charged] [been found to have committed the violations] on the day of _____ , 20____ ; and
Restitution having been resolved per I.J.R. 10(h) as follows:
; and

It appearing to the court that the said juvenile is not a resident of _____ County, and that _____ County is a county of the juvenile's residence, and that it would be in the juvenile's best interest to be under the jurisdiction of the Magistrate Division of the District Court of _____ County, Idaho;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-named juvenile is within the purview of the Juvenile Corrections Act, and the said cause in the matter of the said juvenile shall be transferred to the Magistrate Division of the District Court of _____ County, Idaho, for admit/deny and/or sentencing hearing(s).

DATED this _____ day of _____, _____.

_____
Magistrate Judge

(Amended March 20, 1985, effective July 1, 1985; amended March 8, 1999, effective July 1, 1999; amended September 9, 2008, effective November 1, 2008.)

Rule 10A. TRANSFER OF PROBATION FOR COURTESY SUPERVISION. (J.C.A.)
(a) The dispositional/supervising court, as the sending court, at sentencing or at any time during a probationary period, may enter an order transferring a juvenile probationer's terms of probation for courtesy su-

pervision to a receiving court in another county within the State of Idaho if:

(1) the sending court determines, upon good cause shown, that the juvenile resides, or intends to reside, with a parent or legal guardian/legal custodian, or in a placement at a residential treatment facility, or a foster home, in the receiving county; and,

(2) the juvenile retains community ties with the county of the sending court through continued maintaining of a residence by a parent or legal guardian/legal custodian, or the continued pendency of a C.P.A. proceeding therein; and

(3) transfer of probation for courtesy supervision is in the best interest of the juvenile and the prompt administration of the court's business.

(b) Transfer of probation to the receiving court for courtesy supervision shall be temporary, for a period not exceeding six months unless extended by the sending court, and certified copies of the sentencing decree, court minutes, reports, assessments and other pertinent records shall be transferred to the receiving court, the originals of which shall be retained by the sending court.

(c) (1) Prior to transfer of probation for courtesy supervision, the sending court shall order that all imposed sentencing penalties of detention/jail days yet to be completed by the juvenile probationer shall be served and the costs therefore recovered, in the sending county, unless prior thereto, the receiving court agrees in writing to allow the juvenile to serve said penalties in the receiving county, the costs of which to be recovered there. Any sentencing penalties of detention/jail days that are unscheduled or held at the discretion of the court may be imposed by the receiving court and the cost therefore recovered in the receiving county.

(2) Any order transferring probation for courtesy supervision shall include a requirement that the juvenile probationer shall comply with any groups or programs in the receiving county which are consistent with the sending court's order of probation and deemed appropriate by the receiving court.

(d) Upon receipt of an order transferring probation for courtesy supervision, the receiving court shall determine the type of supervision and services available in the receiving county which are most consistent with, but not more restrictive than, the transferred order of probation and shall enter an order requiring the juvenile probationer to comply with said supervision and services in the receiving county.

(e) (1) Any motion for violation of probation alleged to have occurred while a juvenile is on courtesy supervision shall be filed by the prosecut-

ing attorney of the sending county, supported by affidavit of any juvenile court officer or other person with knowledge of said violation, and shall be adjudicated by the court of the sending county.

(2) Any substantive charges including status offenses, misdemeanors or felonies, alleged to have been committed in the receiving county or any other county by a juvenile probationer while on courtesy supervision shall be brought by the prosecuting attorney of the county where the crime allegedly occurred and adjudicated by the juvenile court in that county.

(3) Any victim notification requirements shall be the responsibility of the prosecuting attorney having the duty to initiate the proceedings set forth herein.

(f) The sending court shall have the sole authority to extend, revoke or terminate early the probationary order of any juvenile being supervised in the receiving county under a six-month period of courtesy supervision. In reaching its decision, the sentencing/sending court shall set a review hearing prior to the expiration of the six-month period and consider any requests and reports submitted by the receiving county, and any extension of courtesy supervision shall be for an additional period not exceeding six months; provided, no such extension shall exceed the duration of probation ordered at sentencing.

(g) Any restitution ordered to victims must be determined by the juvenile court of the county where the offense occurred pursuant to Idaho Juvenile Rule 10(h). In cases transferred for courtesy supervision, the monitoring of the receipt of payments for restitution, as well as other payments for fees owed to the sending county, shall be the responsibility of the sending court. Any motion for a probation violation for nonpayment of fees, including restitution, must be pursued, per subsection (5) of this rule, in the sending county. Repayment for fees incurred in the receiving county shall be handled by the receiving court.

(h) (1) A juvenile probationer under a suspended commitment for secure confinement with the Department of Juvenile Corrections, may be transferred by the sending court to the receiving court only under the terms of an order for courtesy supervision. Any motion for a probation violation must be pursued, per subsection (5) of this rule, in the sending county.

(2) Any non-secure placement of a juvenile committed to the Department of Juvenile Corrections, while the juvenile remains under the custody of the Department, in a county other than the sentencing county, shall be the responsibility of the Department and not deemed to be a courtesy supervision.

(3) In the event that a juvenile is released from the custody of the Department of Juvenile Corrections to a placement outside of the sentencing county, the sentencing court shall hold a hearing pursuant to Idaho Juvenile Rule 20 to determine whether to transfer probationer for courtesy supervision under this rule.

(i) The receiving court shall not refuse transfer of a juvenile probationer for courtesy supervision, except as set forth in Idaho Juvenile Rule 10(c).

(j) The receiving court shall assume jurisdiction of a juvenile hereunder when the order transferring probation for courtesy supervision is received.

(k) The order transferring probation for courtesy supervision shall substantially conform to the follow form:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

In the Interest of:	) Case No. _____
_____,	) Petition No. _____
	)
A juvenile.	) ORDER OF TRANSFER FOR
_____	) COURTESY SUPERVISION

The above named juvenile was found to be in the purview of the Juvenile Corrections Act. The juvenile was placed on probation in _____ County. From information provided the court, the court finds:

(1) upon good cause shown, that the juvenile resides, or intends to reside, with a parent or legal guardian/legal custodian, or in a placement at a residential treatment facility, or a foster home, in the receiving county; while,

(2) the juvenile retains community ties with the county of the sending court through continued maintaining of a residence by a parent or guardian, or the continued pendency of a C.P.A. proceeding, therein; and

(3) transfer of probation for courtesy supervision is in the best interest of the juvenile and the prompt administration of the court's business.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-named juvenile is within the purview of the Juvenile Corrections Act, and pursuant to IJR 10A the juvenile's probation is transferred to _____ County for courtesy supervision. The juvenile probationer shall comply with any groups or programs in the receiving county which are consistent with the sending court's order of probation and deemed appropriate by the receiving court.

DATED this _____ day of _____ , ____.

_____
Magistrate Judge

(Adopted September 9, 2008, effective November 1, 2008)

RULE 10B. TRANSFER OF PROBATION IN ITS ENTIRETY. (J.C.A.)

(a) The dispositional/supervising court, as the sending court at sentencing, or at any time during a probationary period, may enter an order transferring the entirety of a juvenile probationer's terms of probation to a receiving court in another county within the State of Idaho if:

(1) the sending court determines, upon good cause shown, that the juvenile resides, or intends to reside, with a parent or legal guardian/legal custodian in the receiving county; and

(2) the juvenile retains no further community ties with the county of the sending court because residency by a parent or legal guardian/legal custodian there has ceased ; and

(3) transfer of probation in its entirety is in the best interest of the juvenile and the prompt administration of the court's business.

(b) Transfer of probation in its entirety to the receiving court shall be deemed permanent, and all original documents and records therein shall be transferred to the receiving court pursuant to Idaho Juvenile Rule 10(d).

(c) The sending and receiving courts involved in any transfer of probation in its entirety shall follow the requirements and procedures set forth in Idaho Juvenile Rule 10A(c) and (d).

(d) Any motion for violation of probation alleged to have occurred after an order transferring probation in its entirety has been entered by the sending court shall be filed by the prosecuting attorney of the receiving county, supported by affidavit, and shall be adjudicated by the court of the receiving county.

(e) Any county receiving the transfer of probation in its entirety from the sending county, or assuming the supervision of the probation in its entirety under subsection (f) below, shall be deemed to be the county of residence of the juvenile probationer. Any substantive charges alleged to have been committed thereafter by the juvenile probationer shall be petitioned, adjudicated and sentenced pursuant to Idaho Juvenile Rule 10.

(f) At the six-month review hearing regarding courtesy supervision set forth in Rule 10A(f), or at any other time, the sending court may enter an order transferring probation in it entirety, or the receiving court may en-

ter an order, upon its own motion, assuming the supervision of probation in its entirety if the actual residence of the juvenile in the receiving county is found to be stable and permanent, and it is in the best interest of the juvenile and the prompt administration of justice.

(g) Any non-payment of fees, including restitution, owed in the sending county by the juvenile probationer whose probation has been transferred in its entirety to, or assumed in its entirety by, the receiving county may be pursued by a motion for violation of probation in the receiving county or a motion for contempt filed in the sending or receiving county.

(h) No order transferring probation in its entirety by the sending court, nor order assuming supervision of probation in its entirety by the receiving court, shall be entered regarding any juvenile probationer who is under a suspended commitment for secure confinement with the Department of Juvenile Corrections.

(i) The duration of any probationary period transferred or assumed in its entirety hereunder shall be solely determined by the receiving court.

(j) The receiving court shall not refuse transfer of probation in its entirety, except as set forth in Rule 10(c).

(k) The receiving court shall assume jurisdiction of a juvenile hereunder when the order transferring probation in its entirety is received from the sending county or when the order assuming the supervision of probation is entered by the receiving court.

(l) The order transferring probation in its entirety, or assuming supervision of probation in its entirety shall substantially conform to the following form:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

In the Interest of:	) Case No. _____
_____,	) Petition No. _____
	)
A juvenile.	) ORDER OF TRANSFER OF
_____	) PROBATION IN ITS ENTIRETY

The above named juvenile was found to be in the purview of the Juvenile Corrections Act. The juvenile was placed on probation in _____ County. From information provided the court, the court finds:

(1) upon good cause shown, that the juvenile resides, or intends to reside, with a parent or legal guardian/legal custodian in the receiving county; and

(2) the juvenile retains no further community ties with the county of the sending court because residency by a parent or guardian there has ceased to continue; and

(3) transfer of probation in its entirety is in the best interest of the juvenile and the prompt administration of the court's business.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-named juvenile is within the purview of the Juvenile Corrections Act, and pursuant to IJR 10B the juvenile's probation is transferred to _____ County. The juvenile probationer shall comply with any groups or programs in the receiving county which are consistent with the sending court's order of probation and deemed appropriate by the receiving court.

DATED this _____ day of _____ , ____.

_____
Magistrate Judge

(Adopted September 9, 2008, effective November 1, 2008)

Rule 16. EXPANDING A JUVENILE CORRECTIONS ACT PROCEEDING TO A CHILD PROTECTIVE ACT PROCEEDING (J.C.A.)

(a) If at any stage of a J.C.A. proceeding the court has reasonable cause to believe that a juvenile living or found within the state is neglected, abused, abandoned, homeless, or whose parent(s) or other legal custodian fails or is unable to provide a stable home environment, as set forth in I.C. Section 16-1603, the court may order the proceeding expanded to a C.P.A. proceeding or direct the Department of Health and Welfare to investigate the circumstances of the juvenile and his or her family and report to the court as provided in I.C. § 16-1616. Any order expanding the proceeding to a C.P.A. proceeding must be in writing and contain the factual basis found by the court to support its order. The order shall direct that copies of all court documents, studies, reports, evaluations, and other records in the court files, probation files, and juvenile corrections files relating to the juvenile/child be made available to the Department of Health and Welfare at its request.

(b) Upon expanding the proceeding to a C.P.A., the court may order the juvenile placed in shelter care under the C.P.A. if that is in the best interest of the juvenile and needed for the juvenile's protection. If the juvenile is placed in shelter care, a shelter care hearing under the C.P.A. must be held within 48 hours, excluding Saturdays, Sundays, and holidays, and notice thereof shall be given to the juveniles parents(s), guardian, or custodian, and to the Department of Health and Welfare.

(c) A copy of the order expanding a J.C.A. proceeding to a C.P.A. proceeding shall be given to the juvenile's parent(s), guardian, or custodian, the Idaho Department of Health and Welfare, the prosecuting attorney and other counsel of record, and the Department of Juvenile Corrections if the juvenile is currently under commitment to the Department, pursuant to these rules and the rules of civil procedure.

(d) No further C.P.A. petition will be required. A petition may be filed to include other children that come within the jurisdiction of the C.P.A. but who are not before the court under the Juvenile Corrections Act. Any petition must be filed 14 days before the date set for the adjudicatory hearing. Any adjudicatory hearing pursuant to I.C. Section 16-1619 will be held within 30 days of the court's determination to expand the proceeding to a C.P.A. proceeding. A notice of the hearing will be served upon the parent(s), the Department of Health and Welfare, the juvenile, and the Department of Juvenile Corrections if the juvenile is currently under commitment to the Department, as though a petition under the C.P.A. has been filed. The burden of going forward with the evidence at the adjudicatory hearing shall remain with the prosecuting attorney.

(e) The proceeding under the J.C.A. will continue unless otherwise ordered by the court. The court may consolidate hearings under both the J.C.A. and the C.P.A. if the purposes of both acts can be served and the rights of the participants are not prejudiced.

(f) The Department of Juvenile Corrections shall have standing as an interested party in the child protective action if the juvenile is in the custody of the Department.

(g) Form of order expanding the Juvenile Correction Act proceeding to a Child Protective Act proceeding. The order expanding the Juvenile Correction Act proceeding to a Child Protective Act proceeding shall substantially conform to the following format:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
MAGISTRATE DIVISION

In the Interest of:	)	Case No. _____
	)	
	)	ORDER EXPANDING JUVENILE
	)	CORRECTIONS ACT (J.C.A.)
	)	PROCEEDING TO CHILD
A Child Under Eighteen	)	PROTECTIVE ACT (C.P.A.)
(18) Years of Age	)	PROCEEDING

This matter came before the Court under the J.C.A. on the ___ day of _____, 20 ___. Based upon the J.C.A. proceeding, the Court has reasonable cause to believe that the above named child is neglected and/or abused and/or abandoned and/or homeless or that the child's parent(s)/guardian(s)/custodian(s) fail(s) or is/are unable to provide a stable home environment pursuant to Idaho Code Section 16-1603.

In support thereof, the Court does hereby enter findings of fact as follows:

1. The birth date, sex and residence address of the above named child are:

_____

_____

2. The names and residence addresses of the child's parent(s)/guardian(s)/-custodian(s) are:

_____

_____

(If neither parent is within the state, or if the residence address of neither parent is known, the name and address of any known adult relative residing in Idaho is:

_____)

3. The specific facts which bring the child(ren) within the jurisdiction of the Child Protective Act are:

(a)_____

_____

(b)_____

_____

(c)_____

_____

(d)_____

_____

4. (_____) (Initial and complete if child/children are to be placed in custody of I.D.H.W.) It is contrary to the welfare of the child [children] to remain in the home and it is in the best interest of the child to be removed from the home pending further proceedings in this case. It is in the best interest of the child to

vest legal custody of the child [children] in the Idaho Department of Health and Welfare pending further proceedings. The court makes this finding based on:

(_____) information set forth in _____, prepared by _____, and dated _____, which is incorporated by reference in this order.

(_____) the following information: _____

_____

_____.

Based upon the foregoing findings and conclusions,

THE COURT HEREBY ORDERS that pursuant to I.J.R. 16, the J.C.A. proceeding is hereby expanded to a C.P.A. proceeding. The filing and service of this Order shall have the same effect as the filing and service of a C.P.A. petition.

THE COURT FURTHER ORDERS that: (initial if applicable)

(_____) the above named child(ren) shall be taken forthwith to a place of shelter care by either a peace officer or an Idaho Department of Health and Welfare (I.D.H.W.) caseworker, based upon the best interest of the child(ren) and the need for the child(ren)'s protection and further, that said child(ren) is/are hereby placed in the temporary custody of the I.D.H.W. pending the shelter care hearing and/or further order of the Court; and the shelter care hearing under the C.P.A. shall be held within 48 hours of entry of this Order excluding weekends and holidays and notice of state action shall be given to the child's parent(s)/guardian(s)/ custodian(s) and I.D.H.W. as provided by I.J.R. 16(c) and 32.

(_____) the above named child(ren) does/do not appear endangered by present circumstances and may remain in the custody of the parent(s)/ guardian(s)/custodian(s) pending the adjudicatory hearing and/or further order of the Court; and the adjudicatory hearing under the C.P.A. shall be held within 30 days of entry of this Order and notice thereof shall be served by summons upon the child(ren), his/her/their parent(s)/guardian(s)/custodian(s), and notice thereof shall be given to I.D.H.W. and the Department of Juvenile Corrections if the juvenile is in the custody of the Department, as provided by Rule 16(d), I.J.R.

(_____) the Idaho Department of Health and Welfare shall investigate the applicability of the Indian Child Welfare Act (25 USC 1901) to this proceeding.

(_____) copies of all court documents, studies, reports, evaluations, and other records in the court files, probation files and juvenile corrections files relating to the child (ren) shall be made available to the Idaho Department of Health and Welfare at its request.

(_____)

Other: _____

_____

DATED this ___ day of _____, 20 ___.

_____
JUDGE

Copies: H. & W. [ ] Juv. Prob. [ ] Parent [ ] Pros. Att. [ ] Def. Att. [ ] Other [ ]

(h) Form of order directing the Department of Health and Welfare to investigate. The order directing the Department of Health and Welfare to investigate the circumstances of the juvenile and his or her family shall substantially conform to the following:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
MAGISTRATE DIVISION

In the Interest of:	)	Case No. _____
A Juvenile under 18 years of age	)	ORDER FOR INVESTIGATIVE REPORT TO THE COURT UNDER I.J.R. 16

Pursuant to Rule 16 of the Idaho Juvenile Rules and Section 16-1616, Idaho Code, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Department of Health & Welfare shall conduct an investigation and shall report to the court information concerning the juvenile. This investigation shall include but may not be limited to the circumstances of the juvenile and his/her family. It shall also include appropriate family, social, educational, psychological and law enforcement information as they relate to the juvenile. This report shall be delivered to the court with copies to each of the parents or their attorney, any other legal custodian and the prosecuting attorney at least two (2) days before the date set by this court for hearing on

this matter, _____, 20 ___, at _____: ___ _____ m. The Department of Health and Welfare shall include with the investigation report a recommendation to this court as to the application of Idaho Juvenile Rule 16 or the application of the Idaho Child Protective Act.

IT IS FURTHER ORDERED that copies of all court documents, studies, reports, evaluations and other records in the court files, probation files and juvenile corrections files relating to the juvenile be made available to the Department of Health and Welfare at its request.

In support thereof, the Court does hereby enter findings of fact as follows:

1. The birth date, sex and residence address of the above named juvenile are

_____

2. The names and residence addresses of the juvenile's parent(s), guardian(s) or custodian(s) are _____
If neither parent is within the state, or the residence or whereabouts of the parents are unknown, the name of any known adult relative residing in Idaho is

_____

3. The facts which have caused the court to order this report are:

a._____

b._____

c._____

_____

ORDERED this ___ day of _____, 20 ___,

_____
Magistrate Judge

Copies: H. & W. [ ] Juv. Prob. [ ] Parent [ ] Pros. Att. [ ] Def. Att. [ ] Other [ ]

(Revised Rule 16 - Adopted August 21, 2006).

Rule 19. STANDARDS FOR COMMITMENT TO THE DEPARTMENT OF JUVENILE CORRECTIONS (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 juvenile's 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.)

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.

Rule 54. MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT UNDER I.C. §20-511A.

(a) As used in this rule, "interested parties" means:

(1) in Juvenile Corrections Act proceedings, the juvenile, the juvenile's parents, guardians and custodians, the juvenile's counsel, the prosecuting attorney, the department of health and welfare, the department of juvenile corrections, county probation and any other agencies or persons designated by the court.

(2) in Child Protective Act proceedings, the child, the child's parents, guardians and custodians, the child's counsel if any, the child's guardian ad litem if any, the attorney general or prosecuting attorney appearing in the case, the department of health and welfare, and any other agencies or persons designated by the court.

(b) When the court has reason to believe that the conditions specified in I.C. § 20-511A(1)(a) and (b) are present, the court may order the department of health and welfare to submit appropriate mental health assessments and a plan of treatment for the court's approval. The order shall set a time for the submission of the mental health assessment and plan of treatment, which time may be extended for good cause. Notice of the order shall be given to all interested parties. The order shall give notice to the parents of the juvenile or child that initial costs of the preparation of the assessment and plan of treatment, and of any additional evaluation and/or recommendations under Idaho Code §20-511A(3) and

subsection (e) of this rule, may be borne by the department of health and welfare, but that, pursuant to I.C. § 20-511A(5), these costs and all costs associated with assessment and treatment shall be the responsibility of the parents according to their ability to pay based upon the sliding fee scale established pursuant to I.C. § 16-2433.

(c) At any time after determining that there is reason to believe that the conditions specified in I.C. § 20-511A(1)(a) and (b) are present, the court may order the convening of a screening team consisting of representatives from the department of health and welfare, county probation, local school officials, teen early intervention specialists as provided for under I.C. § 16-2404A, the department of juvenile corrections and/or other agencies or persons designated by the court. The screening team shall review the mental health assessment and plan of treatment and any other relevant information and make written recommendations to the court. Any parents or guardians of the juvenile or child who are available shall be included in the screening team and consulted with regard to the plan of treatment. The order shall set a time for the submission of the written recommendations, which time may be extended for good cause.

The order shall designate a leading member of the screening team, who shall have the responsibility for scheduling meetings and submitting the written recommendations of the screening team to the court. Notice of the order shall be given to all interested parties.

(d) The court may:

(1) order any agencies that have treated or had custody of the juvenile or child to release any pertinent information or records to the department of health and welfare for the purpose of mental health assessment and preparation of a plan of treatment;

(2) order the department of health and welfare, county probation, school officials and the department of juvenile corrections to release all pertinent information regarding the juvenile or child to the court and and/or the screening team; and

(3) require the parents or guardians of the juvenile or child, and where appropriate require the juvenile or child, to allow information pertinent to the assessment or treatment of the child to be released to the department of health and welfare, the court and/or the screening team.

(e) If the court, after receiving the mental health assessment and plan of treatment submitted by the department of health and welfare and any recommendations from the screening team, determines that additional information is necessary to determine whether the conditions specified in I.C. § 20-511A(1)(a) and (b) are present, or to determine an appropriate plan of treatment for the juvenile, the court may order an evaluation

and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist, with the expenses of such evaluation and/or recommendations to be borne by the department of health and welfare.

(f) After receiving the mental health assessment and plan of treatment from the department of health and welfare, any written recommendations from the screening team and any additional evaluations or recommendations for treatment, the court may make a determination of whether the conditions specified in I.C. § 20-511A(1)(a) and (b) are present. If the court finds that such conditions are present, the court shall order mental health treatment in accordance with a plan of treatment as approved or modified by the court. However, the court shall first hold a hearing before making such determination or entering such order if: (1) the court determines that a hearing would be helpful in making such determinations or fashioning the order; or (2) any interested party objects to the entry of such a determination or order; or (3) in-patient or residential treatment would be required as part of the plan of treatment, unless the hearing is waived by the juvenile or child and the parents or guardians of the juvenile or child. Notice of the hearing shall be given to all interested parties.

(g) At the hearing, the court shall consider the mental health assessment and plan of treatment submitted by the department of health and welfare, the recommendations of the screening team and any additional evaluation or recommendations for treatment. The parties may present evidence in support of, or opposed to, the information from any of these sources. Each party shall have the right to present any relevant evidence on the issues of: (1) whether the conditions specified in I.C. §20-511A(1)(a) and (b) are present; and (2) what should be included in the plan of treatment, if any, ordered by the court.

(h) At the conclusion of the hearing, the court shall determine whether the conditions specified in I.C. § 20-511A(1)(a) and (b) are present. If the court determines that such conditions are present, the court shall order mental health treatment for the juvenile or child in accordance with the plan of treatment as approved or modified by the court. The court shall not order in-patient or residential treatment unless the court determines by clear and convincing evidence that the conditions specified in I.C. § 20-511A(1)(a) and (b) are present and that such treatment is required.

(i) Where the procedures set forth in I.C. § 20-511A and this rule are initiated in a Juvenile Corrections Act proceeding, any communications made by the juvenile to any person participating in an assessment,

evaluation or preparation of a plan of treatment for the juvenile, and made for the purpose of such assessment, evaluation or preparation of a plan of treatment, shall not be used against the juvenile for any purpose in the evidentiary hearing in the Juvenile Corrections Act proceeding.

(j) Forms.

(1) An order for mental health assessment and preparation of a plan of treatment under subsection (b), and for the convening of a screening team under subsection (c), shall be in substantially the following form:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE INTEREST OF	)	
	)	Case # _____
_____,	)	
DOB: _____	)	ORDER FOR MENTAL HEALTH
	)	ASSESSMENT AND PLAN OF
A juvenile under the age	)	TREATMENT AND FOR
Of eighteen years	)	SCREENING TEAM
_____	)	

Pursuant to I.C. 20-511A it is ordered the Idaho Department of Health and Welfare submit appropriate mental health assessments and plan of treatment for the juvenile. The Department shall submit the assessments and plan of treatment by the ____ day of ____, 20__. Upon good cause shown the date may be extended. [If a screening team is convened by the court, the Department may submit their assessments and plan of treatment separately or in conjunction with the recommendations of the screening team.]

[Pursuant to I.C. 20-511A (2) the court convenes a screening team. The team should consist of a representative from:

1. _____ Department of Health and Welfare,
2. _____ _____ Juvenile Probation Office,
3. _____ _____ School District,
4. _____ Department of Juvenile Corrections,
5. _____ _____ agency
6. _____ _____

and the parents or guardians of the juvenile. The representative from _____ shall be the lead member, responsible for scheduling team meetings and submitting the written recommendations to the court.

The team shall review all pertinent information available concerning the juvenile's emotional and mental health and the plan of treatment of the juvenile. Each of the above agencies having information regarding the juvenile's emo-

tional and mental health shall make such material available to the screening team. If additional current information is necessary and can be obtained, it is the order of the court that the parents or guardian's provide confidentiality waivers to obtain any additional current information if necessary. If the screening team determines additional information is necessary to make necessary written recommendations to the court and such information can be obtained only by a court order, the court will be so advised.

Screening team meetings will be confidential and only written recommendations will be made to the court. The team shall issue its written recommendations to the court no later than the _____ day of _____, 20__. This time may be extended upon good cause found by the court.]

Initial costs of assessment and treatment may be borne by the Department of Health and Welfare, but pursuant I.C. 20-511(A) (5) all costs associated with assessment and treatment shall be the responsibility of the parents of the juvenile according to their ability to pay based upon the sliding fee scale established pursuant to section 16-2433, Idaho Code. The financial obligation of the family shall be determined after consideration of all available payment and funding sources including title XIX of the social security act, as amended, all available third party sources, and parent resources according to any order for child support under chapter title 32, Idaho Code.

IT IS SO ORDERED THIS _____ DAY OF _____, 20__.

_____
Magistrate Judge

Note: The bracket portion of the above order can be used if the judge determines to utilize a screening team.

(2) The form for an order for an additional assessment and recommendations under subsection (e) shall be in substantially the following form:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE INTEREST OF	)	
	)	
_____,	)	Case No. _____
DOB: _____ _____	)	
	)	ORDER REQUIRING
A juvenile under the age	)	ADDITIONAL MENTAL HEALTH
Of eighteen years	)	ASSESSMENT AND
_____	)	RECOMMENDATIONS

The court having received the mental health assessment and plan of treatment submitted by the Department of Health and Welfare and recommendations of the screening team determines additional information is necessary to make the findings required by I.C. 20-511(A), hereby orders that an _____ [evaluation/assessment] and recommendations be conducted and submitted by _____. The initial cost of such assessment shall be borne by the Department of Health and Welfare with reimbursement to be made by the parents pursuant to I.C. 20-511A (5).

Dated this _____ day of _____, 20__.

_____
Magistrate Judge

Note: I.C. 20-511(3) provides an evaluation and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist. The type of evaluation/assessment may depend upon the information being sought, thus the judge will have to delineate in the order the type of evaluation/assessments necessary.

(3) The order for a plan of treatment under subsections (f) and (h) shall be in substantially the following form:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE INTEREST OF	)	
	)	
_____,	)	Case No. _____
DOB: _____	)	
	)	ORDER DESIGNATING
A juvenile under the age	)	A PLAN OF TREATMENT
Of eighteen years	)	
_____	)	

The court having considered the mental health assessment, other assessments, written recommendations of the screening team and current plan of treatment finds: _____

_____

_____. The court concludes the juvenile:

(a) Is suffering a substantial increase or persistence of a serious emotional disturbance as defined in section 16-2403, Idaho Code, which impairs his or her ability to comply with the orders and directives of the court, or which presents a risk to the juvenile's safety or well-being or the safety of others; and

(b) Such condition has not been adequately addressed with supportive services and/or corrective measures previously provided to the juvenile, or the juvenile's needs with respect to the serious emotional disturbance are not being met or have not been met.

Based upon the above findings the court orders the approved plan of treatment for the juvenile be as follows

_____

_____

It is further ordered that the Department of Health and Welfare provide mental health treatment for the juvenile in accord with the above ordered approved plan of treatment. The costs of such treatment shall be borne by the Department with reimbursement required from the parents pursuant to I.C. 20-5ll(A)(5).

It is further ordered that a review hearing shall be set for the _____ day of _____, 20__. At least _____ days before the hearing a report shall be delivered to the court noting all progress and other pertinent information occurring under the ordered plan of treatment. The following shall attend the hearing:

1. _____ Department of Health and Welfare,
2. _____ _____ Juvenile Probation Office,
3. _____ _____ School District,
4. _____ Department of Juvenile Corrections,
5. _____ _____ agency and the parents or guardians of the juvenile.

IT IS SO ORDERED THIS _____ DAY OF _____, 20__.

_____
Magistrate Judge

(Adopted August 4, 2005, effective August 15, 2005; amended April 26, 2007, effective July 1, 2007.)

IDAPA 05
TITLE 01, CHAPTER 01

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 – RULES FOR CONTRACT PROVIDERS

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IDAPA 05
TITLE 01, CHAPTER 01

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES FOR CONTRACT PROVIDERS

000. LEGAL AUTHORITY.

01. Section 20-504(9), Idaho Code. Pursuant to Section 20-504(9), Idaho Code, the department shall establish minimum standards for the operations of all private residential and nonresidential facilities and programs which provide services to juvenile offenders. (4-6-05)

02. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (4-6-05)

03. Section 20-545(1), Idaho Code. Pursuant to Section 20-545(1), Idaho Code, the department shall have the power to adopt rules for the state juvenile corrections center as may be required by the Juvenile Corrections Act. (4-6-05)

04. Interstate Compact on Juveniles. By the provisions of Sections 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles," the department is authorized to promulgate rules and regulations to carry out more effectively the terms of the compact.(4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.01, "Rules for Contract Providers," IDAPA 05, Title 01, Chapter 01. (4-6-05)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (4-6-05)

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. (4-6-05)

003. ADMINISTRATIVE APPEALS.
This chapter does not provide for appeal of the administrative requirements for agencies. (4-6-05)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference into these rules. (4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., Boise, Idaho 83720. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections' rules should be directed to P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120. (4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.
The records associated with the contract providers are juvenile records of the Idaho Department of Juvenile Corrections, and are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-6-05)

007. -- 009. (RESERVED).

010. DEFINITIONS.
As used in this chapter:

01. Adult. A person eighteen (18) years of age or older. (4-6-05)

02. Assessment. The process of gathering information to determine risk and program needs for the purpose of guiding placement decisions and to develop the service plan. (4-6-05)

03. Clinical Services Administrator. Administrative person who has oversight of the department's clinical services division. Supervises the regional clinical supervisors and works with the regional superintendents in the maintenance and development of treatment programs. (4-6-05)

04. Clinical Supervisor. Person who supervises juvenile services coordinators and clinicians in assigned regions. This person is responsible for recommending releases from department custody and approving transfers in collaboration with the clinical services administrator, and regional superintendent. This responsibility also includes oversight of the regional observation and assessment process, and assists in the maintenance and development of treatment programs. (4-6-05)

05. Commit. Commit means to transfer legal custody to the Idaho Department of Juvenile Corrections. (4-6-05)

06. Community Treatment Team. A team including the juvenile services coordinator, contract provider case manager, juvenile probation officer, family, and others, as necessary, who work together to provide input into each juvenile offender's service implementation plan, implement their respective sections of that plan, and monitor and report progress on treatment goals. (4-2-08)

07. Contraband. Any item not issued or authorized by the contract provider. (4-6-05)

08. Confidential Information. Information that may only be used or disclosed as provided by state or federal law, federal regulations, or state rule. (4-6-05)

09. Contract Provider. A residential or nonresidential program under contract with the department to supervise juvenile offenders, provide accountability and competency development in the least restrictive setting, consistent with public safety. (4-2-08)

10. Court. Means district court or magistrate's division thereof. (4-6-05)

11. Criminogenic Needs. Assessed juvenile offender risk factors or attributes of juvenile offenders that are directly linked to criminal behavior and, when changed, influence the probability of recidivism. (4-2-08)

12. Department. The Idaho Department of Juvenile Corrections. (4-6-05)

13. Detention. Detention means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (4-6-05)

14. Director. The director of the Idaho Department of Juvenile Corrections. (4-6-05)

15. Education Plan. A written plan for general education students outlining the coursework they will complete each year towards meeting the Idaho Achievement Standards and recommended coursework for their grade level and based on assessed academic, emotional, developmental and behavioral needs, and competencies. Students qualifying for Individuals with Disabilities Education Act (IDEA) services will have an Individual Education Plan (IEP) in lieu of an education plan. (4-2-08)

16. Facility. The physical plant associated with the operation of residential or nonresidential programs. (4-6-05)

17. Facility Treatment Team. The group of staff employed by the department or by the contract provider who have input into developing the juvenile offender's service implementation plan; who provide direct services to juvenile offenders; and who monitor and report on the progress on meeting the goals in that plan. The facility treatment team is responsible for working with the community treatment team to develop and implement the service implementation plan. (4-2-08)

18. General Education Student. A student who does not qualify for special education services under the IDEA. (4-2-08)

19. Health Assessment. The purpose of a health assessment is to thoroughly review and determine a juvenile offender's comprehensive health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (4-2-08)

20. Health Screening. The purpose of a health screening is to quickly identify a juvenile offender's immediate health needs and to determine if there are any immediate needs related to a chronic health condition. (4-2-08)

21. Health Services. Health services are defined as including, but not limited to, routine and emergency medical, dental, optical, obstetrics, mental health, or other related health service. (4-6-05)

22. Incident Report. A written document reporting any occurrence or event, or any other incident which threatens the safety and security of staff, juvenile offenders or others, or which threatens the security of the program and which requires a staff response. (4-2-08)

23. Individual Community Pass. An individual community pass includes any instance in which a juvenile offender leaves the contract provider's facility for a planned activity, without direct supervision by at least one (1) contract provider or department staff. Regular school or work attendance, regular participation in off-site treatment sessions or groups and other regular off-site activities specifically included in the service implementation plan or written reintegration plan and approved by the juvenile services coordinator are not included in this definition. Individual community passes include, but are not limited to: (4-2-08)

a. Day passes alone or with family or other, approved individuals; (4-2-08)

b. Day or overnight home visits; (4-2-08)

c. Recreational activities not otherwise approved as a part of a group activity; and (4-2-08)

d. Funeral leave. (4-2-08)

24. Individual Education Plan (IEP). A written document (developed collaboratively by parents and school personnel) which outlines the special education program for a student with a disability and is based on assessed academic, emotional, developmental and behavioral needs, and competencies. This document is developed, reviewed, and revised at an IEP meeting at least annually. (4-2-08)

25. Interns. A paraprofessional staff who is pursuing a degree and who, as a part of documented coursework with a college or university, may provide counseling or other services to juvenile offenders in the department's custody or their families, under direct supervision of qualified staff. (4-2-08)

26. Judge. A district judge or a magistrate. (4-6-05)

27. Juvenile. A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (4-6-05)

28. Juvenile Offender. A person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult. (4-6-05)

29. Juvenile Records. Information concerning the juvenile offender's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainer, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (4-2-08)

30. Juvenile Services Coordinator. An individual employed by the department who is responsible for the monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. This responsibility includes monitoring service plans and progress reports and sharing information with family, community, courts, and with other department employees. (4-2-08)

31. Legal Custody. The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care. (4-2-08)

32. Legal Guardian. A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender. (4-6-05)

33. Mechanical Restraints. Any method of physical control of a juvenile offender which involves the use of devices to restrict physical activity. (4-2-08)

34. Mental Health Assessment. The purpose of a mental health assessment is to thoroughly review and determine a juvenile offender's comprehensive mental health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (4-2-08)

35. Mental Health Screening. The purpose of mental health screening is to quickly identify a juvenile offender's immediate mental health needs and to determine if there are any immediate needs related to a chronic mental health condition. (4-2-08)

36. Nonresidential Programs. Programs providing services to juveniles in the custody of the department and their families in which the juvenile offender continues to live with a parent or guardian and not in a residential care facility. (4-2-08)

37. Observation and Assessment Program. A residential or nonresidential program designed to complete assessments of juveniles in the custody of the department. (4-6-05)

38. Physical Restraint. Any method of physical control of a juvenile offender which involves staff touching or holding a juvenile offender to limit or control his actions. (4-2-08)

39. Quality Assurance. Department employees responsible for overseeing contract providers' compliance with contract terms and these rules. (4-6-05)

40. Region. Subunits of the department organized by geographical areas and including all services and programs offered by the department in that area. (4-6-05)

41. Regional Facility. Department operated juvenile correctional centers located in each region of the state. (4-6-05)

42. Reintegration Plan. That part of the juvenile offender's service plan which specifically addresses the terms, conditions and services to be provided as the juvenile offender moves to a lower level of care or leaves the custody of the department. (4-2-08)

43. Release from Department Custody. Refers to the termination of the department's legal custody of a juvenile. (4-6-05)

44. Restitution. Financial payment or service work intended to reimburse victims for the cost of damage or harm caused by a juvenile offender. Restitution may be court ordered or may be imposed following a formal disciplinary process within a contract provider program. (4-2-08)

45. Restricted Clinical Information. Any record, document or other information legally protected from dissemination to the general public by statute or rule, such as psychological evaluations, therapy notes, therapy journals, sex histories, polygraph results, and psychological testing, or other legally confidential information. (4-6-05)

46. Room Confinement. Instances in which a juvenile offender is confined in the room in which he usually sleeps, rather than being confined in an isolation room. (4-2-08)

47. Separation or Isolation. Any instance when a juvenile offender is confined alone for over fifteen (15) minutes in a room other than the room in which he usually sleeps. (4-2-08)

48. Service Implementation Plan. A written document produced and regularly updated by a regional facility or contract provider

with input from the community treatment team within thirty (30) days of arrival at regional facility or contract provider. This plan describes interventions and objectives to address the service plan goals including the areas of community protection, accountability, and competency development. (4-2-08)

49. Service Plan. A written document produced during the observation and assessment period following commitment to the department that defines the juvenile offender's criminogenic needs and risks, strengths, goals, and recommendations for family and reintegration services. The service plan addresses the relevant needs and services for each juvenile offender in areas such as mental health, medical, education, substance abuse, and social skills. (4-2-08)

50. Sexual Misconduct. Sexual misconduct includes all types of assault, violence, intimidation, and harassment of a sexual nature directed toward juvenile offenders by staff or by other juvenile offenders. (4-2-08)

51. Staffing. Regularly scheduled meetings of the community and facility treatment team members to review progress on treatment goals and objectives identified in each juvenile offender's service implementation plan. (4-2-08)

52. Strip Search. An examination of the juvenile offender's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of all the juvenile offender's clothing while such is not being worn. (4-2-08)

53. Suicide Risk Assessment. An evaluation performed by a mental health professional to determine the level of immediate risk of a juvenile offender attempting suicide, and to apply this information in developing a safety plan for the juvenile offender. (4-2-08)

54. Suicide Risk Screening. An evaluation that is used to quickly determine, based upon known history and current behavior, whether a juvenile offender presents any identifiable risk of immediate suicidal behavior, and to call in a mental health professional to complete a suicide risk assessment. (4-2-08)

55. Transfer. Any movement of a juvenile offender in the custody of the department from one (1) facility to another, including a regional facility, without a release from department custody. (4-2-08)

56. Treatment. Any program of planned services developed to meet risks and needs of juvenile offenders and their families, as identified in an assessment, and as related to activities designed to teach alternate behaviors and to support change in the beliefs that drive those behaviors. Treatment as referenced in this context also includes the maintenance of conditions that keep juvenile offenders, staff and the community safe. (4-2-08)

57. Variation. The means of complying with the intent and purpose of a child care licensing rule in a manner other than that specifically prescribed in the rule. (4-6-05)

58. Vocational Services. Any service provided related to assessment, education, guidance or training in the area of work or basic living skills. (4-6-05)

59. Volunteer. A person from the community who freely chooses to do or provide both direct or indirect services to juvenile offenders or staff at a facility or juvenile correctional center. This person is not compelled to do so and is not compensated for the services.(4-2-08)

60. Waiver. The nonapplication of one (1) or more of these rules based upon a request by the provider and a written decision issued by the department. (4-6-05)

61. Work Program. A public service work project which employs juveniles at a reasonable wage for the purpose of reimbursing victims of juveniles' delinquent behavior. (4-6-05)

011. -- 099. (RESERVED).

100. INITIATION OF SERVICES.

Juveniles are committed to the department under the provisions of the Juvenile Corrections Act (Sections 20-501 through 20-547, Idaho Code) and the Interstate Compact on Juveniles (Sections 16-1901 through 16-1910, Idaho Code). (4-6-05)

101. WAIVER OR VARIATION.
Minimum program standards established herein shall apply to all services provided by the contract provider. Any waiver or variation from the standards stated in these rules must receive prior written approval from the department and must be attached as a formal amendment to the contract. (4-6-05)

102. -- 199. (RESERVED).

200. AUTHORITY TO INSPECT.

01. Inspections. The department shall have the authority to conduct reviews of programs, program operations, and facilities to ensure the contract provider's compliance with these rules. The contract provider shall cooperate with the department's review, and must provide access to the facility and all juvenile records for juveniles in department custody, as deemed necessary by the department. The department may access individual juvenile records of juveniles who have received services funded by the department but are not in the custody of the department. However, in order to more fully assess the operation of the program, aggregate data and information for all juveniles must be made available. (4-2-08)

02. Quarterly Reports. In order to assist the department in monitoring contract programs for key areas of operational performance, each contract provider will be required to submit a written, quarterly report to the department's quality assurance staff. These reports may be submitted by facsimile, mail, or electronically within thirty (30) calendar days of the end of each quarter. The reports shall include, at a minimum, the following information: (4-2-08)

a. Changes made in the population served; (4-2-08)

b. Changes in program design or functioning; (4-2-08)

c. Changes in program curriculum; (4-2-08)

d. Changes in organizational chart; (4-2-08)

e. All staff turnover during the quarter; (4-2-08)

f. Copies of all incident reports; (4-2-08)

g. Number of reportable incidents of the type listed below: (4-6-05)

i. Assaults against juvenile offenders; (4-2-08)

ii. Assaults against staff; (4-6-05)

iii. Behavioral and psychiatric emergencies; (4-6-05)

iv. Contraband; (4-6-05)

v. Escapes; (4-6-05)

vi. Injuries or illness requiring significant medical attention; (4-2-08)

vii. Restraints; (4-6-05)

viii. Separation or isolation; (4-6-05)

ix. Sexual misconduct; and (4-2-08)

x. Suicide precautions. (4-6-05)

h. Number of hours and topics included in staff training for the quarter; (4-6-05)

i. Personal funds, earned income, and restitution for each juvenile in department custody according to Subsection 212.02 (4-2-08)

j. A copy of juvenile offender grievances and resolutions according to Subsection 246.02 of these rules; (4-2-08)

k. Number of department referrals made and accepted; and (4-2-08)

l. Number of department referrals made and rejected. (4-2-08)

03. Additional Reporting Requirements. In situations where the department has determined that the safety, security, or order of a program are at risk, more frequent and more detailed reporting will be required by the director, or designee. The department has a responsibility at all times to monitor the overall safety, security, and order of a facility or program for the protection and well-being of the juvenile offenders. For these reasons, the contract provider shall report to the department any and all incidents of the type normally requiring immediate notice to the department, as identified in Subsection 262.02, that occur in their program or facility regardless of whether or not the juveniles involved are in the department's custody. Any such reports regarding juveniles not in department custody shall include the type and scope of the incident without any information identifying the juvenile shall be made to the department's quality assurance staff. (4-2-08)

201. COMPLIANCE WITH STATE AND LOCAL CODES AND ORDINANCES.

The contract provider shall maintain compliance with all state and local building, life safety, and zoning requirements. Documentation of compliance shall be made available to the Idaho Department of Juvenile Corrections. (4-6-05)

202. COMPLIANCE WITH RULES REQUIREMENTS.

The contract provider shall comply with all relevant child care licensing rules of the Idaho Department of Health and Welfare, IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing," as well as the rules of the Idaho Department of Juvenile Corrections. If a conflict exists between department rules, the more restrictive rule applies. Any and all subcontractors and consultants of the contract provider are also subject to these rules. (4-6-05)

203. ACCESSIBILITY, GENERAL SAFETY AND MAINTENANCE OF BUILDINGS AND GROUNDS.

01. Reasonable Access. The program buildings, parking lots and other facilities shall provide reasonable access as required by the Americans with Disabilities Act and other federal and state laws and regulations. (4-6-05)

02. Maintenance. The contract provider shall ensure that all structures are maintained in good repair and are free from hazards to

health and safety. The facility grounds shall also be maintained and shall be free from any hazard to health and safety. (4-6-05)

03. Written Plan. The program shall have a written plan for preventive and ongoing maintenance of the facility. (4-6-05)

04. Safety Program. Each contract provider shall have a designated staff member who is responsible for the safety program at the facility. This individual shall conduct routine inspections of the facility monthly, with copies of the inspections kept on file for review by the department, to identify: (4-6-05)

a. Fire safety; (4-6-05)

b. Existing hazards; (4-6-05)

c. Potential hazards; and (4-6-05)

d. The corrective action that should be taken to address these hazards. (4-6-05)

05. Emergency Procedures. The contract provider will utilize and maintain a current emergency procedure manual which shall include, at a minimum, procedures pertaining to: (4-6-05)

a. Fire safety and escape; (4-6-05)

b. Emergency medical care; (4-6-05)

c. Notification and filing charges on escape; (4-6-05)

d. Incidents of violence within the facility; (4-6-05)

e. Suicide prevention; (4-6-05)

f. Child abuse reporting; and (4-6-05)

g. Sexual abuse disclosures. (4-6-05)

204. VEHICLES.

01. Condition. Vehicles used to transport juveniles must be mechanically sound, in good repair, and meet the department's requirements for insurance coverage. (4-6-05)

02. Compliance with Applicable Laws. All vehicles must possess current state licenses and shall comply with all applicable state laws. When in use, all vehicles must carry a standard first aid kit and a fire extinguisher. (4-6-05)

03. Maintenance and Equipment Checklist. The contract provider shall have a vehicle maintenance and equipment checklist, which shall include a listing of all critical operating systems and equipment inspections, the date of the last inspection, and the type of service or action taken. All repairs required to critical operating systems, such as brakes, headlights, shall be made immediately. All worn or missing critical equipment shall be replaced immediately, such as tires, jacks, seat belts. (4-6-05)

205. TRANSPORTATION.

01. Transportation for Service Plan. It shall be the responsibility of the contract provider to provide all transportation associated with the juvenile offender's service implementation plan. The family may be relied upon to provide transportation for passes and some other community contacts as long as this does not present any undue risk or burden to the juvenile offender, family, or to the community. (4-2-08)

02. Transportation and Notification for Court Proceedings. It is the responsibility of the department to assure the juvenile offender's appearance in all court proceedings and to arrange transportation as indicated. It is the contract provider's responsibility to immediately notify the juvenile offender's juvenile services coordinator of court dates and appearances. Contract providers may provide transportation under this section in consultation with the juvenile services coordinator. (4-2-08)

03. Arrangements. Arrangements for transportation related to court appearances as well as related to transfer or release of juveniles from department custody shall be made between the contract provider

and the department's regional transport coordinator located in the contract provider's region. This communication is facilitated through the juvenile services coordinator. (4-6-05)

04. Gender Specific Transportation. In all transport situations there must be at least one (1) assigned staff of the same gender as the juvenile offender being transported. (4-2-08)

05. Transport in Personal Vehicles. Juveniles in the custody of the Idaho Department of Juvenile Corrections shall not be transported in personal vehicles unless an emergency situation exists and is substantiated by documentation. (4-6-05)

206. JUVENILE RECORDS.

01. Case Management Documents. The contract provider shall maintain individual files on all juvenile offenders which shall include: (4-2-08)

a. Observation and assessment report provided by the department; (4-6-05)

b. A copy of the signed Referral Acceptance/Denial Form; (4-6-05)

c. Additional assessments, which must be kept separate; (4-6-05)

d. Service implementation plans as referred to in Subsection 271.01 of these rules; (4-6-05)

e. Progress reports as referred to in Subsections 271.07 and 271.08 of these rules; (4-6-05)

f. Progress Assessment/Reclassification documents; (4-2-08)

g. Incident reports as referred to in Subsections 262.02 and 262.03 of these rules; (4-6-05)

h. Court documents and dispositions; (4-6-05)

i. Professional correspondence; (4-6-05)

j. Clinical notes, which must be kept separate; (4-6-05)

k. Medical records, which must be kept separate; (4-6-05)

l. Educational records and school history, which must be kept separate; (4-6-05)

m. Identifying information and physical descriptions; (4-6-05)

n. Last known parent or guardian address and telephone number; (4-6-05)

o. Date of admittance and projected release from department custody; (4-6-05)

p. A copy of the written reintegration plan; and (4-6-05)

q. Records of juvenile offenders' earnings and restitution payments. (4-2-08)

02. Confidentiality. (4-6-05)

a. Sections 20-525 and 9-340(2)(b), Idaho Code, and Idaho Court Administrative Rule 32 provide for confidentiality, under certain conditions, of records that contain information about juvenile offenders. (4-2-08)

b. All matters relating to confidentiality of juvenile offender files shall also comply with the federal Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR Chapter 1, Sub-Chapter A, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records." (4-2-08)

c. Restricted clinical information, as defined, and education and medical records must each be filed separately and stored in a secured area. These file folders must be stamped "confidential" on the cover or outside folder. (4-6-05)

d. For contract providers that serve sex offenders, individual treatment assignments, such as journals, detailed sexual histories, must be destroyed at the time the juvenile offender is transferred or released from the program. (4-2-08)

03. Automated Records. Automated records shall include a procedure to ensure confidentiality and be in compliance with any state or federal privacy laws pertaining to those records. The procedure shall also include provisions for backing up automated records. (4-6-05)

04. Policies and Procedures. The contract provider shall have written policies and procedures to address the confidentiality of juvenile offender records. In compliance with HIPAA's privacy regulations, written procedures shall designate a privacy officer who will: (4-2-08)

a. Supervise the maintenance of identifiable personal health care information; (4-6-05)

b. Serve as custodian of all confidential juvenile offender records; and (4-2-08)

c. Determine to whom records may be released. (4-6-05)

05. Restrictions to Records Access. (4-6-05)

a. Access to personal health information shall be limited to: (4-6-05)

i. Employees of the department and contract providers to the extent necessary to perform normal business functions, including health treatment, and other functions designed to maintain the good order, safety and security of the juvenile offenders or facility; (4-2-08)

ii. Individuals participating in a staffing for a juvenile offender, who have a direct need to know the information, and who are obligated to or promise to maintain the confidentiality of information disclosed. These individuals may include employees or representatives of law enforcement, the department, the contract provider, probation officer, medical or mental health professionals and other appropriate individuals; (4-2-08)

iii. Law enforcement members, emergency medical personnel, the Idaho Department of Health and Welfare and similar court or government officials, as necessary to perform their duties, and only if not otherwise prohibited by state or federal law or rule. (4-6-05)

b. Access to all other confidential juvenile offender records shall be limited to the following authorized persons: (4-2-08)

i. Staff authorized by the contract provider and members of the administrative staff of the contract provider's parent agency; (4-6-05)

ii. A parent or guardian or the juvenile offender, to the extent that disclosure is not privileged and is clinically appropriate; (4-2-08)

iii. Appropriate staff of the department; (4-6-05)

iv. Counsel for the juvenile offender with signed consent form; (4-2-08)

v. Judges, prosecutors, juvenile probation officers, and law enforcement officers, when essential for official business; (4-6-05)

vi. Individuals and agencies approved by the department to conduct research and evaluation or statistical studies; or (4-6-05)

vii. Schools, as appropriate. (4-6-05)

06. Withholding of Information. If the department or the contract provider believes that information contained in the record would be damaging to the juvenile offender's treatment or rehabilitation, that information may be withheld from the juvenile offender, or his parent, or guardian, or others, except under court order. (4-2-08)

07. Retention of Juvenile Records. Educational, medical, and drug and alcohol records must be permanently retained. Contract providers shall have a written policy on the retention and disposal of records. At the time of transfer or release from department custody, all case management records must be forwarded to the juvenile offender's juvenile services coordinator. (4-2-08)

08. Requests for Information. Requests for information of any kind about juvenile offenders in department custody, following their release or transfer from a contract provider's program must be directed to the juvenile correctional center in Nampa. (4-2-08)

207. RELEASE FORMS.

01. Release of Nonmedical Information. The juvenile offender, parent or guardian, and department representative shall sign a release of information and consent form before information about the juvenile offender is released to any non-juvenile justice entity. A copy of the consent form shall be maintained in the juvenile offender's file at the program and in the case management file maintained by the department. (4-2-08)

02. Release of Medical Information. Release of medical information requires more specific authorization according to Section 320, of these rules. (4-6-05)

03. Minimum Information. The release of information and consent form shall, at a minimum, include the following: (4-6-05)

a. Name of person, agency or organization requesting information; (4-6-05)

b. Name of person, agency or organization releasing information; (4-6-05)

c. The specific information to be disclosed; (4-6-05)

d. The date consent form is signed; (4-6-05)

e. Signature of the juvenile offender and the parent or guardian; (4-2-08)

f. The signature of the person witnessing the juvenile offender's signature; and (4-2-08)

g. Effective and expiration dates. (4-6-05)

04. Document Reproduction. The contract provider agrees that no documents provided by the department shall be reproduced or distributed without the written permission of the department. (4-6-05)

208. JUVENILE OFFENDER PHOTOGRAPHS.

01. Limitations. No juvenile offender in the custody of the department shall be used in person or by photograph or any other visual image for the express purpose of any fund raising efforts. (4-2-08)

02. Department Authorization. Permission to release or use the photographs and any other visual image of juvenile offenders in the custody of the department shall require written authorization from the department director or designee. (4-2-08)

209. CONTRACT PROVIDER ADMINISTRATIVE RECORDS.

01. Documentation Retention. The contract provider shall document and retain documentation of all information related to the following items: (4-6-05)

a. Program consultation provided at the facility, such as technical assistance on program design and implementation; (4-6-05)

b. Training provided to staff; (4-6-05)

c. All alleged instances of child abuse; (4-6-05)

d. Fiscal and program audits or reviews, including corrective actions required and taken; (4-6-05)

e. Reports of sexual abuse disclosures to Idaho Department of Health and Welfare or law enforcement, (4-2-08)

f. Juvenile offender and staff grievances; and (4-2-08)

g. Copies of all completed incident reports. (4-2-08)

02. Employee Files. Employee personnel files shall contain the following: (4-2-08)

a. Minimum qualifications for the job held; (4-2-08)

b. Hiring information; (4-2-08)

c. Copies of all required licenses or certificates related to the job function; (4-2-08)

d. Copies of academic credentials, driving record and criminal background checks, as required by state law; (4-2-08)

e. Current training records; and (4-2-08)

f. Annual performance evaluations and copies of personnel actions, such as disciplinary action taken and acknowledgements of outstanding performance. (4-2-08)

210. CLOTHING AND PERSONAL ITEMS.

01. Sufficient Clothing. Juvenile offenders shall have sufficient clothing of the proper weight to participate in activities included in their service implementation plan. Juvenile offenders may arrive at the facility with their own clothing and personal items, which shall be inventoried. If the juvenile offender does not have sufficient clothing, or appropriate clothing, the contract provider shall provide or purchase adequate and appropriate clothing for the juvenile offender. Contract providers shall not request nor require that the parent or guardian pay for or purchase clothing. (4-2-08)

02. Release from Facility. All clothing and incidentals become the property of the juvenile offender upon release from the facility. The contract provider will ensure the proper care and cleaning of clothing in the juvenile offender's possession. (4-2-08)

03. Replacement Clothing. Clothing provided or purchased as replacement will be at the expense of the contract provider. Unique items of clothing not required for program participation may be purchased at the expense of the juvenile offender. (4-2-08)

04. Clothing in Independent Living Programs. Contract provider must ensure that the juvenile offender has sufficient clothing as defined in Subsection 210.01 of these rules. The contract provider may

require the juvenile offender to purchase clothing as part of the independent living program. Any requirement that the juvenile offender purchase clothing must be documented as part of the independent living program. (4-2-08)

211. FOOD SERVICE.

Juvenile offenders shall be served a varied and nutritional diet with menus approved or developed by a qualified nutritionist or dietician and which meet the recommended dietary allowances of the National Research Council or its equivalent. Juvenile offenders must be fed three (3) meals daily in accordance with the child care licensing rules of the Idaho Department of Health and Welfare. (4-2-08)

212. PERSONAL FUNDS.

01. Funds Handled by a Contract Provider. The contract provider will follow accepted accounting practices in managing personal funds of juvenile offenders and in accordance with Section 213 of these rules. (4-2-08)

a. A contract provider shall be required to deposit all personal funds collected for the juvenile offender in a public banking institution in an account specifically designated "Juvenile Personal Funds" and to maintain a reconciled ledger showing each juvenile offender's deposits and withdrawals within the "Juvenile Personal Funds" account. If the funds are collected in an interest bearing account, the interest accrued must be credited to the juvenile offender for whom the funds are collected. In independent living programs, the required personal account may be opened by the juvenile offender and will be maintained by him as a part of his competency development. (4-2-08)

b. All withdrawals by a juvenile offender, or expenditures made on behalf of a juvenile offender by the contract provider, shall be documented, signed, and dated by the juvenile offender. This documentation shall be reconciled to the juvenile offender's ledger monthly. (4-2-08)

c. A contract provider may limit the amount of any withdrawal. (4-6-05)

d. A contract provider shall not require juvenile offenders, parents, or guardians to pay for services and supplies that are to be provided by the contract provider, such as clothing, toiletries, linen, laundry, drug screens, routine supplies, and lunch money, except where juvenile offenders are required to purchase these items as part of an independent living program. (4-2-08)

02. Reporting Requirements. A report shall be filed quarterly with the department's quality assurance staff as part of the report in Subsection 200.02 of these rules. The personal funds report shall show a list of all juvenile offender account balances, date of admission and, if appropriate, the date of transfer or release from department custody. The personal fund account is subject to review and audit by the department or its representatives at any time. Any discrepancies in juvenile offender accounts shall be resolved within fourteen (14) calendar days of notification. (4-2-08)

03. Transfer of Personal Funds. When a juvenile offender is released from department custody or transferred to another program, the balance of the juvenile offender's account shall be given to or mailed to the juvenile offender within five (5) business days and documented on the Contract Provider Juvenile Check-Out Form supplied by the department. (4-2-08)

04. Juvenile Offenders with Earned Income. The contract provider is responsible for maintaining and accounting for any money earned by a juvenile offender. These funds are to be deposited in the personal funds account. Additionally, there shall be a plan for the priority use of the juvenile offender's earned income to pay court ordered restitution and a specific allocation for daily incidental expenses. (4-2-08)

a. The contract provider shall establish a written plan for a juvenile offender in non-independent living programs for the juvenile offender to save at least ten percent (10%) of net earnings. The plan shall specify the purpose for which the funds saved will be used at program completion, such as paying deposits on utilities and housing or the purchasing of tools necessary for employment. (4-2-08)

b. The contract provider shall establish a written plan for a juvenile offender in independent living program, as part of the service implementation plan, for the juvenile offender's use of these funds. The

plan shall specify how the funds will be used as part of the independent living program. (4-2-08)

213. RESTITUTION.

A contract provider may utilize a portion of a juvenile offender's personal funds or earned income for the payment of restitution to victims or for program damages according to these rules. (4-2-08)

01. Victim Restitution. Except for those juvenile offenders identified in Subsection 212.04 of these rules, victim and court ordered restitution shall be a claim against and paid from the juvenile offender's personal funds account in the amount of fifty percent (50%) of those funds. Should the juvenile offender have no other funds available, then a plan must be developed by the contract provider to assist the juvenile offender in earning the amount of restitution and, if appropriate, help him develop a payment plan. (4-2-08)

02. Restitution for Damages. Restitution for damages at the program will not be paid to the exclusion of victim or court ordered restitution. The contract provider shall not access the juvenile offender's account for program damages without following the disciplinary process provided in these rules. (4-2-08)

a. Restitution may be ordered as part of the disciplinary process when a juvenile offender has willfully damaged or destroyed property, has caused or attempted to cause injury to himself, other juvenile offenders or staff resulting in expenses being incurred, or has a pattern of falsely alleging injury or illness with the result that medical expenses are incurred. (4-2-08)

b. "Actual Cost" restitution may be imposed when property is destroyed and when an incident results in outside medical care for staff or juvenile offenders. (4-2-08)

c. In no instance shall a contract provider withdraw all funds in a juvenile offender's account to satisfy restitution for program damages. (4-2-08)

03. Disciplinary Process. All juvenile offenders shall be afforded an administrative hearing in accordance with the disciplinary

procedure of the contract provider and standards set forth in these rules. (4-2-08)

214. NOTIFICATION OF DEATH OF A JUVENILE OFFENDER.
In the event of the death of a juvenile who is in the department's custody, the contract provider shall immediately notify the regional facility, juvenile offender's parent or guardian, the local coroner, and law enforcement. Other notifications will be coordinated between the contract provider and the department. (4-2-08)

215. EMERGENCY CLOSURE OF FACILITY.
In the event of a natural disaster, fire, flood, or other emergency situation in which the contract facility may be closed temporarily, the contract provider will notify the regional facility in its respective region. (4-6-05)

216. PROHIBITED CONTACT AND PRISON RAPE ELIMINATION ACT COMPLIANCE (PREA).

01. Sexual Misconduct. The contract provider, in accordance with the PREA, shall have written policy and procedures that promote zero tolerance of sexual activity among juvenile offenders or between juvenile offenders and staff or volunteers, regardless of consensual status. The policy and procedures shall contain, at a minimum, the following provisions: (4-2-08)

a. The contract provider shall inform juvenile offenders of the means available to safely report rape and sexual activity and shall document this notice to juvenile offenders; (4-2-08)

b. The contract provider shall provide two (2) or more avenues for a juvenile offender to report rape and sexual activity;(4-2-08)

c. The contract provider shall have a process that requires reporting and documentation of any instance of sexual misconduct among juvenile offenders or between juvenile offenders and staff or volunteers, according to Subsection 262.02 of these rules; (4-2-08)

d. The contract provider staff shall treat all information regarding sexual misconduct with confidentiality; (4-2-08)

e. The contract provider shall have a process in place for an initial internal investigation when sexual misconduct is reported; (4-2-08)

f. The contract provider shall separate the accused from the juvenile offender, who was the subject of alleged sexual misconduct, until the investigation is complete; (4-2-08)

g. The contract provider shall document any and all steps taken to ensure the juvenile offender's safety; (4-2-08)

h. Contract provider shall report alleged, sexual misconduct to law enforcement for external investigation when sexual misconduct is suspected; (4-2-08)

i. Contract provider shall report all sexual misconduct to appropriate licensing authority when sexual misconduct is suspected; and (4-2-08)

j. The contract provider shall provide, at a minimum, one (1) hour of annual training for staff and juveniles concerning the zero tolerance for, detection of, and response to sexual misconduct with a juvenile offender, including criminal prosecution. (4-2-08)

02. Reporting of Sexual Misconduct. Acts of sexual misconduct shall be reported to the department on the form provided by the department. (4-2-08)

03. Survey on Sexual Violence. If the contract provider is identified to receive the yearly "Survey on Sexual Violence" from the Bureau of Justice Statistics, the contract provider shall complete and submit the survey and supply the department with copies. (4-2-08)

217. -- 219. (RESERVED).

220. CONSULTANTS AND SUBCONTRACTORS.
It is the responsibility of the contract provider to notify the department's quality assurance staff promptly, in writing, of any proposed changes in the use of consultants or subcontractors in the operations of a program. Any services offered by consultants and subcontractors, or interns, and not included in the terms of the existing contract, require the prior approval of the department. It is the responsibility of the contract

provider to ensure that any consultant, subcontractor, or staff meets at least the minimum staff qualifications and terms of the original contract and these rules. The contract provider shall maintain a list of subcontracted service providers, interns, and their qualifications. Documentation of services provided by subcontractors shall include the number of units of service provided per program area. (4-6-05)

221. STAFF QUALIFICATIONS.

01. Licenses. All individuals providing services to juveniles in the custody of the department must possess all licenses or certifications for their particular position as required by statute, rule, or by the Idaho Department of Health and Welfare, as applicable. (4-6-05)

02. Education or Experience. All individuals providing services must be qualified to do so on the basis of knowledge, skills, and abilities. In addition, certain program and professional caregivers must meet specific minimum standards for education or experience. These standards shall constitute, in part, the basis for determining the adequacy of program and professional services delivered under contractual agreement with the department. (4-6-05)

03. Position Descriptions. Contract providers shall maintain written position descriptions for every job class established in the organization. In all cases, minimum qualifications for professional level staff must meet licensure and certification requirements. In all cases, the particular job titles used by the contract provider to provide counseling, therapy, direct care, and supervision of juvenile offenders, as well as staff supervision and management, must be specifically cross-referenced with the job titles in these rules. (4-2-08)

222. POSITION DESCRIPTIONS AND QUALIFICATION CRITERIA.

01. Clinician, Counselor, or Therapist. An individual who conducts a comprehensive assessment of the psychological, behavioral, social, or familial deficits or dysfunctions presented by the juvenile offender, then establishes and implements a plan for therapeutic services. The plan must specify diagnosis and treatment of problems to be addressed, an estimate of the time needed, and a schedule of the frequency and intensity of the services to be provided. The individual

may also provide individual, group, or family counseling. At a minimum, the individual must have a master's degree and be currently licensed by the state of Idaho as a Licensed Professional Counselor (LPC), Licensed Marriage and Family Counselor (LMFT), Licensed Master Social Worker (LMSW), or certified school psychologist. (4-2-08)

02. Juvenile Services Coordinator or Social Worker. An individual who is responsible for the assessment of treatment progress, and the provision and monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in social work, psychology, or counseling and must be licensed as a social worker in the state of Idaho. (4-2-08)

03. Recreational Specialist. An individual who develops and implements an individualized and goal-directed recreational plan for a juvenile offender in connection with his overall service implementation plan. The individual providing this function must possess a bachelor's degree in recreational therapy, health and physical education, or a related field, or have a high school diploma and two (2) years related experience in providing recreational services to juvenile offenders. (4-2-08)

04. Rehabilitation Specialist or Case Manager. An individual, under direct supervision, who assists the juvenile offender in implementing his service implementation plan, evaluates the juvenile offender, and maintains his case record with respect to all nonclinical matters. The rehabilitation specialist or case manager also assists in presenting the case in staffing, communicates with appropriate individuals, including community interests, regarding the juvenile offender, and prepares written communications, under supervision, including discharge reports. The rehabilitation specialist or case manager may also serve as the social worker if properly licensed in the state of Idaho. Individuals providing this function must possess, at a minimum, a bachelor's degree from a fully accredited college or university in the social sciences or a related field. (4-2-08)

05. Rehabilitation Technician or Direct Care Worker. An individual who is responsible for providing individual or group rehabilitative therapeutic services, supervising juvenile offenders' day-to-day living activities and performing such duties as preparing nutritious

meals, supervising and training juvenile offenders in basic living skills, and providing some community transportation. Such individual must have a high school diploma or its equivalent. (4-2-08)

06. Special Education Teacher. An individual who provides a modified curriculum for those students who are eligible for services under the IDEA. This individual must hold a valid standard exceptional child certificate with an endorsement as a generalist. (4-2-08)

07. Teacher. An individual who provides basic educational services as required by state and federal statutes. This individual must hold a valid teaching credential in the appropriate instructional field. (4-2-08)

223. PROGRAM STAFFING REQUIREMENTS.

01. General Staffing Ratios. The contract provider shall ensure that an adequate number of qualified staff are present at all times to provide rehabilitation and treatment services, supervise juvenile offenders, and provide for their health, safety and treatment needs. Staffing patterns shall ensure that professional staff is available to juvenile offenders at times when they are in the program or facility. The contract provider staff should provide consistency and stability so that the juvenile offenders know the roles of each staff member. Specific staffing ratios shall be determined in each contract and shall be based on the level of intervention of the program and the risk level of the juvenile offender population. (4-2-08)

02. Emergency Staffing Ratios. At all times at least one (1) staff member on duty per twenty (20) juvenile offenders in residence must be currently certified to administer first aid and cardiopulmonary resuscitation (CPR). (4-2-08)

224. GENERAL REQUIREMENTS FOR TRAINING.

01. Training Plan. Training for staff and volunteers shall be conducted in accordance with a written plan approved by management and coordinated by a designated staff member. The training plan shall include: (4-6-05)

a. Annual in-service training for all staff; (4-6-05)

b. Those areas requiring current certification; (4-6-05)

c. Prior to being assigned sole responsibility for supervision of juvenile offenders, rehabilitation technicians or direct care staff shall have training in the following areas: (4-2-08)

i. Principles and practices of juvenile care and supervision; (4-6-05)

ii. Program goals and objectives; (4-6-05)

iii. Juvenile offender rights and grievance procedures; (4-2-08)

iv. Procedures and legal requirements concerning the reporting of abuse and critical incidents and compliance with the PREA; (4-2-08)

v. Handling of violent juvenile offenders (use of force or crisis intervention); (4-2-08)

vi. Security procedures (key control, searches, contraband); (4-6-05)

vii. Medical emergency procedures, first aid, and CPR; (4-6-05)

viii. Incident reporting; (4-6-05)

ix. How to recognize and respond to suicidal behavior; (4-6-05)

x. How to access emergency health and mental health care; (4-6-05)

xi. Proper storage and dispensing of medications, as well as general signs and symptoms of adverse reactions, including identification of the individual who will dispense medications in the facility; (4-6-05)

xii. Appropriate response to health-related emergencies; (4-6-05)

xiii. Training to meet the requirements of federal educational regulations; and (4-6-05)

xiv. Training on the appropriate and safe transportation of all juvenile offenders. (4-2-08)

d. In-service training for all first-year staff shall include: (4-6-05)

i. Program policies and procedures; (4-6-05)

ii. Job responsibilities; (4-6-05)

iii. Juvenile offender supervision; (4-2-08)

iv. Safety and security emergency procedures (fire, disaster, etc.); (4-6-05)

v. Confidentiality issues; (4-6-05)

vi. Juvenile offender rights and grievance procedures; (4-2-08)

vii. Communicable diseases, bloodborne pathogens, and universal precautions; (4-6-05)

viii. Behavioral observation, adolescent psychology and child growth and development; (4-6-05)

ix. Effective interventions with juvenile offenders including criminogenic risk and need factors; (4-2-08)

x. Juvenile Corrections Act, balanced and restorative justice, and department rules for contract providers; (4-6-05)

xi. Basic security procedures; (4-6-05)

xii. Signs and symptoms of chemical use or dependency; (4-6-05)

xiii. Drug-free workplace; and (4-6-05)

xiv. Diversity training to include cultural awareness. (4-6-05)

02. Minimum Mandatory Staff Training Requirements. Good professional practice in the area of juvenile offender treatment requires staff to be competently trained. Therefore, all staff is required to have: (4-2-08)

a. Eighty (80) hours of training for all staff during first year of employment. Up to twenty-five percent (25%) of the eighty (80) hours may be fulfilled by working with an experienced staff mentor, who must verify and document basic competencies for new staff; and (4-6-05)

b. Forty (40) hours of training per year following the first year of employment. (4-6-05)

03. Trainer Qualifications. (4-6-05)

a. Individuals who provide instruction in areas of life, health, and safety, including but not limited to, first aid, CPR, physical intervention techniques, shall have appropriate certification which must be documented in their personnel or training file. (4-6-05)

b. Individuals who provide instruction in treatment shall have appropriate training, education, and experience which must be documented in their personnel or training file. (4-6-05)

04. Documentation of Training. Staff training records shall be kept by a designated staff person. Separate training records shall be established for each staff member and volunteer and shall include: (4-6-05)

a. Name; (4-6-05)

b. Job title; (4-6-05)

c. Employment beginning date; (4-6-05)

d. Annual training hours required; and (4-6-05)

e. A current chronological listing of all training completed. (4-6-05)

05. Training Records. Training records may be kept separately within each individual personnel file or in a separate training file. Copies of curriculum materials must be maintained. (4-6-05)

225. VOLUNTEERS.

Programs should consider soliciting the involvement of volunteers to enhance and expand their services. However, volunteers recruited to supplement and enrich a program, may not be substituted for the activities and functions of facility staff. Volunteers shall not be assigned sole supervision of juvenile offenders. (4-2-08)

226. VOLUNTEER PLAN.

01. Written Plan. Programs that utilize volunteers regularly shall have a written plan that includes stipulations for their use and training. Training provided must include all of the information necessary for the volunteers to successfully perform their roles within the program. (4-6-05)

02. Recruitment. Recruiting of volunteers is conducted by the chief administrative officer or designee. Recruitment is encouraged from all cultural and socio-economic segments of the community. (4-6-05)

03. Volunteer Requirements. (4-6-05)

a. Volunteers must be at least twenty-one (21) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (4-6-05)

b. Volunteers must complete an application for the position and be suited for the position to which they are assigned; (4-6-05)

c. Volunteers must agree in writing to abide by all program policies; (4-6-05)

d. Volunteers who perform professional services must be licensed or certified as required by state law or rule; (4-6-05)

e. Written job descriptions must be provided for each volunteer position; and (4-6-05)

f. Volunteers must agree to background and criminal record checks as prescribed by state law. (4-6-05)

04. Supervision. Volunteers will be supervised by a paid employee of the contract provider. This individual shall coordinate and direct the activities of the volunteer. Volunteer performance shall be evaluated periodically and evidence of this evaluation be made part of the personnel record of the volunteer. (4-6-05)

05. Documentation. Contract provider shall maintain individual personnel files for each volunteer working in the program. The files shall contain all documentation as described in Subsection 226.03 of these rules. (4-6-05)

06. Termination. There will be a procedure established for the termination of volunteers when substantial reasons for doing so exist. (4-6-05)

227. INTERNS.

Programs should consider involving interns to enhance and expand their services. However, interns recruited to supplement and enrich a program, may not be substituted for the activities and functions of facility staff. Interns shall not be assigned sole supervision of juvenile offenders. (4-2-08)

01. Written Plan. Programs that utilize interns regularly shall have a written plan that includes stipulations for their use and training. Training provided must include all of the information necessary for the interns to successfully perform their roles within the program. (4-6-05)

02. Intern Requirements. (4-6-05)

a. Interns must be documented to be enrolled in an accredited school or program for the profession, must be at least twenty-one (21) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (4-6-05)

b. Interns must have a fully developed internship or practicum agreement which details their activities for the period, and relates these to learning objectives developed with the academic

institution and program in which they are enrolled. The internship agreement must include the signatures of the intern, supervising contract provider staff, and a representative of the academic institution in which the intern is enrolled. (4-6-05)

c. Interns must agree in writing to abide by all policies and standards of conduct, and must agree to meet the ethical standards for the profession for which they are training; (4-6-05)

d. Interns who perform professional services must be licensed or certified as required by state law or rule, or must be documented to be supervised directly by staff meeting those credentials; (4-6-05)

e. Interns must agree to background and criminal record checks as prescribed by state law. (4-6-05)

03. Supervision. An intern will be supervised by a paid employee of the contract provider who has the licenses and credentials required by state law and who has been accepted by the intern's school as an appropriate supervisor for the discipline of instruction. This individual shall coordinate and direct the activities of the intern. Intern performance shall be evaluated periodically and evidence of this evaluation made part of the work record of the intern. (4-6-05)

04. Documentation. Contract provider shall maintain individual personnel files for each intern working in the program. The files shall contain all documentation as described in Subsection 227.02 of these rules. (4-6-05)

05. Termination. There will be a procedure established for the termination of interns when substantial reasons for doing so exist. (4-6-05)

228. CRIMINAL BACKGROUND CHECKS.

All contract providers providing services to the department shall ensure that all employees, interns, and volunteers, as required by law, have undergone a criminal background check in the manner and form required by IDAPA 16.05.06, "Criminal History Checks and Background Checks." In addition to the crimes listed resulting in unconditional denial, any crime not specified there that requires registration on the sex

offender registry in Idaho or any other state, will also result in an unconditional denial of employment for direct care or services, or where the employee would have any opportunity to have contact with a juvenile offender in the contract provider's care. Documentation of appropriate requests and responses shall be kept in confidential employee personnel files. (4-2-08)

229. DRIVERS.

All drivers of vehicles transporting a juvenile offender must possess a valid Idaho driver's license and the proper licenses required by state law for the type of motor vehicle operated. All such operators' driving records must be checked through the Department of Motor Vehicles for the preceding three (3) years and annually after date of hire. During that time, the operator must not have had any felony traffic convictions or withheld judgments. Any incidents of suspended licenses during that time must be specifically reviewed by the contract provider. Personnel files must contain evidence of training to transport a juvenile offender as well as other appropriate documentation. When parents, guardians, or others are allowed to transport a juvenile offender for any reason, it is the responsibility of the contract provider to ensure that the individual holds a current and valid driver's license. (4-2-08)

230. -- 239. (RESERVED).

240. JUVENILE OFFENDER RIGHTS AND RESPONSIBILITIES.

01. Contract Provider Obligations. The contract provider must observe, and not infringe upon, the rights of each juvenile offender in its facility or program. The contract provider shall also be responsible for understanding the rights and responsibilities of juveniles in custody, and knowing which rights have been forfeited as a result of being placed in custody. (4-2-08)

02. Religious Services and Special Needs. Each juvenile offender and his family will be advised in writing of the obligation of the contract provider to allow access to appropriate religious services, and to make reasonable accommodations for any disabilities, language barriers, or other special needs. A signed copy of this notice shall be placed in the juvenile offender's file. (4-2-08)

03. Juvenile Offender Program Responsibilities. The contract provider shall inform each juvenile offender, upon admission to its program, of his responsibilities during the program. Additionally, each juvenile offender shall have an understanding of the following program expectations: (4-2-08)

a. Requirements needed to complete program; (4-6-05)

b. How to access medical services; (4-6-05)

c. How to file a grievance; (4-2-08)

d. How to report incidents of sexual misconduct between juvenile offenders or between staff and juvenile offenders; and (4-2-08)

e. How to contact his juvenile services coordinator and juvenile probation officer. (4-6-05)

241. DISCIPLINE OF JUVENILE OFFENDERS.

01. Written Policies and Procedures. All providers offering treatment services shall have comprehensive written discipline policies and procedures, which shall be explained to all juvenile offenders, families, and staff. These policies shall include positive responses for appropriate behavior. They shall include a provision for notice to the juvenile offender being disciplined, a mechanism for a fair and impartial hearing by a disciplinary board, and a process for appeal. (4-2-08)

02. Problem Resolution. Disciplinary actions are not the same as the consequences that are spelled out as a part of a service implementation plan for the juvenile offender. A contract provider shall make every effort to resolve problems with the least amount of formal disciplinary activity possible. Efforts should be made first to instruct and counsel the juvenile offender. Any restriction of a juvenile offender's participation in a program resulting from a formal disciplinary action must be reported in an incident report. (4-2-08)

242. FORMAL DISCIPLINARY PROCESS.

01. Prior to and upon Initiating a Formal Disciplinary

Action. Prior to and upon initiating a disciplinary action, careful attention should be given to the program rules to determine the seriousness of the misbehavior and the appropriate type of discipline. (4-6-05)

02. Control of Juvenile Offenders. Staff will make every effort to maintain control of juvenile offenders through positive methods. (4-2-08)

03. Discipline. Discipline will be administered in a way to create a learning experience for the juvenile offender, and never in a way that degrades or humiliates a juvenile offender. (4-2-08)

04. Other Juvenile Offenders. No juvenile offender shall supervise nor carry out disciplinary actions over another juvenile offender. (4-2-08)

05. Prohibited Actions. The contract provider is prohibited from using certain actions as disciplinary responses as listed in the child care licensing rules of the Idaho Department of Health and Welfare. (4-6-05)

06. Denial of Services. Denial of the following are prohibited as disciplinary responses: (4-6-05)

a. Educational and vocational services; (4-6-05)

b. Employment; (4-6-05)

c. Health or mental health services; (4-6-05)

d. Access to family, juvenile probation officer, and legal counsel; and (4-6-05)

e. Religious services. (4-6-05)

243. APPEAL OF FORMAL DISCIPLINARY PENALTIES. Each contract provider shall have a formal written process through which a juvenile offender can appeal a disciplinary action and receive a review of his case. The contract provider shall explain to the juvenile offender how to use the appeal process. The juvenile offender must be informed

that in any event he may include his juvenile services coordinator in the disciplinary process. (4-2-08)

244. ROOM RESTRICTIONS.

The contract provider shall have written policies and procedures regulating the use of the juvenile offender's room for "room restriction." The policy shall ensure that there are procedures for recording each incident involving the use of restriction. The reason for the room restriction shall be explained to the juvenile offender and he shall have an opportunity to explain the behavior. Other less restrictive measures must have been applied prior to the room restrictions. A juvenile offender in room restriction shall have access to the bathroom. Staff shall check on a juvenile offender in room restriction a minimum of once every fifteen (15) minutes. Room restriction may only be used in an unlocked area. Room restriction shall not exceed a total of eight (8) hours within a twenty-four (24) hour period. Contract providers must ensure that a juvenile offender with a history of depression or suicidal ideation and those who have exhibited these behaviors while in care, are checked at least every five (5) minutes in order to ensure his safety. Even more frequent or constant observation must be maintained if any level of suicide risk is determined to be present at any time during room restriction. All items in the area that might be used to attempt self-harm should be restricted or removed. (4-2-08)

245. BATTERY ON STAFF.

All instances of battery committed on staff shall be documented and, whenever appropriate, charges filed with the appropriate authorities. Each such incident shall be reported to the juvenile offender's juvenile services coordinator as an incident report according to Subsection 262.02 of these rules. (4-2-08)

246. GRIEVANCE PROCEDURES.

01. Written Procedures. Each program shall have a written grievance procedure for juvenile offenders, which includes the right to appeal disciplinary actions against them if a separate disciplinary grievance procedure is not available. It shall be written in a clear and simple manner and shall allow juvenile offenders to make complaints without fear of retaliation. (4-2-08)

02. Grievance Forms. The grievance procedure shall be

explained to the juvenile offender by a staff member who shall enter a note into the juvenile offender's file confirming the explanation. Grievance forms shall be in a location accessible to juvenile offenders without having to request such a form from staff. Completed forms should be placed in a secure area until collected and processed weekly. A copy of the grievance and the resolution of that grievance must be attached to the quarterly report as specified in Subsection 200.02 of these rules. (4-2-08)

247. LETTERS.

01. Restrictions. Juvenile offenders shall be allowed to send and receive letters from approved persons, which may include persons in other programs or institutions, unless specifically prohibited by the department or by court order. All other restrictions of mail must be discussed with the community treatment team, approved in writing by the juvenile services coordinator, and documented in the juvenile offender's service implementation plan. There shall be no general restrictions on the number of letters written, the length of any letter, or the language in which a letter may be written. However, juvenile offenders will be provided with sufficient stationery, envelopes, and postage for all legal and official correspondence, and for at least two (2) personal letters each week. (4-2-08)

02. Inspection of Outgoing Letters. (4-6-05)

a. Outgoing letters are to be posted unsealed and inspected for contraband. (4-6-05)

b. Exception: Outgoing "privileged" mail may be posted, sealed and may not be opened, except with a search warrant, as long as it can be confirmed to be to an identifiable source. For purposes of this rule, "an identifiable source" means that the official or legal capacity of the addressee is listed on the envelope and that the name, official or legal capacity, and address of the addressee have been verified. Possible identifiable sources are the following: (4-2-08)

i. Court(s); (4-6-05)

ii. Attorney(s); (4-6-05)

iii. Juvenile services coordinator, or director of the Idaho Department of Juvenile Corrections; (4-6-05)

iv. Other state and federal departments, agencies and their officials; and 4-6-05)

v. Members of the press. (4-6-05)

c. Upon the determination that the mail is not identifiable as privileged mail, said mail shall be opened and inspected for contraband. (4-6-05)

03. Inspection of Incoming Letters. All incoming letters must be opened by the juvenile offender to whom it is addressed and may be inspected for contraband by staff and only in the juvenile offender's presence. (4-2-08)

04. Reading of Letters. Routine reading of letters by staff is prohibited. The department or court may determine that reading of a juvenile offender's mail is in the best interest of the juvenile offender, and is necessary to maintain security, order or program integrity. However, such reading of mail must be documented and unless court ordered, must be specifically justified and approved by the juvenile services coordinator. Under no circumstances shall a juvenile offender's privileged mail be read. (4-2-08)

248. PACKAGES.

All packages shall be inspected for contraband. (4-6-05)

249. PUBLICATIONS.

Books, magazines, newspapers and printed matter which may be legally sent to juvenile offenders through the postal system shall be approved, unless deemed to constitute a threat to the security, integrity, or order of the programs. Juvenile offenders will not be allowed to enter into subscription agreements while in department custody. (4-2-08)

250. DISTRIBUTION OF MAIL.

The collection and distribution of mail is never to be delegated to a juvenile offender. Staff shall deliver mail within twenty-four (24) hours, excluding weekends and holidays, to the juvenile offender to whom it is addressed. (4-2-08)

251. VISITATION.

The contract provider shall develop written rules governing visiting at the facility and shall provide a copy to each juvenile offender, his parent or guardian, and the juvenile services coordinator. Visitation policy must include specific restrictions on those under the influence of alcohol or drugs. In all cases, the contract provider will work with the juvenile services coordinator and juvenile probation officer to identify and approve potential visitors in accordance with the contract provider's criteria. The contract provider is responsible for developing and implementing policy concerning visitation which protects the safety of visitors, staff, and juvenile offenders. This may restrict visitation below an established age or provide for higher levels of supervision in circumstances where safety may be at risk. (4-2-08)

252. PERSONAL SAFETY.

01. Responsibility. Every juvenile offender has the fundamental right to feel safe. Contract providers have the responsibility to ensure that a juvenile offender is safe while in their care. Every juvenile offender shall be informed of procedures whereby a professional staff person can be contacted on a twenty-four (24) hour basis if the juvenile offender does not feel safe. (4-2-08)

02. Periodic Contacts. The contract provider's managers should make periodic contact with juvenile offenders in the program to determine if they feel safe and are comfortable when interacting with peers and staff. (4-2-08)

253. SMOKING AND SALE OF CIGARETTES.

01. Purchase or Use. Juveniles in department custody, regardless of age, are strictly prohibited from purchasing or using tobacco products. (4-6-05)

02. Written Policies. Every contract provider shall establish written policies and procedures banning the use of cigarettes and other tobacco products by juvenile offenders at the facility. (4-2-08)

254. RESEARCH.

01. Written Policies. Residential and nonresidential programs shall have written policies regarding the participation of juvenile offenders in research projects. Policies shall prohibit participation in medical or pharmaceutical testing for experimental or research purposes. (4-2-08)

02. Voluntary Participation. Policies shall govern voluntary participation in nonmedical and nonpharmaceutical research programs. However, juvenile offenders shall not participate in any research program without prior written approval from the director or designee. (4-2-08)

255. -- 259. (RESERVED).

260. PROGRAMMING.

01. Basic Program Requirements. Contract providers offering residential and nonresidential programs for juvenile offenders must provide opportunities and services for juvenile offenders to improve their educational and vocational competence, to effectively address underlying behavior problems, and to prepare them for responsible lives in the community. Programs provided must be research-based, gender equitable, gender specific, and culturally competent. The ultimate treatment goal for juvenile offenders involved in these programs is the successful return of juvenile offenders to the community without committing further crimes. (4-2-08)

02. General Requirements. (4-6-05)

a. Contract providers must provide a range of program services specifically designed to address the characteristics of the target population identified in the comprehensive program description and in the admission policy. (4-6-05)

b. Programs that serve a special needs population, such as developmentally delayed or seriously emotionally disturbed juvenile offenders, and those programs serving sexually abusive juvenile offenders, must be able to demonstrate that the program services offered are supported by research. (4-2-08)

c. Programs serving female juvenile offenders must be able to demonstrate that the services provided include elements of a program specific to the unique situations and circumstances facing female juvenile offenders. These elements must be clearly identified and described within the program description. (4-2-08)

d. Programs designed to serve juvenile offenders with gang involvement must be able to demonstrate that the services provided include elements of a program specifically designed to address gang involvement. These elements must be clearly identified and described within the program description. (4-2-08)

e. Program services for individual juvenile offenders must be designed based upon a documented assessment of strengths, as well as needs and risks, and must target those behaviors or circumstances which have contributed to the juvenile's delinquency and which can reasonably be changed (criminogenic needs). These services must be clearly identified and described within the program description. (4-2-08)

f. Professional level services offered as a part of the program must be provided by staff meeting the requirements set forth in Sections 220 through 222, of these rules. (4-6-05)

g. Progress made by individual juvenile offenders in each service area, that is a portion of the service implementation plan, must be documented in at least monthly progress notes and reported in written progress reports at least every two (2) months. (4-2-08)

h. Programs that contract with the department to serve juvenile offenders and their families must: (4-2-08)

i. Provide humane, disciplined care and supervision; (4-6-05)

ii. Provide opportunities for juvenile offenders' development of competency and life skills; (4-2-08)

iii. Hold juvenile offenders accountable for their delinquent behavior through means such as victim-offender mediation, restitution, and community service; (4-2-08)

iv. Seek to involve juvenile offenders' families in treatment, unless otherwise indicated for the safety and benefit of the juvenile offenders or other family members; (4-2-08)

v. Address the principles of accountability to victims and to the community, competency development, and community protection in case planning and reporting; (4-6-05)

vi. Participate fully with the department and the community treatment team in developing and implementing service plans for juvenile offenders they serve; (4-2-08)

vii. Provide juvenile offenders with educational services based upon their documented needs and abilities; and (4-2-08)

viii. To the fullest extent possible, provide balance in addressing the interests of the victim, community, and the juvenile offender. (4-2-08)

i. Reintegration services include all aspects of case planning and service delivery designed to facilitate successful return of the juvenile offender to the community. All juveniles committed to the department shall have a written reintegration plan developed as a part of their service implementation plan. (4-2-08)

03. Comprehensive and Current Program Description. Contract providers must provide, and keep current with the department, a program description detailing the range of services to be provided and the methods for providing these services. The current program description will be attached to the contract. At a minimum, this program description must include: (4-6-05)

a. Target population and specific admission criteria; (4-6-05)

b. Primary and secondary treatment modalities; (4-6-05)

c. Outline of daily schedules for juvenile offenders and staff; (4-2-08)

d. Description of educational services provided, including

full compliance with all applicable federal and state law and rules for special education and Title I services; (4-2-08)

e. Description of emergency and routine health and mental health services, including psychotropic medication monitoring, unless this population is specifically excluded from admission to the program; (4-2-08)

f. Description of religious services, recreation services, and other specialized services provided as indicated by the needs of the identified target population; (4-2-08)

g. Plans for the use of volunteers to provide for support elements of the program; (4-6-05)

h. Written criteria for successful completion of the program and written criteria for termination from the program prior to completion; (4-6-05)

i. A thorough description of all services offered as a part of the program, including a description of the frequency of service delivery, and accounting for the costs of all services provided by consultants and subcontractors; (4-6-05)

j. A detailed description of each individual treatment intervention or service area provided, such as treatment group, psycho-educational group, cognitive restructuring group, and peer group including: (4-2-08)

i. The total length of the specific treatment intervention or service area; (4-2-08)

ii. The overall goals of the treatment intervention or service area; (4-2-08)

iii. The number of sessions in the treatment intervention or service area; (4-2-08)

iv. The average length of each session; (4-2-08)

v. The facilitator education and training requirements; (4-2-08)

vi. The specific curriculum used in the treatment intervention or service area; and (4-2-08)

vii. The number of hours per week an individual juvenile offender will participate in the treatment intervention or service area. (4-2-08)

k. A detailed description of the behavior management component of the program; and (4-6-05)

l. A copy of any memoranda of understanding with the local educational agency for providing educational services. (4-2-08)

04. Advance Notice of Program or Population Changes. Contract providers shall notify the department as soon as possible, but no later than thirty (30) calendar days, before there is a change in the name of the organization, type of service, characteristics of juveniles being served, changes in the licensed capacity of the facility, closure of the facility, changes in ownership or in the organizational structure. (4-6-05)

261. PROGRAM POLICY REQUIREMENTS.

01. Written Policies. Programs must have, at a minimum, the following written policies concerning program operations available at the program site. (4-6-05)

a. Program elements and implementation. (4-6-05)

b. Admission policy describing the target population and criteria for admission, and identifying sources of referrals to the program. (4-6-05)

c. Criteria for assigning juvenile offenders to different units within the program, if applicable. (4-2-08)

d. The provision of (or referral for) emergency and routine health and mental health services for the population. (4-6-05)

e. The prevention and monitoring of suicidal behavior. The policy at a minimum shall require that: (4-6-05)

i. A suicide risk screening be completed within no more than two (2) hours of a juvenile offender's admission into a facility. The screening is done to identify an immediate threat of suicide or self-harm and the need for a suicide risk assessment. Further, the screening is a system of structured and documented observation, interview and review of behavioral, medical, and mental health information. (4-2-08)

ii. A suicide risk assessment, if appropriate, be completed by a mental health professional for the purpose of determining the level of immediate risk of a juvenile offender attempting suicide. A suicide risk assessment is a system of structured and documented observation, interview and review of behavioral and mental health information. It comprises a thorough review of recent behavioral and mental health information, interviews of staff and the juvenile offender concerning the behavior that seems to present the threat of self-harm or suicide and the development and dissemination of a safety plan to address the risk as it is determined to exist. A suicide risk assessment typically involves an assessment of the juvenile offender's determination to act on his intentions of self-harm, a determination of the depth of his planning for making the attempt, the availability of the items or situations necessary for him to act on that plan and the lethality of the plan as expressed. Reassessment of suicide risk is made at a time determined by the mental health professional completing the assessment and is ideally completed by that same mental health professional. (4-2-08)

f. Behavior management within the program, including use of points and levels, restraints, separation, detention and other types of special management. (4-6-05)

g. Supervision of juvenile offenders policy shall include managing juvenile offender movement within the program, including the timely transfer of behavioral information about juvenile offenders from staff at shift change. (4-2-08)

h. Juvenile offenders' access to the community policy shall include use of community schools or job sites, and individual or group activities away from the program site. For residential programs, this also includes individual community passes. (4-2-08)

i. Provision of educational and vocational services. (4-6-05)

j. Administrative coverage in emergency situations, after regular work hours (residential only). (4-6-05)

k. Documentation and reporting of critical incidents to program administrators, the department and others on the community treatment team. (4-6-05)

l. Treatment planning and progress reporting to the department, juvenile offender, family and others on the community treatment team. (4-2-08)

m. Reintegration policy shall describe criteria for successful completion of program, termination from program prior to completion, and the involvement of the department and community treatment team. (4-2-08)

n. Grievances. (4-6-05)

o. Visitation. (4-6-05)

p. Correspondence, including telephone and mail. (4-6-05)

q. Emergency procedures in the event of a natural disaster. (4-6-05)

r. Searches of staff and visitors. (4-6-05)

s. Contract providers shall have written policies and procedures prohibiting the sexual contact by any employee with a juvenile offender. (4-2-08)

t. Contract providers, in accordance with the PREA, shall have written policies and procedures that promote zero tolerance toward sexual misconduct with or among juvenile offenders in their care and zero tolerance toward the sexual assault of juvenile offenders by staff or by other juvenile offenders. (4-2-08)

02. Documented Staff Training. Documented staff

training on these policies must also be available for review by the department. (4-6-05)

262. PROGRAM OPERATIONAL REQUIREMENTS AND CASE MANAGEMENT.

01. General Requirements. (4-6-05)

a. Programs should provide vigorous programming that minimizes periods of idle time, addresses behavioral problems of juvenile offenders, and teaches and promotes healthy life choices. Programs should specifically address those factors in juvenile offenders' lives that contribute to delinquency and that can be realistically changed. (4-2-08)

b. Programs must be open to the community by encouraging appropriate telephone and mail contact between juvenile offenders and their families, by encouraging visitation, and by involving volunteers in support of the program. (4-2-08)

c. Contract providers must structure and document services offered in the program so that continuity in case planning is obvious. Health, mental health, substance abuse, social skills, educational, vocational, independent living, and other special needs identified in the assessment must be clearly addressed in the service implementation plan. Services provided to address those needs must be documented regularly. Progress on goals associated with those needs must be recorded in progress notes in a case file at least monthly and in a written progress report at least every two (2) months. Service needs remaining at the time of release from department custody or transfer must be accounted for in the reintegration plan for each juvenile offender. (4-2-08)

d. Without authorization from the Idaho Department of Health and Welfare and the department, a residential care contract provider shall not admit more juveniles into care than the number specified on the provider's license. Contract providers wishing to increase capacity are responsible for contacting the Idaho Department of Health and Welfare. A copy of the written confirmation to the contract provider from the Idaho Department of Health and Welfare for verbal approval to exceed the licensed capacity shall be forwarded to the

department's clinical supervisor in the region and to the department's quality assurance staff. (4-6-05)

e. Programs may not, under any circumstances, involve juvenile offenders in plethysmographic assessments. The use of polygraphs for juvenile offenders adjudicated for or documented to have demonstrated sexually abusive behavior, shall only be undertaken by court order or with the specific written authorization of the department's regional clinical supervisor, and then only with the full, informed consent of the juvenile offender, and if he is a minor, his parent or guardian. Contract providers shall not make treatment decisions solely on the results of a polygraph. Polygraphers used in this process must be able to provide documentation of specific training in the use of polygraphy with sexually abusive juvenile offenders. (4-2-08)

02. Incidents Requiring Immediate Notice. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end of the shift during which the incident took place. If any of the following events occur, the contract provider must immediately notify the juvenile offender's parent or guardian, juvenile services coordinator, juvenile probation officer, and the department's regional state facility by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer, unless notification to the juvenile offender's parent or guardian would endanger the juvenile. Transmission may be electronic or by facsimile. (4-2-08)

a. Health and mental health emergencies, including but not limited to, every instance of emergency room access; (4-6-05)

b. Major incidents such as death of a juvenile offender, suicide, attempted suicide or threat of suicide, attempted escape, sexual misconduct among juvenile offenders or by staff, criminal activity resulting in arrest or filing a report with local law enforcement, or any relevant report made to the Idaho Department of Health and Welfare; (4-2-08)

c. Any incident of restraint which involves the use of medications, chemicals, or mechanical devices of any kind; (4-6-05)

d. Any use of separation or isolation for more than two (2) hours; (4-6-05)

e. Incidents of alleged or suspected abuse or neglect of juvenile offenders; and (4-2-08)

f. Incidents involving the disclosure of criminal behavior by juvenile offenders. (4-2-08)

03. Escapes Also Require Immediate Notice. In all instances of escape, the contract provider must immediately notify the juvenile correctional center in Nampa first, followed by the regional state facility, juvenile offender's parent or guardian, juvenile services coordinator, and juvenile probation officer by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer, unless notification to the juvenile offender's parent or guardian would endanger the juvenile offender. Transmission may be electronic or by facsimile. Upon apprehension, all of the same parties must be notified immediately. (4-2-08)

a. Clothing and other personal belongings shall be secured immediately and maintained in a secure place until returned to the department. (4-6-05)

b. The contract provider shall not transfer a juvenile offender at the time of an escape. The juvenile offender shall continue to be assigned to the program, although not physically present for up to forty-eight (48) hours. The program will be reimbursed for the days the juvenile offender was on escape status up to forty-eight (48) hours. Should the program choose to transfer the juvenile offender after his return, then the procedures outlined in Subsections 276.04 and 276.08, of these rules, shall apply. If the juvenile offender is apprehended, the contract provider should contact the juvenile services coordinator to plan for transfer of the juvenile offender to a regional facility for an updated assessment and for a placement decision. (4-2-08)

04. Incidents Not Requiring Immediate Notice. (4-6-05)

a. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end of the shift during which the incident took place. A copy of the completed incident report must be submitted to the juvenile services coordinator no later than ten (10) business days after the incident.(4-6-05)

b. A detailed incident report is required for each incident or activity which jeopardizes the safe operation of the facility. This would include but not be limited to: (4-2-08)

i. Instances of physical assault or fighting; (4-2-08)

ii. Instances of lost keys or tools; (4-2-08)

iii. Major misconduct by one (1) or more juvenile offenders or staff; (4-2-08)

iv. Discovery of contraband such as weapons or drugs; and (4-2-08)

v. Significant property damage resulting from misconduct, negligence, or from incidents such as explosions, fires, floods, or other natural disasters. (4-2-08)

c. A detailed incident report is also required for each incident of staff or juvenile offender misconduct which results in any type of: (4-2-08)

i. Injury; (4-6-05)

ii. Physical restraint; (4-6-05)

iii. Suspension; (4-6-05)

iv. Termination of work; (4-6-05)

v. Program participation; (4-6-05)

vi. Separation, isolation, or room confinement for less than two (2) hours; (4-6-05)

vii. Detention; or (4-6-05)

viii. Arrest of a juvenile offender. (4-2-08)

05. Incident Report Content. Contract providers may elect to use the department's standard incident report form or may use another form as long as all of the following information is included: (4-6-05)

a. Juvenile offender's assigned unit; (4-2-08)

b. Date, location, and time of the incident; (4-2-08)

c. Witnesses and other staff and juvenile offenders involved; (4-2-08)

d. Persons notified with date and time of notice; (4-6-05)

e. Type of incident by category, such as assault on staff, assault on juvenile offender, injury or illness, property damage, contraband, suicide attempt or threat, escape or attempted escape, or other misconduct; (4-2-08)

f. Action taken by category, such as physical restraint, separation, isolation, or room confinement with times in and out, suicide precautions, or escape precautions initiated; (4-6-05)

g. Brief narrative description of the incident; (4-6-05)

h. Signature of staff and reviewing supervisor; (4-2-08)

i. Documentation of injury and medical attention provided; and (4-2-08)

j. If the incident involves sexual misconduct, the incident report must include a description of action taken to: (4-2-08)

i. Keep the alleged victim(s) safe from intimidation of further abuse and maintain confidentiality; (4-2-08)

ii. Address any immediate trauma, either physical or emotional; (4-2-08)

iii. Address long-term medical or mental health needs related to the alleged abuse; (4-2-08)

iv. Notify responsible licensing, regulatory, and law enforcement agencies and preserve evidence; (4-2-08)

v. Conduct an internal investigation of the incident and as necessary request that an external investigation be completed; and (4-2-08)

vi. Prevent repetition of the abusive situation. (4-2-08)

06. Monitoring the Location of Juvenile Offenders. The contract provider must have and strictly follow a comprehensive policy covering the supervision of juvenile offenders, including a plan for monitoring all movement of those juvenile offenders both in the facility and, as appropriate, within the community. Staff at the facility must be aware of the location of every juvenile offender assigned to that program at all times. (4-2-08)

07. Nonresidential Absences. Nonresidential programs shall make reasonable efforts to ensure that the juvenile offenders attend their program daily or as otherwise specified in the service implementation plan. The nonresidential program shall inform the juvenile services coordinator of daily attendance and all attendance problems. This information must be documented in at least monthly progress notes and must be reported in written progress reports every two (2) months. (4-2-08)

263. FACILITY SEARCHES.

01. Periodic Searches. In order to ensure the safety of juvenile offenders, staff, and visitors, periodic facility searches for contraband shall be conducted. The frequency and extent of whole facility and ground searches should be consistent with program policies and can be included during other routine inspections or activities. Searches shall be conducted by staff trained in appropriate search techniques. Searches called by the facility staff do not have to include the

entire facility, but can be limited to specific areas or juvenile offenders. Juvenile offenders' belongings shall be disturbed no more than necessary during the search. The search shall be documented in terms of who conducted the search, what areas were searched, and what type of contraband was found, if any. If a search yields contraband, the juvenile services coordinator will be notified and it shall be reported according to the requirements of the department. If necessary, the appropriate law enforcement agency should be notified. (4-2-08)

02. Policies and Procedures Governing Searches. The program shall have policies and procedures for conducting searches of juvenile offenders, staff, visitors, and all areas of the facility in order to control contraband or locate missing property. It is suggested that a sign be posted notifying visitors of the specific policy of the contract provider regarding searches. (4-2-08)

03. Policies and Procedures Governing Consequences. The contract provider shall have written policies and procedures establishing the consequences for juvenile offenders found with contraband. Juvenile offenders should acknowledge, with their signature, that they were informed of what constitutes contraband and also the consequences for its possession. (4-2-08)

04. Visitor Searches. (4-6-05)

a. Prior to visitors being allowed in the facility, they shall be given rules established by the contract provider that govern their visit and advised that they may be subject to a search. They shall sign a statement of receipt of these rules and it shall be placed in the facility's file. Visitors may be required to submit packages, handbags, and briefcases for inspection by trained staff. If there is reason to believe that additional searches are necessary, admission to the facility shall be denied. (4-6-05)

b. All visitor searches shall be documented in the facility log. When contraband is found, a written report shall be completed and submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency will be notified. (4-6-05)

264. CONTRABAND DISPOSAL.

All contraband found in the possession of juvenile offenders, visitors, or

staff shall be confiscated by staff and secured under lock and key in an area inaccessible to juvenile offenders. Local law enforcement shall be notified in the event illegal drugs, paraphernalia, or weapons are found. It shall be the responsibility of the facility director, in consultation with the department, to dispose of all contraband not confiscated by police. Visitors who bring in items that are unauthorized, but not illegal, will have these items taken and locked in an area inaccessible to the juvenile offenders during the visit. These items will be returned to the visitors upon their exit from the facility. (4-2-08)

265. SEARCHES OF PERSONAL ITEMS.

Routine searches of suitcases or personal items being introduced into the facility will be conducted by facility staff prior to the juvenile offender taking possession of his property, or when the juvenile offender is returning to the facility from an individual community pass. Search of a juvenile offender's belongings may be done at any time and shall be minimally intrusive. All searches shall be documented in the facility log and, if contraband is found, a written incident report must be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (4-2-08)

266. JUVENILE OFFENDER PAT DOWN SEARCHES.

01. Necessity. Pat down searches of juvenile offenders may be conducted whenever the contract provider believes it is necessary to discourage the introduction of contraband into the facility, or to promote the safety of staff, juvenile offenders, and visitors. A pat down search may be used when a juvenile offender is returning from a visit, or outside appointment, or activity. (4-2-08)

02. Pat Down Searches. Pat down searches shall be conducted in the manner required by the child care licensing rules of the Idaho Department of Health and Welfare. (4-6-05)

03. Documentation. All pat down searches shall be documented in the facility log. A written report shall be completed when contraband is found and shall be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (4-6-05)

267. JUVENILE OFFENDER STRIP SEARCHES.

01. Reasonable Suspicion. Strip searches may be performed by facility staff, only after a pat down search, whenever there is reasonable suspicion to believe that weapons or contraband may be found through additional searches. Strip searches shall be authorized by the facility director or designee and conducted strictly in the manner required by the child care licensing rules of the Idaho Department of Health and Welfare. (4-6-05)

02. Documentation. All strip searches shall be documented in the facility log. A written report shall be completed when contraband is found and shall be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (4-6-05)

268. DRUG SCREENS OF JUVENILE OFFENDERS.

Drug screens may be done randomly or on an as needed basis at the contract provider's expense with the approval of the contract provider's director. A record shall be kept of all drug screens and results. A positive drug screen shall immediately be reported to the juvenile services coordinator supervising the case. (4-2-08)

269. USE OF FORCE OR PHYSICAL RESTRAINTS.

Contract providers, licensed by the Idaho Department of Health and Welfare, must ensure that all terms of the child care licensing rules of the Idaho Department of Health and Welfare are strictly followed. Additionally, licensed and non-licensed contract providers must ensure that: (4-2-08)

01. Minimal Use. Only the minimum level of force necessary to control a juvenile offender's destructive behavior shall be used. (4-2-08)

02. Physical Force. Physical force, at any level, may only be used to prevent injury to the juvenile offender or to others and to prevent serious damage to property or escape. Physical force shall never be used as punishment. (4-2-08)

03. Reporting Requirement. All instances of use of force must be documented in an incident report and submitted according to the

terms of Subsection 262.02 of these rules. Incidents of inappropriate use of force must be reported to the Idaho Department of Health and Welfare, or law enforcement as required by law. (4-2-08)

270. DISPOSITION OF REFERRALS FROM THE DEPARTMENT.

A juvenile offender's admission into a program shall be based on an assessment of the juvenile offender's strengths, problems, risks and needs, and on the anticipated ability of the program to reasonably address those issues. Contract providers shall ensure that the juvenile offender and parent or guardian are provided an opportunity to participate in the admission process and related decisions. (4-2-08)

01. Accepting Referral. Upon receipt of a complete referral packet from the department, the contract provider has two (2) business days in which to decide whether to accept or decline the referral. Upon acceptance, the Referral Acceptance/Denial Form, attached to the referral packet, must be completed and signed. By accepting the referral, the contract provider agrees to address the identified treatment goals and the anticipated length of stay. Once the acceptance has occurred, the juvenile offender's transportation will be made. (4-2-08)

02. Declining Referral. Contract providers shall not, without just cause, deny admission to any juvenile offender who meets the specific admission criteria set forth in the program description. If a contract provider denies a referral, the specific reason for denial must be documented on the department's Referral Acceptance/Denial Form and the form returned to the regional referral coordinator. The contract provider shall then shred the referral packet. (4-2-08)

03. Change in Admission Criteria. Any change in the contract provider's admission criteria must be reflected in the admission policy and requires a written amendment to the contract with the department. Temporary exceptions are covered under Section 101, of these rules. (4-6-05)

271. ONGOING TREATMENT AND CASE MANAGEMENT.

The juvenile offender must always be aware of the status of his progress within the program and what remains to be done to complete the program. Contract providers must assure that the basic norms and

expectations of the program are clearly presented to the juvenile offender and that they are understood. Any points, levels or phases that are a fundamental part of a program must be clearly understood by the juvenile offender in the program. Each juvenile offender's progress, or lack of progress, through these levels must be clearly documented and must be related to documented behavior. Recommendations for release from department custody or transfer should be substantiated by a documented pattern of behavioral change over a period of time. Recommendations for transfer to a higher level of custody must be substantiated by a documented lack of progress over time, or by a serious or violent incident which threatens the safety of others or the stability of the overall program. (4-2-08)

01. Service Implementation Plan. Within thirty (30) calendar days of the juvenile offender's admission into the program, a written service implementation plan must be developed. The service implementation plan must address the specific goals identified in the service plan from the observation and assessment report. The service implementation plan should, at a minimum, address the following areas as indicated by need: (4-2-08)

a. Health; (4-6-05)

b. Mental health; (4-6-05)

c. Substance abuse; (4-6-05)

d. Social skills; (4-6-05)

e. Education; (4-6-05)

f. Vocations; (4-6-05)

g. Independent living; (4-6-05)

h. Other special needs; (4-2-08)

i. Progress notes from the initial period of placement in the program; and (4-2-08)

j. Reintegration plan. (4-2-08)

02. Family Involvement. Each juvenile offender and, to the fullest extent possible, the family should be involved in developing the service implementation plan, and in adjusting that plan throughout the course of commitment. (4-2-08)

03. Department Assessments. Assessments provided by the department shall not be repeated by the contract provider at the time of admission into the program without specific justification provided to the regional clinical supervisor. (4-6-05)

04. Service Implementation Plan Adjustments. The service implementation plan should be adjusted throughout placement with the concurrence of the juvenile services coordinator following communication with the community treatment team. Specifically, the service implementation plan should be adjusted as new needs are identified, as goals are achieved, and as plans for reintegration are finalized. (4-6-05)

05. Progress Notes. Monthly progress notes must be filed recording each juvenile offender's progress toward completing the service implementation plan. (4-2-08)

06. Education Plan. A copy of the juvenile offender's education plan shall be a component of the service implementation plan. This education plan shall include the juvenile offender's course of study (GED, secondary, post-secondary, etc.), long-term educational goals and short-term objectives, and shall comply with all state and federal laws. If the juvenile offender has been identified as eligible to receive services under Section 504 of the federal Rehabilitation Act of 1973 (Section 504) or the federal IDEA, a copy of the IEP, and supporting documentation shall be sent to the department's education manager at the juvenile correctional center in Nampa within ten (10) days from development. The education plan shall be updated and submitted yearly Written educational progress (report cards) shall be submitted to the department's education manager at the juvenile correctional center in Nampa at the end of each school's grading period, e.g. quarter, semester, trimester, etc. (4-2-08)

a. Contract providers may choose to utilize the department's software program provided by the department for managing special education students' paperwork. (4-2-08)

b. If this option is selected, an e-mail to the education records manager at the juvenile correctional center in Nampa will be required stating that the required documents have been completed in the software program. It will not be necessary to mail hard copies of the documents. (4-2-08)

07. Progress Report. The progress report should focus on areas of positive change in behavior and attitudes, as well as on the factors required for a successful program completion (progress in community protection, competency development, and accountability). Areas of need that were included in the service implementation plan and identified in Subsection 271.01, of these rules, should also be referenced in the progress report. Each progress report should also note any changes or further development of the reintegration plan and should detail the level of involvement of the parent or guardian in treatment. A written progress report must be submitted to the juvenile services coordinator at least every two (2) months. (4-6-05)

08. Report Distribution. Copies of the progress report shall be distributed by the contract provider to the juvenile offender and the juvenile services coordinator. The juvenile services coordinator will review and forward the progress report to the juvenile probation officer, appropriate court, and parent or guardian, unless the juvenile offender's family has been excluded from treatment by the juvenile services coordinator and the respective clinical supervisor for some well documented reason. (4-2-08)

272. INDIVIDUAL COMMUNITY PASSES.

Prior to granting any individual community pass to a juvenile offender, the contract provider shall contact the juvenile probation officer and the juvenile services coordinator to ensure that neither the court nor the department has placed restrictions on the juvenile offender's pass privileges. All requests for passes must be approved by the juvenile services coordinator. Any pass involving an overnight stay away from the facility, or involving special circumstances such as a sexual victim in the home, requires a written plan detailing supervision and safety measures to be taken, an itinerary for the visit, transportation plan, and must be approved in writing five (5) business days in advance by the juvenile services coordinator. Each time a juvenile offender leaves on and returns from an individual community pass, the contract provider

must notify the juvenile correctional center in Nampa of this movement, promptly at the time that the juvenile offender leaves and at the time he returns. (4-2-08)

01. Potential Risk to Public Safety. All passes for juvenile offenders assigned to residential facilities should be considered as an integral part of the service implementation plan. However, in all cases, the potential risk to public safety and adequacy of home supervision shall be considered prior to allowing a juvenile offender to return home. It is also important that passes not interfere with the ongoing treatment and supervision needed by juvenile offenders. Contract providers must provide parents or guardians with clearly written guidelines for approved passes, which must be signed by parents or guardians indicating their understanding and willingness to comply with those guidelines. The department's pass form may be used for this purpose. If the department's form is not used, the form signed and agreed to by the individual assuming responsibility for supervision, the pass must contain at least the following information: (4-2-08)

a. The juvenile offender's name and date of birth; (4-2-08)

b. The name, address and telephone number of the individual assuming responsibility; (4-6-05)

c. Authorized days, dates and times for the pass, including the specific date and time of departure and of return; (4-6-05)

d. A complete listing of the anticipated locations and activities in which the juvenile offender is expected to be involved; (4-2-08)

e. Specific plans for supervision and telephone checks to verify compliance with the pass conditions; (4-6-05)

f. A complete listing of the activities required during the pass; (4-6-05)

g. Specific stipulations prohibiting: (4-6-05)

i. The use of alcohol, tobacco, and drugs; (4-6-05)

ii. Involvement in any illegal activity, or association with others who may be or have been involved in illegal behavior; (4-6-05)

iii. Participation in sexual relations of any kind; (4-6-05)

iv. Possession of any kind of firearm or weapon; (4-6-05)

v. Any violation of the terms of probation; and (4-6-05)

h. Specific stipulations about search and drug testing upon return, and the possible consequences for violation of any of the terms of the pass agreement. (4-6-05)

02. Eligibility. A juvenile offender must be in placement a minimum of thirty (30) calendar days before he is eligible for any pass. Any exceptions due to extenuating circumstances must be approved by the juvenile services coordinator. (4-2-08)

03. Frequency. Frequency of passes shall be consistent with the terms of the juvenile offender's service implementation plan and contract provider's contract with the department. (4-2-08)

04. Documentation. Documentation of the exact date and time of the juvenile offender's departure from the program for a pass, and his return, must be maintained along with complete information about the individual assuming physical custody, transportation, and supervision during the pass. (4-2-08)

273. GROUP ACTIVITIES OFF FACILITY GROUNDS.
An activity plan and itinerary covering activities to be engaged in, when and where the group is going, how they will travel, how long they will stay, and why the activity is being planned must be submitted to the juvenile services coordinator at least five (5) business days prior to the activity. The activity plan must identify the specific risk elements associated with the activity and provide a safety plan for each of those risk elements. Routine, low risk activities within the local community adjacent to the facility do not require prior notice, and are to be conducted at the discretion of and under the responsibility of the contract provider. (4-6-05)

01. Recreational Activities. A pass authorizing the participation of juvenile offenders in outdoor recreational or work activities with an increased risk, such as overnight trips, must be signed by the juvenile services coordinator and juvenile probation officer prior to the activity. Any proposed activity that involves rafting, boating, rappelling, rock climbing, or higher risk activity must also have the prior approval, in writing, of the clinical services administrator. (4-2-08)

02. Staff Requirements. (4-6-05)

a. A basic first aid kit and current Red Cross First Aid Manual will be taken with the group. At least one (1) person certified in first aid and CPR shall accompany the group. (4-6-05)

b. Swimming, boating, or rafting will only be allowed when a staff in attendance has certification in basic rescue and water safety, water safety instruction, or Red Cross life saving. All juvenile offenders involved in boating or rafting activities must wear an approved personal flotation device. (4-2-08)

c. A staff to juvenile offender ratio of one to six (1:6) will be adhered to as a minimum unless there is a reason to require more staff. The risk level of the activity, as well as any physical disabilities, high client irresponsibility, mental deficiencies, or inclusion of groups of juvenile offenders under age twelve (12), are some reasons to consider additional staff. (4-2-08)

d. All participants will be recorded in the activity plan and identified as program clients, staff, or volunteers. The individual staff or volunteer satisfying the above first aid and CPR requirements must be identified in the plan. (4-6-05)

03. Consent Forms. Recreational activities identified as presenting a higher risk require prior written approval in accordance with Subsection 273.01 of these rules. Each juvenile offender must have prior written consent from a parent or guardian, if available, and the clinical services administrator. Consent shall include: (4-2-08)

a. Permission for the juvenile offender's participation; (4-2-08)

b. Acknowledgement of planned activities; and (4-6-05)

c. Permission for the contract provider to seek or administer necessary medical attention in an emergency. (4-6-05)

04. Consumption. There will be no consumption of alcoholic beverages or illicit drugs by staff or juvenile offenders or volunteers while engaged in any agency-sponsored trip or activity. (4-2-08)

274. ACTIVITY REPORTS.

At the conclusion of each pass or group activity, the contract provider shall determine whether any problems occurred or other significant positive or negative events transpired while the juvenile offender was on pass. This information shall be documented in the juvenile offender's file. Any unusual occurrences shall be reported to the juvenile services coordinator and documented on an incident report. A drug screening urinalysis may be conducted on each returning juvenile offender, at the expense of the contract provider, and the results of that exam reported to the juvenile services coordinator. (4-2-08)

275. OUT-OF-STATE TRAVEL.

When a contract provider is planning an out-of-state trip for any of its juvenile offenders, the facility administrator shall obtain prior written authorization from the regional clinical supervisor or designee. The necessary sequence of action and approval is as follows: (4-2-08)

01. Notification. The contract provider shall notify the juvenile services coordinator in writing two (2) weeks in advance of the scheduled trip with the following: (4-6-05)

a. Dates of the scheduled trip; (4-6-05)

b. Location of the trip; (4-6-05)

c. Purpose of the trip; (4-6-05)

d. Transportation arrangements; (4-6-05)

e. Where the juvenile offender will be staying if overnight accommodations are required (address and phone number); and (4-2-08)

f. Who is going, such as juvenile offender, and name and position of staff. (4-2-08)

02. Prior Approval. The administrator shall obtain all necessary approvals prior to authorizing travel. (4-6-05)

276. PLANNING FOR REINTEGRATION.

Each area of continuing need must be specifically addressed (health, mental health, substance abuse, social skills, other specialized needs). (4-2-08)

01. Programs. Programs must promote continuity in programming and services for juvenile offenders after they leave the program by assuring that essential information is forwarded to those agencies that will be providing services to the juvenile offenders, and working closely with department staff throughout placement to plan for reintegration. (4-2-08)

02. Approval. Reintegration, by release from department custody or transfer, shall not take place without the involvement of the department's assigned juvenile services coordinator, and the approval in writing of the regional clinical supervisor and regional superintendent. (4-6-05)

03. Department Concurrence. Preparation for reintegration of a juvenile offender begins with the initial development of a service plan and is an ongoing process throughout the juvenile offender's program. Criteria for the juvenile offender's release from department custody or transfer shall be explained to him as soon as possible after admission to a program. (4-2-08)

04. Reintegration Plan. Within the first thirty (30) calendar days after a juvenile offender is admitted to a program, a written reintegration plan shall be formulated as one (1) part of the overall service implementation plan. The reintegration plan should include: (4-2-08)

a. The juvenile offender's anticipated length of stay; (4-2-08)

b. Specific program goals to be achieved while in the program; (4-6-05)

c. Living arrangements upon release from department custody or transfer; (4-6-05)

d. Resources necessary for the juvenile offender to continue to meet treatment goals in the community; (4-2-08)

e. Resources necessary for the juvenile offender to continue an appropriate education; and (4-2-08)

f. Terms of continued probation to the extent that they are known and addressed in progress reports. (4-6-05)

05. Written Recommendation. Contract providers shall provide to the juvenile services coordinator a written recommendation for release from department custody or transfer at least thirty (30) calendar days prior to the juvenile offender's anticipated completion of the program. This recommendation shall include: (4-2-08)

a. A current summary of the juvenile offender's progress; (4-2-08)

b. A summary of the efforts to reach the juvenile offender's goals and objectives, including education; (4-2-08)

c. Any unresolved goals or objectives; (4-6-05)

d. Reinforcement goals and objectives for parents, guardians, or reintegration workers; (4-6-05)

e. Recommendation for continuing services, including education, in the home community; (4-6-05)

f. The prognosis; and (4-6-05)

g. The current address of the recommended custodian. (4-6-05)

06. Reintegration Staffing. The juvenile services coordinator shall convene a reintegration staffing which will include the juvenile offender's probation officer, the contract provider, the juvenile offender's parent or guardian, an education representative, and the juvenile offender. Based upon the results of that staffing, the department will make the final decision regarding transfer or release from department custody. At a minimum, the reintegration staffing must consider and, to the extent possible, solidify plans to address any ongoing health, mental health, substance abuse, social skills, education, vocation, independent living, and other special needs. (4-2-08)

07. Check-Out Procedures. Prior to the release from department custody or transfer, the contract provider must have completed a Contract Provider Juvenile Check-Out Form supplied by the department. The form shall be dated, signed by the juvenile offender, and forwarded to the juvenile services coordinator on the actual date that the juvenile offender leaves the program. (4-2-08)

a. The contract provider shall immediately provide the juvenile offender's medication, prescriptions and Medicaid card, if applicable, to the individual or agency authorized to transport the juvenile offender. (4-2-08)

b. Within two (2) business days after a juvenile offender leaves the facility or program, the contract provider shall send any available dental or medical records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (4-2-08)

c. Within two (2) business days after a juvenile offender leaves the facility or program, the contract provider shall send a report showing the juvenile offender's total hours, credits, and associated grades directly to the juvenile correctional center in Nampa. The contract provider shall maintain adequate documentation to support the submitted education reports. Timely receipt of these records is critical to assist the transition of the juvenile offender to another educational facility. If contracted facilities choose to utilize the department's software programs provided by the department for course enrollment and grading, the contract facility education staff will enter final grades into the department's software program prior to transfer. An e-mail notification

to the education records manager at the juvenile correctional center in Nampa will be required once the final grades have been entered. The hard copy of the education files shall be mailed within two (2) business days of the juvenile offender's transfer. (4-2-08)

08. Termination Prior to Completion. (4-6-05)

a. When a contract provider believes a juvenile offender is at risk for transfer prior to program completion, the juvenile services coordinator must be notified as far in advance as possible so that a staffing with the regional clinical supervisor and, if necessary, the clinical services administrator, may be held. The purpose of this staffing is to consider the circumstances which may require the transfer, and to make every effort to address the concerns with the contract provider to avoid the necessity of making another placement. The contract provider must document these efforts at problem solving. The department will make a decision about transfer based upon the results of this staffing and any subsequent work agreed upon with the contract provider. The contract provider can request transfer of a juvenile offender in the following circumstances: (4-2-08)

i. A pattern of documented behavior clearly indicating a lack of progress; or (4-6-05)

ii. Commission of one (1) or more serious or violent incidents that jeopardize the safety and security of individuals or the program. (4-6-05)

b. In matters involving life, health, and safety of any juvenile in department custody, the department shall remove the juvenile offender immediately. (4-2-08)

c. A comprehensive summary shall include, at a minimum, a report on progress or lack of progress on all service implementation plan areas, and recommendations for follow-up. The summary shall be forwarded to the juvenile services coordinator within twenty-four (24) hours of release from department custody or transfer prior to program completion. (4-6-05)

d. In cases of all releases from department custody and transfers, the contract provider shall send any available dental or medical

records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (4-2-08)

e. The summary shall be forwarded to the department within five (5) business days of the date of transfer or release from department custody, if the juvenile offender has completed the program. (4-2-08)

277. RESERVATION OF PROGRAM SLOTS.

When a program slot is to be reserved, the department shall contact the contract provider and request that the slot be reserved. Unless the clinical services administrator or designee gives specific approval, the maximum time for which a program slot may be reserved and the contract provider continue to receive payment is forty-eight (48) consecutive hours. (4-6-05)

278. GUIDELINES FOR SPECIFIC SERVICES.

01. Counseling Services. (4-6-05)

a. All counseling services provided to juvenile offenders, whether individual, group or family, must be performed by a clinician, counselor, or therapist as defined in these rules. (4-2-08)

b. Counseling should be planned and goal directed. (4-6-05)

c. Notes must be written for each service provided. The notes must be dated, clearly labeled either individual, group or family counseling, and each entry must be signed by the clinician, counselor, or therapist performing the service. (4-6-05)

d. The methods and techniques applied in counseling and the frequency and intensity of the sessions should be determined by assessment. (4-6-05)

e. Counseling should be reality oriented and directed toward helping juvenile offenders understand and solve specific problems; discontinue inappropriate, damaging, destructive or dangerous behaviors; and fulfill individual needs. (4-2-08)

f. The minimum standard for the frequency of counseling services shall be specified in the comprehensive program description attached to the contract with the department. (4-6-05)

g. There should be a mechanism developed to monitor and record incremental progress toward the desired outcome of counseling services. (4-6-05)

h. Programs should be able to demonstrate that counseling interventions are shared in general with other program service providers, and there is broad mutual support for the goals of counseling in all service areas of the program. (4-6-05)

i. Programs must provide crisis intervention counseling if warranted by the assessment and circumstances. (4-6-05)

j. The contract provider must furnish adequate space for conducting private interviews and counseling sessions at the facility. (4-6-05)

k. Family counseling services must be available as a part of the juvenile offender's service implementation plan, to the extent that this is supported by the assessment. If the assessment indicates a need for these services, family counseling should specifically address issues that, directly or indirectly, resulted in the juvenile offender's removal from his home and the issue of his eventual reintegration back into the family unit. A statement of goals to be achieved or worked toward by the juvenile offender and his family should be part of the service implementation plan. (4-2-08)

02. Substance Abuse Treatment Services. As a minimum standard, programs must provide substance abuse education for all juvenile offenders, and substance abuse treatment services as determined by assessment and indicated in the service implementation plan. Substance abuse treatment services must have direct oversight by a certified alcohol and drug counselor, or master's level clinician with three (3) years experience in the substance abuse field. Substance abuse treatment services must be fully described in the detailed program description and must have a written curriculum containing a description of each session offered. Juvenile offenders receiving substance abuse treatment services shall have an orientation to a twelve-step program at

the appropriate point in his treatment, or an introduction to a community intervention program if a twelve-step program is not appropriate for him. Relapse prevention plans must be a component of the substance abuse treatment services provided in programs offering more than substance abuse education. Relapse prevention plans must be specifically based on the individual needs of the juvenile offender. Notes documenting the service provided must be dated, clearly labeled "substance abuse treatment services," and each entry must be signed by the counselor performing the service. (4-2-08)

03. Suicide Prevention and Risk Management. In addition to the policy required in Paragraph 261.01.e., of this rule, contract providers must be able to demonstrate that they: (4-6-05)

a. Train staff regularly to identify, document and appropriately respond to behavior that may indicate a risk of suicide; (4-6-05)

b. Utilize medical or other staff trained by a mental health professional to review history, and interview and observe juvenile offenders new to the program in order to complete suicide risk screening within two (2) hours of admission; (4-2-08)

c. Utilize a mental health professional to complete a suicide risk assessment on a juvenile offender who has been identified by staff as presenting a risk of suicide; (4-2-08)

d. Utilize mental health professionals to help develop a safety plan for each juvenile offender identified as presenting a risk for suicide, and to determine when that risk is reduced enough to reduce or terminate suicide precautions; and (4-2-08)

e. Prohibit the use of separation and isolation of juvenile offenders identified as presenting a suicide risk, unless constant one-on-one (1 on 1) staff supervision is provided and that all juvenile offenders in separation or isolation are closely monitored to reduce the risk of suicidal behaviors. (4-2-08)

04. Social Skills Training Including Relapse Prevention Skills. Programs must assess each juvenile offender's social skills and document specific services provided to improve functioning in this area.

Additionally, every juvenile offender must have developed a written relapse prevention plan prior to successfully completing the program. (4-2-08)

05. Health Services. Programs must be able to demonstrate compliance with the required policy concerning access to routine and emergency health and mental health care and, in addition, should provide a basic health curriculum for all juvenile offenders. Contract providers must provide and document a health and suicide risk screening of each juvenile offender within two (2) hours of admission into the program. (4-2-08)

06. Vocational and Prevocational Services. Programs must be able to demonstrate that each juvenile offender's vocational interests and needs have been assessed and an appropriate level of services has been provided. These services may range from a specific vocational skills curriculum, offered on site or in the community, to a prevocational skills component, which at a minimum, involves juvenile offenders in assessing their vocational interests and strengths. (4-2-08)

07. Basic Life Skills and Independent Living. Programs must be able to demonstrate that juvenile offenders are taught basic life skills and that age-appropriate juvenile offenders are involved in independent living skills consistent with their age and needs. This program should include, at a minimum, instruction in: (4-2-08)

a. Hygiene and grooming skills; (4-6-05)

b. Laundry and maintenance of clothing; (4-6-05)

c. Appropriate social skills; (4-6-05)

d. Housekeeping; (4-6-05)

e. Use of recreation and leisure time; (4-6-05)

f. Use of community resources; (4-6-05)

g. Money management; (4-6-05)

h. Use of public transportation, where available; (4-6-05)

i. Budgeting and shopping; (4-6-05)

j. Cooking; (4-6-05)

k. Punctuality, attendance and other employment-related matters; and (4-6-05)

l. Vocational planning and job finding skills. (4-6-05)

08. Recreational Services. Programs should have a written plan for providing recreational services based on individual needs, interests, and functional levels of the population served. (4-6-05)

a. The recreational program should include indoor and outdoor activities. Activities should minimize television and make use of a full array of table games and other activities that encourage both solitary entertainment and small group interaction. An appropriately furnished area should be designated inside the facility for leisure activities. (4-6-05)

b. Programs should have staff educated and experienced in recreational programs to ensure good planning, organizing, supervision, use of facility, and community activities. Recreational activities considered part of the service implementation plan must be funded by the contract provider. The use of community recreational resources should be maximized, as long as community safety is assured. The contract provider must arrange for the transportation and provide the supervision required for any usage of community recreational resources. No juvenile offender shall be required to pay to participate in recreational activities made available through the program. (4-2-08)

279. EMPLOYMENT OF JUVENILE OFFENDERS.

01. Employment. If juvenile employment away from the program site is a part of the program, written policy and procedure must provide that program resources and staff time are devoted to helping employable juvenile offenders locate employment. Programs must ensure that each employment opportunity meets all legal and regulatory requirements for juvenile employment. The contract provider shall make periodic checks on the job-site to ensure the juvenile offender is working under acceptable conditions. The juvenile offender's employer shall be

consulted regularly by the contract provider concerning the juvenile offender's work abilities and performance on the job-site. Under no circumstances should staff or the families of staff benefit financially, or otherwise, from work done by juvenile offenders in the program. Contract providers must make every reasonable effort to assure that each juvenile offender's transportation to and from a job-site is safe. (4-2-08)

02. Employment Opportunities. Every reasonable effort shall be made to select employment opportunities that are consistent with the individual interests of the juvenile offender to be employed. Preference will be given to jobs that are related to prior training, work experience, or institutional training, and may be suitable for continuing post-release employment. Reasonable effort must be made to provide a juvenile offender with the highest paying job possible. Income earned by a juvenile offender shall be handled consistent with Subsection 212.04, of these rules. (4-2-08)

280. RELIGIOUS SERVICES.

Programs must ensure that attendance at religious services is voluntary. No juvenile offender shall be required to attend religious services, and no juvenile offender shall be penalized for not attending nor given privileges for certain attendance. (4-2-08)

01. Voluntary Practice. All juvenile offenders must be provided the opportunity to voluntarily practice their respective religions in a manner and to the extent that will not compromise the safety, security, emotional, or physical well-being of the juvenile offenders in the facility. (4-2-08)

02. Attendance. Juvenile offenders may be permitted to attend religious services of their choice in the community as long as community safety is ensured. (4-2-08)

03. Transportation. Programs must, when reasonably possible, arrange transportation for those juvenile offenders who desire to take part in religious activities of their choice in the community. (4-2-08)

04. Risk to Community. If the juvenile offender cannot attend religious services in the community because staff has reason to believe he would attempt to escape, or otherwise present a risk to the

safety of the community, the contract provider must make every reasonable effort to ensure that he has the opportunity to participate in religious services of his choice at the facility. (4-2-08)

05. Visits. Juvenile offenders shall be permitted to receive visits from representatives of their respective faiths. (4-2-08)

06. Minor Juvenile Offenders. When the juvenile offender is a minor, the contract provider shall make reasonable effort to comply with the wishes of the legally responsible person with regard to religious observances. A program's staff schedule shall not encourage or discourage participation in general or specific religious services or activities. (4-2-08)

281. -- 299. (RESERVED).

300. EDUCATION SERVICES.

01. Appropriate Services. The contract provider shall ensure that each juvenile offender is given appropriate educational and vocational services that are consistent with the juvenile offender's abilities and needs, taking into consideration age, level of functioning, and any educational requirements specified by state or federal law. Contract providers must assure that educational services provided as a part of an overall program play an integral part in the process of reclaiming juvenile offenders to responsible roles in society. Educational services must strive to facilitate positive behavior change by helping juvenile offenders to develop abilities in academic, workplace, and technological areas; to restructure harmful or limiting cognitive patterns; and, to adopt appropriate social interactions skills. Educational services provided by contract providers must use whatever combination of approaches and motivations that will best facilitate the learning process in conjunction with the service implementation plan. All educational services provided must meet all mandates of the No Child Left Behind Act (NCLB), the IDEA, the Family Educational Rights and Privacy Act (FERPA), and Section 504, Rehabilitation Act of 1973 (Section 504). (4-2-08)

02. Mandatory Enrollment. Contract providers must ensure that all juvenile offenders involved in their programs who are of mandatory school age, or who have not yet obtained a General

Educational Development (GED) or high school diploma, are enrolled in a school system or in a program approved and certified by the Idaho Department of Education to provide both special education and other services. For those who have obtained a GED or high school diploma, an appropriate educational and vocational service shall be provided in accordance with the service implementation plan. The department shall provide contract providers access to the department's software programs to record courses and grades. When contract providers choose to use these software programs, they need not send the department report cards; they need only assure all grades are entered through the software program at the end of each grading period. (4-2-08)

03. Cooperative Relationships. Contract providers may provide educational services through a cooperative agreement with the local education agency or through an in-house educational program administered by the contract provider. If a local education agency provides the services, it is expected that the contract provider will have a written agreement with a local education agency that clearly defines the services that will be provided in the contract facility. The written agreement must include, at a minimum, all of the following: (4-2-08)

a. Level of participation in reintegration planning for each juvenile offender; (4-2-08)

b. That grades will be submitted, as required in Subsection 300.09 of these rules, within twenty-four (24) hours of transfer or release from department custody; (4-6-05)

c. Curriculum for special education services, if appropriate; (4-6-05)

d. A plan for the provision of state required testing; and (4-6-05)

e. Types of services that will be provided beyond the established limits of the regular school year for that school district. (4-6-05)

04. Costs of Educational Services. If a local education agency agreement is developed, the Idaho Department of Education will flow education funds to the local education agency in a manner

consistent with current legislative funding mandates. A copy of the memorandum of understanding between the contract provider and the local education agency must be provided to the department, and the source of funds to cover the costs for educational services clearly accounted for in the budget attached to the program description. If the contract provider elects to provide the services in-house, the cost of educational services will be included in the daily contract rate. The contract provider will not be eligible to receive educational funding through both of these sources. (4-2-08)

05. Accreditation Requirements. Each contract provider serving juvenile offenders, who have been committed to the department, will have, or contract with, an education program that will meet the accreditation standards of the Northwest Association of Schools and of Colleges and Universities or the Idaho Department of Education. (4-2-08)

06. Educational Assessment. Federal and state laws mandate that juvenile offenders be provided with an appropriate education. Contract providers are responsible for providing an educational track which will best serve the needs of each juvenile offender, as determined by the assessment provided by the department through the observation and assessment process, or as determined by an assessment completed by a local school district. A copy of the relevant assessment and related current and valid education plan, as well as all supporting documentation for each juvenile offender, must be maintained in a separate file and must be available to the department and to the Idaho Department of Education. A copy of the IEP and all supporting documentation must be sent to the department's education records manager within ten (10) business days or less of its completion for inclusion in the juvenile offender's permanent school records that are maintained at the juvenile correctional center in Nampa. (4-2-08)

a. Contract providers are responsible for ongoing, yearly reassessment of each juvenile offender's progress within the education program as well as documenting and reporting that progress. This responsibility extends to completing a reassessment just prior to release from department custody or transfer, and reporting academic gain both for individual juvenile offenders as well as composite data for the education program overall. (4-2-08)

b. Consistent with statewide educational standards, contract providers are responsible for assuring that each juvenile offender is tested twice annually using the Idaho Standards Achievement Test (ISAT). Contract providers must also administer the Direct Math and Writing Assessments or other tests mandated by the administrative rules of the Idaho Board of Education. Any fees associated with the testing services will be the responsibility of the contract provider. Results of testing shall be submitted to the department's education file manager at the juvenile corrections center in Nampa within ten (10) days after the contract providers' receipt of the scores. (4-2-08)

07. GED and High School Equivalency (HSE) Eligibility. Contract providers must assure that GED tests will be administered to juvenile offenders meeting the criteria established in the administrative rules of the Idaho Board of Education for school districts. Contract providers must assist juvenile offenders who successfully complete GED testing with a minimum standard average score of four hundred fifty (450) and earn a credit in United States Government to apply for an Idaho HSE from the Idaho Department of Education. All GED testing and HSE application fees will be paid by the contract provider. Test results shall be submitted to the department's education records manager at the juvenile correctional center in Nampa within ten (10) days after the receipt of the scores. (4-2-08)

08. Special Education Services. (4-6-05)

a. The contract provider shall ensure that the special educational needs of juvenile offenders are addressed. The contract provider's in-house program or cooperating local education agency program must comply with Section 504 and the IDEA, as well as any other applicable state or federal laws. Under no circumstances shall the contract provider or its teaching staff make modifications in the juvenile offender's Section 504 or the IDEA educational program without conducting a Child Study Team meeting in consultation with the department's educational coordinator or designee. (4-2-08)

b. Contract providers must make every reasonable effort and thoroughly document all efforts to contact parents or guardians of juvenile offenders identified as eligible for special education. If it is not possible to involve the natural parents or guardians, a surrogate parent must be appointed by the agency providing special educational services.

This surrogate cannot be the director or other employee of an agency, institution, or community-based residential facility who is involved in providing care or education to a juvenile offender, or an employee of a state agency or agency volunteer, such as caseworker, social worker, or court-appointed special advocate who has been appointed by the state to provide for the welfare of the student. A surrogate parent is used only for special educational requirements and has no other legal authority. (4-2-08)

c. Contract providers may choose to utilize the department's special education software for managing special education paperwork. If this option is selected, an e-mail to the education records manager at the juvenile correctional center in Nampa will be required stating that the required documents have been completed in the software program. It will not be necessary to mail hard copies of the documents. (4-2-08)

09. Standards for Instructional Time. Contract providers must assure that the school day is consistent with at least the minimum standard established for high schools by the Northwest Association of Schools and of Colleges and Universities. The length of the school day will further meet all requirements established by state and federal laws, regulations, and accreditation standards. Contract providers must provide an appropriate educational or vocational program for each juvenile offender for twelve (12) months of the year. At a minimum, this involves four (4) hours per day, five (5) days per week throughout the full calendar year. Juvenile offenders involved in any disciplinary process shall not be denied their right to education and other related services. If security or other related concerns are present that may prohibit a juvenile offender's participation in educational programming, an education plan review will be completed and documented in an incident report. If the juvenile offender is eligible for services under the IDEA or Section 504, a Child Study Team will meet to make a determination as to whether or not the behavior is a result of the juvenile offender's handicap. All due process procedures will be followed according to the administrative rules for special education. (4-2-08)

10. Educational Records and Confidentiality. (4-6-05)

a. Educational records shall be maintained by the contract

provider at all times in accordance with FERPA. At a minimum, the following information shall be included in the record: (4-6-05)

i. Subjects taken; (4-6-05)

ii. Grades by subject and explanation of the grading system; (4-6-05)

iii. Units of credit with explanation; (4-6-05)

iv. Attendance records; and (4-6-05)

v. Any standardized test scores. (4-6-05)

b. Reports of the juvenile offender's educational progress (report cards) shall be provided to the education records manager at the juvenile correctional center in Nampa within ten (10) days after the end of the school's grading periods (midterm, semester, trimester, etc.). (4-2-08)

c. Contract providers must ensure that juvenile offender educational files are consistently maintained to ensure compliance with FERPA. (4-2-08)

d. When a juvenile offender is released from department custody or transferred, the permanent education file shall be updated by the department's education records technician. The contract providers will provide final withdrawal grades and credits within twenty-four (24) hours or next working day after the juvenile offender is released from department custody or transferred. The department will provide access to software programs to contract providers for recording courses and grades. When contract providers choose to use the software programs they need not send the department report cards; they need only assure all grades are entered through the software program at the end of each grading period. The contract providers shall send the education records manager at the juvenile correctional center in Nampa an e-mail advising that the final grades have been entered into the software program. Working educational files shall be returned to the juvenile correctional center in Nampa within ten (10) business days of the juvenile offender's release from department custody or transfer. (4-2-08)

301. -- 319. (RESERVED).

320. PRIVACY OF MEDICAL RECORDS AND INFORMATION.

Confidentiality of personal health information of each juvenile offender shall be maintained in accordance with the Privacy Regulations promulgated under HIPAA of 1996 or, if more stringent, the laws of the state of Idaho. Compliance with these regulations is the responsibility of the contract provider. Staff shall be provided information about a juvenile offender's medical condition only when that knowledge is necessary for the performance of their job duties. (4-2-08)

01. Privacy Officer. The contract provider shall appoint a privacy officer to oversee that the control and maintenance of all juvenile offender health and medical records is in compliance with the federal Privacy Regulations, 45 Code of Federal Regulations Sections 160 and 164. (4-2-08)

02. Separate Records. All juvenile offender medical and health records shall be kept in files that are physically separated from other juvenile offender files and information, and under a system of security against unauthorized access. (4-2-08)

321. PROVISION OF MEDICAL SERVICES.

01. Medical Care. Each juvenile offender shall be provided with medical, dental, optical, mental health, emergency or any other related health services while in the contract provider's care. Each contract provider shall have access, on a twenty-four (24) hour basis, to a licensed general hospital, clinic or physician, psychiatrist, and dentist to provide juvenile offenders with professional and qualified physical or mental health services, including medications. Health, mental health, and suicide risk screening must be provided within two (2) hours of a juvenile offender's admission to a program. Comprehensive and professional health and mental health assessments must be provided by the contract provider within thirty (30) calendar days of admission, unless these are provided by the department. (4-2-08)

02. Medical Consent. As part of the admission process, the contract provider must have a copy of the department's Release of Information and Consent form signed by a juvenile offender's parent,

guardian, or committing authority. The consent form shall be filed in the juvenile offender's medical and case files maintained by the contract provider. (4-2-08)

03. Emergency Medical Treatment. In cases of emergency medical treatment requiring signed authorization for juveniles in the custody of the department, reasonable efforts must be made to obtain the consent of the parent or guardian. The signature of only one (1) parent or guardian is sufficient to form consent or authorization. Should the parent or guardian not be available or refuses to sign, the authorization may be signed by the department's regional R.N. or designee. This does not restrict the contract provider from taking action in life and death situations. (4-6-05)

04. Reimbursement Sources. The contract provider shall utilize private insurance or Medicaid, if available, for funding medical, dental, optical, mental health, or related services, and pharmaceutical products for any juvenile offender. The contract provider shall not seek reimbursement from private insurance or Medicaid for health services that are the fiscal responsibility of the contract provider pursuant to its contract with the department. Any health services not listed in these rules, other than emergency treatment, which was not approved in advance by the department's regional R.N. or designee, will be at the expense of the contract provider. (4-2-08)

322. ADMISSION AND ANNUAL HEALTH SERVICES AND TREATMENT RECORDS.

01. Compliance with Child Care Licensing Rules. Admission and annual health services shall be provided to juvenile offenders in accordance with the child care licensing rules of the Idaho Department of Health and Welfare, unless otherwise provided in these rules. (4-2-08)

02. Prior Approval. No prior approval or review from the department's regional R.N. is required for admission and annual health services. Examples of admission and annual health services for which no prior approval or review is required are: (4-6-05)

a. Admission physical exams, including STD exams and treatment, as well as PAP smears; (4-6-05)

b. Admission dental exams, including x-rays (no Panorex), and cleanings (no sealants); (4-6-05)

c. Admission eye exams and glasses, if needed; (4-6-05)

d. Annual physical exams, including STD exams and treatment, PAP smears; (4-6-05)

e. Annual dental exams with x-rays (no Panorex), and cleanings; and (4-6-05)

f. Annual eye exams, if needed, and new glasses only if needed. (4-6-05)

03. Medical Records. Any time a juvenile offender receives treatment under this section or for any similar service, the contract provider shall retain the original medical record regarding treatment and send a copy to the department's regional R.N. immediately to ensure that accurate and current health records are maintained for each juvenile offender. (4-2-08)

323. NOTIFICATION OF CRITICAL HEALTH INCIDENTS. The contract provider shall immediately report critical health incidents according to Subsection 262.02, of these rules. (4-6-05)

324. COMMUNICABLE DISEASES.

01. Policies. (4-6-05)

a. The contract provider shall establish policies and procedures for serving juvenile offenders with infectious diseases such as tuberculosis, hepatitis, and HIV or AIDS. These policies and procedures should address the management of communicable diseases, provide an orientation for new staff and juvenile offenders concerning the diseases, and ongoing education for staff and juvenile offenders regarding these diseases. Policies and procedures should be updated as new information becomes available. Individual health information or counseling will be made available by a qualified health professional for juvenile offenders diagnosed with a communicable disease. (4-2-08)

b. The contract provider shall comply with the child care

licensing rules of the Idaho Department of Health and Welfare regarding universal precautions. (4-6-05)

02. HIV Testing. In accordance with law, a juvenile offender over age fourteen (14) may request that he be tested for the presence of HIV. Any such juvenile offender requesting to be tested should be taken to a public health facility or, if available, a facility which accepts Medicaid reimbursement for administration of the test. (4-2-08)

03. Examinations. Examinations shall be performed on any juvenile offender by medical professionals for all symptomatic cases of communicable diseases such as tuberculosis, ova and parasites, infectious hepatitis, and sexually transmitted diseases. Juvenile offenders will be tested and, if indicated, treated. (4-2-08)

04. Confidentiality. Confidentiality shall be maintained. (4-6-05)

325. PREGNANCY.

01. Individual Medical Plan. Within the individual medical plan, specific goals and objectives will be developed when a pregnancy has been diagnosed. The plan shall be based on the orders of the juvenile offender's community obstetric physician and shall include special care, location for delivery, regular medical check-ups, and special dietary and recreational needs. A copy of the individual medical plan will be sent to the department's regional R.N. (4-2-08)

02. Parenting Classes. Parenting classes shall be an integral part of the individual medical plan for all pregnant female juvenile offenders. This service should also be offered as a priority to male juvenile offenders in department custody who are already fathers or whose spouse or girlfriend is expecting a child. (4-2-08)

03. Medicaid Reimbursement. Medical services relating to pregnancy shall be provided by a physician and hospital accepting Medicaid reimbursement, unless medical expenses are paid by the juvenile offender's family. (4-2-08)

04. Infant Care. When an infant is delivered and the mother continues in department custody, the infant shall be placed with

an appropriate family member or in the temporary care of the Family and Children Services Division of the Idaho Department of Health and Welfare, subject to any necessary court approval. At no time shall the infant remain in the contract provider's facility. (4-6-05)

326. REFUSAL OF TREATMENT.

01. Refusal of Recommended Treatment by Physician. If a juvenile offender chooses to refuse treatment or medication recommended by a physician, the juvenile offender must sign a detailed statement refusing this care. A contract provider staff member must witness the juvenile offender's signature. This refusal form will be filed in the juvenile offender's medical record. (4-2-08)

02. Where Refusal Poses Significant Risk. If a juvenile offender refuses a treatment or medication for a condition which poses a significant risk of death or permanent physical impairment, the contract provider shall issue its approval for the immediate administration of the medical treatment or medication in accordance with standard practice. If danger to the juvenile offender is not imminent, the contract provider shall contact the clinical services administrator and notify the department's regional R.N. of the juvenile offender's refusal. (4-2-08)

327. USE OF MEDICATIONS.

A program shall have written policies and procedures governing the use and administration of medication to juvenile offenders. Policies shall conform to all applicable laws and regulations including, but not limited to, those of the Idaho Department of Health and Welfare. If initiating or modifying any medication, the department's regional R.N. must be notified. (4-2-08)

01. Psychotropic Medication. When psychotropic medication has been prescribed to a juvenile offender by a licensed physician, nurse practitioner, or physician's assistant, the contract provider shall notify the department's regional R.N., the juvenile offender's parent or guardian, the juvenile services coordinator, and the juvenile probation officer within three (3) business days. The notice shall include: (4-2-08)

a. The name of the prescribed medication; and (4-6-05)

b. The name and phone number of the doctor, nurse practitioner, or physician's assistant, who can explain the reason the medication was prescribed and any possible side effects. (4-6-05)

02. Reason for Administering Medication. The contract provider shall have staff available to explain to a parent or guardian, the juvenile services coordinator, and the department's regional R.N., the reason for making a referral to a physician who has prescribed psychotropic medication. The contract provider shall assure that any physician prescribing psychotropic medication is willing to discuss with a parent or guardian and department staff the reason the psychotropic medication was prescribed and the potential side effects of the medication. (4-6-05)

328. SUICIDE PRECAUTIONS.

All contract providers must have a written plan for responding to juvenile offenders who present a risk of suicide. The procedure shall, at a minimum, include a process for determination or assessment of suicidal behavior and risk, a procedure for contacting appropriate health authorities and the department, and a plan of direct supervision of a juvenile offender until a suicide crisis has ended. A suicide risk screening must be completed on every juvenile offender within two (2) hours of admission. (4-2-08)

329. FIRST AID KITS.

Each contract provider shall maintain first aid kits in the manner required by the child care licensing rules of the Idaho Department of Health and Welfare, IDAPA 16.06.02, "Standards for Child Care Licensing." The first aid kits shall be kept locked and shall be placed in areas of the facility readily accessible to staff. (4-6-05)

330. -- 999. (RESERVED).

References in this chapter to "juvenile" or "juvenile offender" refers to juveniles in county juvenile detention centers

IDAPA 05
TITLE 01, CHAPTER 02

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02 – RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS

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IDAPA 05
TITLE 01, CHAPTER 02

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02 - RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS

000. LEGAL AUTHORITY.

01. Section 20-504(2), Idaho Code. Pursuant to Section 20-504(2), Idaho Code, the Idaho Department of Juvenile Corrections shall establish minimum standards for detention, care and certification of approved detention centers based upon such standards. (3-30-07)

02. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (4-5-00)

03. Section 20-504(12), Idaho Code. Pursuant to Section 20-504(12), Idaho Code, the department shall have authority to enter into contracts with a private association or organization or other public agency or organization for the inspection and licensure of detention facilities. (3-30-07)

04. Section 20-504(13), Idaho Code. Pursuant to Section 20-504(13), Idaho Code, the department shall have authority to enter into contracts with private providers or local governmental agencies for the confinement or other permanent or temporary placement of juvenile offenders committed to its custody. (3-30-07)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.02, "Rules and Standards for Secure Juvenile Detention Centers," IDAPA 05, Title 01, Chapter 02. (3-30-07)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (4-5-00)

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho, 83720. (4-5-00)

003. ADMINISTRATIVE APPEALS.
This chapter does not provide for appeal of the administrative requirements for agencies. (4-5-00)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference into these rules. (3-30-07)

005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET ADDRESS.

01. Street Address. The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., Boise, Idaho 83720. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (3-30-07)

02. Mail Address. Mail regarding the Idaho Department of Juvenile Corrections' rules should be directed to P.O. Box 83720, Boise, Idaho 83720-0285. (3-30-07)

03. Telephone Number. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. (3-30-07)

04. Facsimile. The facsimile number of the office is (208) 334-5120. (3-30-07)

006. PUBLIC RECORDS ACT COMPLIANCE.
The records associated with the compliance monitoring and certification process of detention centers are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-30-07)

007. -- 009. (RESERVED).

010. DEFINITIONS.
As used in this chapter: (4-5-00)

01. Adult. A person eighteen (18) years of age or older. (4-5-00)

02. Body Cavity Search. The examination and possible intrusion into the rectal or vaginal cavities to detect contraband. It is performed only by the medical authority. (4-5-00)

03. Chemical Agent. An active substance, such as oleoresin capsicum, used to deter disturbances that might cause personal injury or property damage. (4-5-00)

04. Classification. A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and/or programs according to their needs and existing resources. (4-5-00)

05. Commit. Commit means to transfer legal custody to the Idaho Department of Juvenile Corrections. (3-30-07)

06. Community-Based Program. An in-home detention program or a nonsecure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county. (3-30-07)

07. Contact Visiting. A program that permits juvenile offenders to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact. (3-30-07)

08. Contraband. Any item not issued or authorized by the detention center. (3-30-07)

09. Corporal Punishment. Any act of inflicting punishment directly on the body, causing pain or injury. (4-5-00)

10. Court. Idaho district court or magistrate's division thereof. (3-30-07)

11. Day Room/Multi-Purpose Room. That portion of the housing unit used for varied juvenile offender activities which is separate and distinct from the sleeping rooms. (3-30-07)

12. Department. The Idaho Department of Juvenile Corrections. (3-30-07)

13. Detention. Detention means the temporary placement of juvenile offenders who require secure custody for their own or the community's protection in physically restricting facilities. (3-30-07)

14. Detention Center. A facility established pursuant to Title 20, Chapter 5, Sections 20-517 and 20-518, Idaho Code, for the temporary placement of juvenile offenders who require secure confinement. (3-30-07)

15. Detention Records. Information regarding the maintenance and operation of the detention center including but not limited to correspondence, memorandums, complaints regarding the detention center, daily activity logs, security and fire safety checks, head counts, health inspection records, and safety inspection records, use of physical force records and use of restraints records, incident reports, employee training and certification for use of security equipment. (3-30-07)

16. Direct Care Staff. Any care staff member charged with day-to-day supervision of juvenile offenders housed in a juvenile detention center. (3-30-07)

17. Director. The director of the Idaho Department of Juvenile Corrections. (3-30-07)

18. Emergency Care. Care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Emergency care shall be provided to the juvenile offender population by the medical staff, physician, other appropriately trained staff, local ambulance services or outside hospital emergency rooms. (3-30-07)

19. Emergency Plans. Written documents that address specific actions to be taken in an institutional emergency or catastrophe such as a medical emergency, fire, flood, riot or other major disruption. (4-5-00)

20. Health Appraisal. An evaluation of a patient's current physical and mental condition and medical histories conducted by the health authority or medical employee. (3-30-07)

21. Health Authority. The physician, health administrator, or agency responsible for the provision of health care services at the detention center. (3-30-07)

22. Health-Trained Employee. A person who provides assistance to a physician, nurse, physician's assistant, or other professional medical staff. Duties may include preparing and reviewing screening forms for needed follow-up; preparing juvenile offenders and their records for sick call; and assisting in the implementation of medical orders regarding diets, housing, and work assignments. (3-30-07)

23. Housing Unit. The total living area available to a group or classification of juvenile offenders in a detention center. This area may consist of a dormitory or a combination of the space in each sleeping room and day room/ multi-purpose room. (3-30-07)

24. Incident Report. A written document reporting any occurrence or event, or any other incident which threatens the safety and security of direct care staff, juvenile offenders or others, or which threatens the security of the program and which requires a staff response. (3-30-07)

25. Judge. A district judge or a magistrate. (4-5-00)

26. **Juvenile**. A person less than eighteen (18) years of age. (3-30-07)

27. **Juvenile Detention Records**. Information maintained in hard copy or electronic format concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in detention. (3-30-07)

28. **Juvenile Offender**. A person who was under the age of eighteen (18) at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (3-30-07)

29. **Legal Custody**. The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care. (3-30-07)

30. **Legal Guardian**. A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender. (4-5-00)

31. **Mechanical Restraints**. Devices used to restrict physical activity. (3-30-07)

32. **Medical Employee**. A certified person such as a physician, nurse, physician's assistant, or emergency medical technician who works under the supervision and authority of the health authority consistent with their respective levels of training, education and experience. (3-30-07)

33. **Medical Records**. Separate records of medical examinations and diagnoses maintained by the health authority. (4-5-00)

34. **Medical Screening**. A system of structured observation/initial health assessment of newly arrived juvenile offenders.

Medical screenings may be performed by a medical employee or by a health-trained employee. (3-30-07)

35. Observation and Assessment Program. A residential or nonresidential program designed to complete assessments of juvenile offenders. (3-30-07)

36. Pat Search. The touching or feeling of a subject's clothed body to detect contraband. (4-5-00)

37. Perimeter Security. A system that controls ingress and egress to the interior of a detention center or institution. The system may include electronic devices, walls, fence, patrols or towers. (3-30-07)

38. Perimeter Security Check. Physical inspection of the perimeter of the detention center performed for the purpose of discovering or preventing security breach. May include the inspection of the perimeter of the detention center and adjacent containment fence or areas as designated by detention center policy and procedures. (3-30-07)

39. Petition for Exemption. A formal written document addressed to the director of the Idaho Department of Juvenile Corrections requesting exception from a detention center standard. The petition for exemption must contain written justification why the petitioner should be relieved from enforcement of specific detention standard(s). (3-30-07)

40. Physical Intervention. Appropriate physical control used in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. (3-30-07)

41. Policy and Procedures. Standard operating strategies and processes developed by the administrative authority governing detention center operations. (3-30-07)

a. Policy is a course of action that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the direct care staff must operate. (3-30-07)

b. Procedure is the detailed and sequential action which must be executed to ensure that policy is implemented. It is the method

of performing an operation or a manner of proceeding on a course of action. It differs from a policy in that it directs actions required to perform a specific task within the guidelines of the policy. (4-5-00)

42. Rated Capacity. The maximum number of juvenile offenders which may be housed in a particular room, housing unit, or detention center based upon available square footage, sanitation fixtures, and other physical plant features specified in these rules. (3-30-07)

43. Renovation. The alteration of the structure of any existing juvenile detention center, or portion thereof, for the purposes of changing or improving its function. This may include, but not be limited to, altering the physical layout of essential areas within the detention center or reconstruction of the existing structure, areas, or interior features. (3-30-07)

44. Rule Infraction. A violation of detention center rules of conduct or policy and procedures as governed by detention center policy and procedures. (3-30-07)

45. Safety Equipment. Devices primarily used for safety purposes such as but not limited to firefighting equipment, for example, chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices, gas masks, fans, first aid kits, stretchers, and emergency alarms. (4-5-00)

46. Secure Perimeter. The outer portions of a detention center that provide for secure confinement of juvenile offenders.(3-30-07)

47. Security Devices. Equipment used primarily to confine and control detained persons and may include but is not limited to locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain detention center security. (3-30-07)

48. Staffing Plan. A documented schedule which includes staffing of direct care staff, staffing ratios, resident activities, and the certification level of staff. (3-30-07)

49. Standards. Rules for Secure Juvenile Detention Centers, IDAPA 05, Title 01, Chapter 02. (3-30-07)

50. Strip Search. A visual examination of a juvenile's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of the juvenile's clothing while such is not being worn. (3-30-07)

51. Volunteer. A person who freely chooses to provide services to juvenile offenders or staff at a juvenile detention center, and is not compensated for the services or time. Volunteers are supervised by direct care staff. Volunteers shall not be unsupervised with juveniles and will be supervised by direct care staff at the detention center. (3-30-07)

011. -- 199. (RESERVED).

200. INSPECTION PROVISIONS.

The Idaho Department of Juvenile Corrections or its designee shall have the authority to visit and inspect all juvenile detention facilities to assess such facilities' compliance with these rules. (3-30-07)

01. Annual Visits. Each juvenile detention center shall be subject to announced or unannounced visits by department representatives on at least an annual basis. (3-30-07)

02. Review of Logs, Records, Policy and Procedure Manuals, Memorandums and Reports. All logs, records, policy and procedures manuals, memorandums, and incident and other reports shall be available for review excluding medical records, personnel records and personnel action reports. Idaho Department of Juvenile Corrections' representatives shall be allowed to observe and interview juvenile offenders and staff concerning any matter pertaining to these rules. Department representatives shall further have access to all parts of the detention center for the purpose of inspecting the physical plant.(3-30-07)

201. DEPARTMENT PREPARED WRITTEN REPORT OR THEIR AGENTS.

Department representatives shall prepare a written report of each inspection within thirty (30) days following such inspection and provide copies to the appropriate detention center administrator with copies to the governing body and the county attorney. The report will additionally be

submitted to the director of the Idaho Department of Juvenile Corrections for consideration and review of the issuance or renewal of a certificate. (4-2-08)

202. COMPLIANCE WITH STANDARDS ENFORCED.
Upon completion of an inspection, the department shall send notice of such compliance or noncompliance to the detention center administrator, governing body responsible for the detention center, and Idaho County Risk Management Program where applicable. (3-30-07)

01. Development of a Plan of Corrective Action. Upon receipt of a notice of noncompliance from the department, the detention center administrator and governing body shall develop a plan of corrective action to correct the deficiencies cited in the report. The plan shall include a description of the nature of noncompliance for each standard cited, the steps to be taken to correct the deficiency, and a projected completion date. Inspection representatives shall be available to advise and consult concerning an appropriate corrective action. The plan shall be submitted no later than sixty (60) days from receipt of notice to the department for approval. (3-30-07)

02. Demonstration of Meaningful Progress Toward Achieving Compliance. Meaningful progress toward achieving compliance according to the submitted plan must be demonstrated during the time frame approved by the department in the corrective action plan. (3-30-07)

203. CONFORMITY WITH APPLICABLE LAWS AND REGULATIONS.
Juvenile detention centers shall conform to laws, rules, and regulations adopted by the federal government, state of Idaho, the county, and the municipality in which such detention center is located including, but not limited to, all applicable public health, safety, fire codes, building regulations, and interstate compact regulations. (3-30-07)

204. STANDARDS COMMITTEE.
A standing committee shall be created for the purpose of reviewing the standards, petitions for exemption from standards and requests for modification of standards. The committee will be made up of three committee members: one (1) representative and one (1) alternate from the detention center administrators, one (1) representative and one (1)

alternate county commissioner, and one (1) representative from the department. Final appointment of all Standards Committee members and alternates are made by the director of the Idaho Department of Juvenile Corrections. The detention center representative of detention center administrators and county commissioner representative should not be from the same judicial district. Alternates should not be from the same judicial district as their corresponding representative. Committee members' terms will run two (2) years starting on October 1 of the year in which the member is nominated and approved. If the petition for exemption or request for modification is initiated from the same district as a committee representative, that committee representative will abstain and the alternate will serve in place of said representative. (3-30-07)

01. Petition for Exemption. When an exemption from a standard is desired, the detention center administrator shall submit a request, in writing, to the director of the department outlining the proposed alternative arrangement together with documentation showing how such arrangement will provide conditions at least equivalent to the corresponding standard. The director of the department will then make determinations as to the necessity, scheduling and convening of a special meeting of the Standards Committee. The Standards Committee will review the petition, prepare and submit its written recommendations to the director. The director retains the authority to make the final decision to approve or deny the petition. The petition for exemption, if granted, shall apply only to the petitioner for the specific detention center cited. An indemnification agreement will be entered into between the detention center and the Idaho Department of Juvenile Corrections in the event the petition for exemption is granted. (3-30-07)

02. Requests for Modification of Standards. In the event a standard becomes obsolete or unworkable, a request for modification may be filed with the director. The request letter must represent the views of at least three detention center administrators and contain their signatures. The director will then make determinations as to the necessity, scheduling and convening of a special meeting of the Standards Committee. If convened, the Standards Committee will review the request, prepare and submit its written recommendations to the director. The director retains the authority to make the final decision to promulgate rules or allow the standards to remain unmodified. (3-30-07)

03. Modification of Standards by the Standards Committee. In the event that the Standards Committee determines that a standard is obsolete, unworkable, unclear, or otherwise unreasonable, the committee may submit written recommendations to the director for changes to the standards, along with explanations regarding the reasons for the requested changes. The director retains the authority to make the final decision to promulgate rules or allow the standards to remain unmodified. Any modification of the standards must be promulgated as rules in accordance with the Idaho Administrative Procedures Act. (3-30-07)

04. Standards Committee Meetings. The Standards Committee will meet at least bi-annually to review the Juvenile Detention Center Standards, requests for modification of standards, or petitions for exemptions. The Standards Committee shall also meet when the director determines that a special meeting is necessary to review the juvenile detention center standards, requests for modification of standards or petitions for exemptions. (3-30-07)

205. -- 209. (RESERVED).

210. DETENTION CENTER ADMINISTRATION.

01. Legal Entity. The public or private agency operating a detention center is a legal entity, part of a legal entity, or a political subdivision. (3-30-07)

02. Governing Body. Governing body shall mean any public or private entity established or delegated as a source of legislative or administrative authority to provide the fiscal needs of the detention center administrator so that he may carry out the provisions of these rules. (3-30-07)

03. Detention Center Administrator. The detention center shall have a designated administrator who shall be responsible for all detention center operations. (3-30-07)

04. Mission Statement. The detention center shall have a written mission statement which describes its philosophy and goals. (3-30-07)

05. Policy and Procedures. The detention center administrator shall develop and maintain written policy and procedures which shall safeguard the basic rights of juvenile offenders and shall safeguard the juvenile offenders' freedom from discrimination based upon sex, race, creed, religion, national origin, disability, or political belief and establish practices that are consistent with fundamental legal principles, sound correctional practices, and humane treatment. These written policy and procedures shall be reviewed on a regular basis, updated as needed and made available to all detention center employees and the governing body. The policy and procedures manual shall submitted to the prosecuting attorney or other legal authority for review as mandated by each detention center and approved by county commissioners or other governing authority on a regular basis. (3-30-07)

211. FISCAL MANAGEMENT.

The annual budget request shall provide for an allocation of resources for detention center operations and programming. The methods used for collecting, safeguarding, and disbursing monies, including juvenile offenders' personal funds held by the facility, shall comply with accepted accounting procedures and the laws of the state of Idaho. (3-30-07)

212. STAFF REQUIREMENTS AND STAFF DEVELOPMENT.

01. Twenty-Four Hour Supervision. The detention center shall be staffed by detention center employees on a twenty-four (24) hour basis when juvenile offenders are being housed. (3-30-07)

02. Staffing. The detention center shall have staff to perform all functions relating to security, supervision, services and programs as needed to operate the detention center. The detention center shall have policy and procedures in place governing staffing and shall submit a staffing plan to the department prior to licensing and renewal. The following staffing plan is a recommendation only, and is NOT mandatory. It is recommended that the staffing plan have at least two (2) staff awake and on duty through sleeping hours and the following staff during waking hours as governed by the one (1) direct care staff to eight (8) juvenile offenders, plus one (1) staff rule: (3-30-07)

a. If the detention center houses eight (8) or fewer juvenile offenders, there should be at least one (1) direct care staff and one (1) other staff awake at all times. (3-30-07)

b. If the detention center houses more than eight (8) juveniles, there should be one (1) direct care staff for each eight (8) juveniles plus one (1) additional staff awake at all times. Example: if the detention center houses thirty-two (32) juvenile offenders, four (4) direct care staff would be recommended (one (1) staff to eight (8) juvenile offenders), plus one (1) additional staff for a total of five (5) staff. (3-30-07)

03. Gender of Employees. At least one (1) of the detention center employees on duty should be female when females are housed in the detention center and at least one (1) should be male when males are housed in the detention center. An employee of the same gender as the juvenile offender being detained shall be on duty at the time of intake. (3-30-07)

04. Minimum Qualifications.

a. Direct care staff, at the time of employment, shall meet the minimum criminal history background and certification requirements as provided in IDAPA 11.11.02, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers." (3-30-07)

b. Direct care volunteers, before starting volunteer services, shall meet the minimum criminal history background requirements as provided in IDAPA 11.11.02, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers." (3-30-07)

05. Training and Staff Development Plan. Each juvenile detention center shall develop a staff training and development plan based on the policy and procedures of the detention center. The plan shall also ensure that all juvenile detention officers earn the juvenile detention officer certificate as mandated in IDAPA 11.11.02, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers." (3-30-07)

a. All new direct care staff, paid or unpaid, shall be provided orientation training. The orientation and training plan shall address areas including, but not limited to: (3-30-07)

i. First aid/CPR; (3-30-07)

ii. Security procedures; (3-30-07)

iii. Supervision of juvenile offenders; (3-30-07)

iv. Signs of suicide risks; (3-30-07)

v. Suicide precautions; (3-30-07)

vi. Fire and emergency procedures; (3-30-07)

vii. Safety procedures; (3-30-07)

viii. Appropriate use of physical intervention; (3-30-07)

ix. Report writing; (3-30-07)

x. Juvenile offender rules of conduct; (3-30-07)

xi. Rights and responsibilities of juvenile offenders; (3-30-07)

xii. Fire and emergency procedures; (3-30-07)

xiii. Safety procedures; (3-30-07)

xiv. Key control; (3-30-07)

xv. Interpersonal relations; (3-30-07)

xvi. Social/cultural life styles of the juvenile population; (3-30-07)

xvii. Communication skills; and (3-30-07)

xviii. Counseling techniques. (3-30-07)

b. Ongoing training shall be provided at the minimum rate of twenty (20) hours for each subsequent year of employment. (3-30-07)

213. -- 214. (RESERVED).

215. DETENTION CENTER INFORMATION SYSTEMS.

01. Written Policy and Procedures. The detention center shall have written policy and procedures to govern the collection, management, and retention of information pertaining to juvenile offenders and the operation of the detention center. Written policy and procedures shall address, at a minimum, the following: (3-30-07)

a. Accuracy of information, including procedures for verification; (4-5-00)

b. Security of information, including access and protection from unauthorized disclosure; (4-5-00)

c. Content of records; (4-5-00)

d. Maintenance of records; (4-5-00)

e. Length of retention; and (4-5-00)

f. Method of storage or disposal of inactive records. (4-5-00)

02. Release of Information. Prior to release of information to agencies other than criminal justice authorities or other agencies with court orders for access, a written release of information shall be obtained from the juvenile offender's parent, legal guardian or through a court order with a copy of that release placed in the juvenile offender's file folder. (3-30-07)

03. Access to Records. Parents, legal guardians and staff shall be permitted access to information in the juvenile offender's files and records as authorized by law. Juvenile offenders shall be permitted reasonable access under appropriate supervision to information in their own files and records. Absent a court order to the contrary, the detention center administrator may restrict the juvenile offender's access to certain information, or provide a summary of the information when its disclosure to the juvenile offender presents a threat to the safety and security of the detention center or may be detrimental to the best interests

of the juvenile offender. If a juvenile offender's access to records is denied, documentation that states the reason for the denial shall be maintained by the detention center. (3-30-07)

216. DOCUMENTATION.

01. Shift Log. The detention center shall maintain documentation including time notations on each shift which includes the following information, at a minimum: (3-30-07)

a. Direct care staff on duty; (3-30-07)

b. Time and results of security or well-being checks and head counts; (4-5-00)

c. Names of juvenile offenders received or discharged with times recorded; (3-30-07)

d. Names of juvenile offenders temporarily released or returned for such purposes as court appearances, work/education releases, furloughs, or other authorized absences from the detention center with times recorded; (3-30-07)

e. Time of meals served; (4-5-00)

f. Times and shift activities, including any action taken on the handling of any unusual or routine incidents; (4-5-00)

g. Notation and times of entry and exit of all visitors, including physicians, attorneys, volunteers, and others; (4-5-00)

h. Notations and times of problems, disturbances, escapes; (4-5-00)

i. Notations and times of any use of emergency or restraint equipment; and (4-5-00)

j. Notation and times of perimeter security checks. (4-5-00)

02. Housing Assignment Roster. The detention center shall maintain a master file or roster board indicating the current housing assignment and status of all juvenile offenders detained. (3-30-07)

03. Visitor's Register. The detention center shall maintain a visitor's register in which the following will be recorded: (3-30-07)

a. Name of each visitor; (4-5-00)

b. Time and date of visit; (4-5-00)

c. Juvenile offender to be visited; and (3-30-07)

d. Relationship of visitor to juvenile offender and other pertinent information. (3-30-07)

04. Juvenile Detention Records. The detention center shall classify, retain and maintain an accurate and current record for each juvenile offender detained in accordance with the provisions of Title 31, Chapter 8, Section 31-871, Idaho Code. The record shall contain, at a minimum, the following: (3-30-07)

a. Booking and intake records; (4-5-00)

b. Record of court appearances; (4-5-00)

c. Documentation of authority to hold; (4-5-00)

d. Probation officer or caseworker, if assigned; (4-5-00)

e. Itemized inventory forms for all clothing, property, money, and valuables taken from the juvenile offender; (3-30-07)

f. Record of deposits/withdrawals from the juvenile offender's account; (3-30-07)

g. Classification records, if any; (4-5-00)

h. Records of participation in programs and services; (4-5-00)

i. Rule infraction reports; (4-5-00)

j. Records of disciplinary actions; (4-5-00)

k. Grievances filed and their dispositions; (4-5-00)

l. Release records; (4-5-00)

m. Personal information and emergency contact information; (4-5-00)

n. Medical history and documentation of a completed admission medical screening; (3-30-07)

o. Visitor records; (4-5-00)

p. Incident reports; (4-5-00)

q. Photographs. (4-5-00)

217. MEDICAL INFORMATION.

01. Medical Files. The health authority shall maintain medical records for each juvenile offender which shall be kept separate from other records. (3-30-07)

02. Access to Medical Files. The detention center administrator, in conjunction with the health authority, shall establish procedures to determine access to medical files in accordance with privacy laws. (3-30-07)

218. -- 219. (RESERVED).

220. PROHIBITED CONTACT AND PRISON RAPE ELIMINATION ACT COMPLIANCE.

01. Sexual Contact. The detention center shall have written policies prohibiting the sexual contact, by any employee, with a juvenile offender, as defined in Title 18, Chapter 61, Section 18-6110, Idaho Code. These policies shall contain at a minimum the following provisions: (3-30-07)

a. The detention center shall make every effort to inform juvenile offenders of the means available to safely report rape and sexual activity; (3-30-07)

b. The detention center shall provide two (2) or more avenues for a juvenile offender to report rape and sexual activity; (3-30-07)

c. The detention center shall have a process, which requires reporting of any instance of solicitation of staff by juvenile offenders; (3-30-07)

d. The detention center staff shall treat all information regarding sexual assault and sexual activity with confidentiality;(3-30-07)

e. The detention center shall have a process in place for an initial internal investigation when a complaint is reported and a subsequent external investigation when rape or sexual activity is suspected; (3-30-07)

f. The detention center shall make every attempt to house the juvenile offender who was allegedly sexually assaulted away from the accused offender until the investigation is complete; and (3-30-07)

g. The detention center will provide at a minimum one (1) hour of annual training for staff concerning the statutory prohibition of sexual contact with a juvenile offender, including criminal prosecution. (3-30-07)

02. Sexual Assault of Juvenile Offenders. The detention center, in accordance with the Prison Rape Elimination Act of 2003, shall have written policy and procedures that promote zero tolerance toward the sexual assault of juvenile offenders. The policy and procedures shall contain, at a minimum, the following provisions: (3-30-07)

a. The detention center staff shall make every effort to inform juvenile offenders of the means available to safely report rape and sexual activity; (3-30-07)

b. The detention center staff shall provide two (2) or more avenues for a juvenile offender to report rape and sexual activity; (3-30-07)

c. The detention center staff shall treat all information regarding sexual assault and sexual activity with confidentiality;(3-30-07)

d. The detention center shall have a process in place for an initial internal investigation when a complaint is reported and a subsequent external investigation when rape or sexual activity is suspected; (3-30-07)

e. The detention center shall make every attempt to house the juvenile offender who was allegedly sexually assaulted away from the accused offender until the investigation is complete; (3-30-07)

f. If the detention center is selected to receive the yearly "Survey on Sexual Violence" from the Bureau of Justice Statistics, the detention center shall complete and submit the survey; and (3-30-07)

g. The detention center shall provide at a minimum one (1) hour of annual training on mandatory reporting procedures as outlined in Title 16, Chapter 16, Section 16-1605, Idaho Code. (3-30-07)

221. -- 222. (RESERVED).

223. SAFETY AND EMERGENCY PROCEDURES.

01. Written Policy and Procedures. The detention center shall have written policy and procedures which address fire safety, fire emergency evacuation plans, other safety-related practices, and the detention center's plans for responding to emergency situations.(3-30-07)

02. Compliance with Fire Code. The detention center shall comply with local and state fire codes. A request for an annual inspection shall be made to the local fire marshall or authorized agency. The detention center shall maintain documentation of this inspection. (3-30-07)

224. DETENTION CENTER SECURITY.

01. Security and Control Policy. The detention center's policy and procedures manual shall contain all procedures for detention center security and control, with detailed instructions for implementing these procedures, and are reviewed at least annually and updated as needed. The manual shall be made available to all staff. (3-30-07)

02. Personal Observation. The detention center shall have written policy and procedures which detention center policy and procedures shall govern the observation of all juvenile offenders and shall, at a minimum, require direct care staff to personally observe all juvenile offenders every thirty (30) minutes on an irregular schedule and the time of such checks shall be logged. More frequent checks should be made of juvenile offenders who are violent, suicidal, mentally ill, or who have other special problems or needs warranting closer observation. (3-30-07)

03. Cross Gender Supervision. The detention center shall have written policy and procedures governing supervision of female juvenile offenders by male employees and male juvenile offenders by female employees which shall be based on privacy needs and legal standards. Except in emergencies, detention center employees shall not observe juvenile offenders of the opposite sex in shower areas. Reasonable accommodation of privacy needs shall be observed. (4-2-08)

04. Head Counts. The detention center shall have written policy and procedures which shall outline a system to physically count or account for all juvenile offenders, including juvenile offenders on work release, educational release, or other temporary leave status who may be absent from the detention center for certain periods of the day. At least three (3) documented counts shall be conducted every twenty-four (24) hours. At least one (1) count shall be conducted each shift and there shall be at least four (4) hours between each count. (3-30-07)

05. Camera Surveillance. Camera surveillance equipment should not be used in place of the personal observation of juvenile offenders. (3-30-07)

225. PHYSICAL INTERVENTION.

01. Appropriate Use of Physical Intervention. The detention center shall have written policy and procedures which govern the use of physical intervention. The use of physical intervention shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes, or the suppression of disorder and then only to the degree necessary to restore order. (3-30-07)

a. Physical intervention shall not be used as punishment. (3-30-07)

b. A written report shall be made following any use of physical intervention. The report will be reviewed by the detention center administrator and will be maintained as part of the detention center records. (3-30-07)

02. Use of Mechanical Restraints. The detention center shall have written policy and procedures which govern the use of mechanical restraints. The use of restraints shall be restricted to justifiable instances, during transfer, and for medical reasons under the direction of medical staff. Justifiable instances shall be specifically defined in each detention center's policy and procedures. Written policy and procedures shall provide that instruments of restraint are never applied as punishment and are applied only with the approval of the detention center administrator or designee, and that juvenile offenders in mechanical restraints are not left unattended. (3-30-07)

a. Restraints shall not be used as punishment or for the convenience of staff. (4-5-00)

b. A written report shall be made following any use of restraints except for transfer. The report will be reviewed by the detention center administrator and will be maintained as part of the detention records. (3-30-07)

226. PERIMETER SECURITY CHECKS AND SECURITY INSPECTIONS.

01. Perimeter Security Checks. The detention center shall

have written policy and procedures which govern the frequency and performing of perimeter security checks. (3-30-07)

02. Security Inspections. The detention center administrator or his designee shall conduct monthly inspections of all locks, windows, floors, walls, ventilator covers, access plates, glass panels, protection screens, doors, and other security equipment. The date, time, and results of these inspections shall be recorded on a checklist or log. The detention center administrator shall promptly correct any identified problems. (3-30-07)

227. SEARCH AND SEIZURE.

01. Detention Center Search Plan. The detention center shall have written policy and procedures which outline a detention center search plan for the control of contraband and weapons and provides for unannounced and irregularly timed searches of juvenile offenders' rooms, day rooms, and activity, work or other areas accessible to juvenile offenders and searches of all materials and supplies coming into the detention center. (3-30-07)

02. Personal Searches. The detention center shall have written policy and procedures governing the searching of juvenile offenders for the control of contraband and weapons which includes, at a minimum, the following provisions: (3-30-07)

a. Search of juvenile offenders upon entering the security perimeter; (3-30-07)

b. Search of newly admitted juvenile offenders; (3-30-07)

c. Periodic unannounced and irregularly timed searches of juvenile offenders; (3-30-07)

d. Provision for strip searches and body cavity searches at such times when there exists reasonable belief that the juvenile offender is in the possession of contraband or weapons or other prohibited material and shall only be conducted as described in Subsections 227.02.f. and 227.02.g.; (3-30-07)

e. Pat searches. Except in cases of emergency, pat searches should be conducted by direct care personnel of the same sex; (4-5-00)

f. Strip searches. All strip searches shall be conducted in private and in a manner which preserves the dignity of the juvenile offender to the greatest extent possible and under sanitary conditions. All strip searches shall be conducted by direct care personnel of the same sex as the juvenile offender or by the health authority or medical employee. No persons of the opposite sex of the juvenile offender, other than the health authority or medical employee, shall observe the juvenile offender during the strip search; and (3-30-07)

g. Body cavity searches. All body cavity searches shall be conducted in private and in a manner which preserves the dignity of the juvenile offender to the greatest extent possible and under sanitary conditions. Body cavity searches shall be conducted only by the health authority or by a medical employee. No persons of the opposite sex of the juvenile offender, other than the health authority or medical employee, shall observe the juvenile offender during body cavity searches. (3-30-07)

03. All Body Cavity Searches Shall Be Documented. Documentation of body cavity searches shall be maintained in detention center records and in the juvenile offender's record. (3-30-07)

04. Seizure and Disposition of Contraband. The detention center shall have written policy and procedures to govern the handling of contraband. All contraband found during facility or juvenile offender searches shall be seized and processed according to detention center policy, including involvement of law enforcement, if appropriate. The seizure and disposition of the contraband shall be documented. When a crime is suspected to have been committed within the detention center, all evidence shall be maintained and made available to the proper authorities. (3-30-07)

228. SECURITY DEVICES.

01. Key Control. The detention center shall have policy and procedures in place to govern key and tool control. (3-30-07)

02. Security Devices. The detention center shall have written policy and procedures to govern the use of security devices. Detention center employees shall use only security equipment on which they have been properly trained and is issued through, or authorized by, the detention center administrator. Certification of proper training shall be kept in detention records. (3-30-07)

03. Weapons Locker. The detention center shall provide a weapons locker or similar arrangement at security perimeter entrances for the temporary storage of weapons belonging to law enforcement officers who must enter the detention center. (3-30-07)

229. (RESERVED).

230. FOOD SERVICES.

The detention center shall have written policy and procedures which govern food service. If food is not obtained through a food service contract from an outside source, the detention center's food service operation shall be supervised by a designated employee who has experience and/or training in meal preparation, menu planning, staff supervision, ordering procedures, health and safety policies, theft precautions, and inventory control. If food is obtained through a food service contract from an outside source, provisions shall be made to assure that the contractor complies with the applicable section of these rules. (3-30-07)

231. (RESERVED).

232. SPECIAL DIETS.

The detention center shall have written policy and procedures which govern special diets. (3-30-07)

01. Special Diets, Medical. Special diets prescribed by a physician shall be followed according to the orders of the treating physician or dentist. (4-5-00)

02. Special Diets, Religious. Provisions should be made for special diets when a juvenile offender's religious beliefs require adherence to particular dietary practices. (4-5-00)

233. DIETARY RECORDS.

01. Food Service Records. The detention center shall maintain an accurate record of all meals served to juvenile offenders, including special diets. All menus shall be planned, dated, and available for review at least one (1) week in advance. Notations shall be made of any changes in the menu. Menus shall be kept at least one (1) year after use. (3-30-07)

02. Review of Menus. Menus and records of meals served shall be reviewed on a regular basis at least annually by a licensed dietician, physician or nutritionist to verify nutritional adequacy or shall meet the current guidelines of the National School Lunch Program. The detention center shall maintain documentation of the dietician's, physician's or nutritionist's review and verification. Subsequent menus shall be promptly revised to eliminate any deficiencies noted. (3-30-07)

234. MEALS.

01. Providing Meals. The detention center shall have written policy and procedures which govern the providing of meals. Three (3) meals, and pursuant to Section 20-518, Idaho Code, at least two (2) of which includes a hot entree, shall be served daily. (3-30-07)

a. Meals must be served at approximately the same time every day. No more than fourteen (14) hours shall elapse between the evening meal and breakfast the next day unless an evening snack is served. If snacks are provided, up to sixteen (16) hours may elapse between the evening meal and breakfast. (4-5-00)

b. Juvenile offenders out of the detention center attending court hearings or other approved functions when meals are served shall have a meal provided upon their return if they have not already eaten. (3-30-07)

c. If meals are provided to staff, the menu should be the same as provided to juvenile offenders. (3-30-07)

d. The health authority or a medical employee shall be notified when a juvenile offender does not eat three (3) consecutive meals. (3-30-07)

02. Use of Food as Disciplinary Sanction Prohibited. The detention center shall have written policy and procedures which dictate that food shall not be withheld from juvenile offenders, nor the menu varied as a disciplinary sanction. (3-30-07)

03. Control of Utensils. The detention center shall have a control system for the issuance and return of all food preparation and eating utensils. (3-30-07)

235. FOOD SERVICE SANITATION.

01. Written Policy and Procedures. The detention center shall have written policy and procedures to govern food service sanitation, and shall at a minimum include, but not be limited to, the following items: (3-30-07)

a. Food service and related sanitation practices shall comply with the requirements of the state health department or other appropriate regulatory body. The detention center's food service operation shall be inspected in the manner and frequency mandated by local health authorities. Administrator shall solicit at least an annual sanitation inspection by a qualified entity. The results of such inspections shall be documented and the detention center administrator shall take prompt action to correct any identified problems; (3-30-07)

b. All persons assigned to food service work, including juvenile offenders, shall be in good health and free from any communicable or infectious disease, vermin, or open, infected wounds; (3-30-07)

c. All persons assigned to food service work shall be familiar with and adhere to appropriate food service sanitation practices and requirements; (3-30-07)

d. All dishes, utensils, pots, pans, trays, and food carts used in the preparation, serving, or consumption of food shall be washed and rinsed promptly after every meal. Disposable utensils and dishes shall not be reused; and (3-30-07)

e. Food service area ventilation systems shall not be altered from engineering or architectural specifications, except when repair or upgrade is needed. (3-30-07)

02. Food Service Inspections. A weekly inspection of all food service areas and equipment shall be conducted by the detention center administrator or designee. (3-30-07)

236. -- 239. (RESERVED).

240. SANITATION AND HYGIENE.

01. Sanitation Inspections. Written policy and procedures shall provide that the detention center be maintained in a clean and healthful condition and that the detention center administrator or designee shall conduct monthly sanitation and maintenance inspections of all areas of the detention center. (3-30-07)

02. Vermin Control. The detention center shall have a plan for the control of vermin and pests which includes inspections and fumigations, as necessary, by a licensed pest control professional. (3-30-07)

03. Housekeeping Plan. The detention center shall have a written housekeeping plan for all areas of the physical plant which provides for daily housekeeping and maintenance by assigning specific duties to juvenile offenders and staff. All work shall be assigned and supervised by detention center employees. No juvenile offender shall be allowed to assign work to other juvenile offenders. (3-30-07)

04. Maintenance and Repair. The detention center shall have written policy and procedures to provide that all plumbing, lighting, heating and ventilation equipment, furnishings, and security hardware in juvenile offender living areas shall be kept in good working order. Any broken fixture, equipment, furnishings, or hardware shall be promptly repaired or replaced. Painted surfaces shall not be allowed to become scaled or deteriorated. (3-30-07)

05. Water Quality. The water shall meet all current standards set by the applicable state and local authority as to bacteriological, chemical, and physical tests for purity. (3-30-07)

241. -- 244. (RESERVED).

245. PERSONAL HYGIENE.

01. Personal Hygiene Items. The detention center shall have written policy and procedures which shall govern the provision of, without charge, the following articles necessary for maintaining proper personal hygiene: (3-30-07)

a. Soap; (4-5-00)

b. Toothbrush; (4-5-00)

c. Toothpaste; (4-5-00)

d. Comb or brush; (3-30-07)

e. Shaving equipment upon request; (3-30-07)

f. Products for female hygiene needs; and (3-30-07)

g. Toilet paper. (3-30-07)

02. Removal of Personal Hygiene Items. The detention center shall have written policy and procedures that govern the removal of personal hygiene items from juvenile offenders' sleeping areas. Removal must be based upon sufficient reason to believe that the juvenile offender's access to the items poses a risk to the safety of juvenile offenders, staff or others, or poses a security risk to the detention center. (3-30-07)

03. Clothing and Linens. The detention center shall provide for the issue of clean clothing, bedding, linens, and towels to new juvenile offenders held overnight. At a minimum, the following shall be provided: (3-30-07)

a. A set of standard detention center clothing or uniform; (3-30-07)

b. Fire-retardant mattress; (4-5-00)

c. Pillow and pillow case; (4-5-00)

d. Two (2) sheets or one (1) sheet and one (1) mattress cover; (4-5-00)

e. Sufficient blankets to provide comfort under existing temperature conditions; and (4-5-00)

f. One (1) clean towel. (4-5-00)

04. Laundry Services. Laundry services shall be sufficient to allow required clothing, bedding, and towel exchanges for juvenile offenders. (3-30-07)

a. Clothing and towels used by the juvenile offender while in the detention center shall be laundered or exchanged at least twice each week. (3-30-07)

b. Linen shall be changed and laundered or exchanged at least once weekly or more often, as necessary. (4-5-00)

c. Blankets in use shall be laundered or exchanged at least monthly, or before re-issue to another juvenile offender. (3-30-07)

05. Clothing and Linen Supplies. The detention center inventory of clothing, bedding, linen, and towels shall exceed the maximum population to ensure that a reserve is always available. (3-30-07)

246. -- 249. (RESERVED).

250. HEALTH SERVICES.

01. Written Policy and Procedures. The detention center shall have written policy and procedures to govern the delivery of reasonable medical, dental, and mental health services. These written policy and procedures must at a minimum address, but are not limited to the following: (3-30-07)

a. Admission medical screening must be documented and performed on all juvenile offenders upon admission to the detention

center. The medical screening should include inquiry of current illness and health problems, dental problems, sexually transmitted and other infectious diseases, medication taken and special health requirements, if any, the use of alcohol or drugs, mental illness and/or suicidal behavior, observations of unusual behavior, including state of consciousness, mental status, appearance, conduct, tremor, sweating, body deformities, physical injuries, trauma markings, bruises, jaundice, rashes, evidence of body vermin, and ease of movement; (3-30-07)

b. Handling of juvenile offenders' requests for medical treatment; (3-30-07)

c. Non-emergency medical services; (4-5-00)

d. Emergency medical and dental services; (4-5-00)

e. Emergency evacuation plan of juvenile offenders from the detention center; (3-30-07)

f. Use of an emergency vehicle; (4-5-00)

g. Use of one (1) or more hospital emergency rooms or other appropriate health care facility; (4-5-00)

h. Emergency on-call physician and dental services when the emergency health care facility is not located nearby; (4-5-00)

i. First-aid and CPR instructions and training, including the availability of first-aid supplies; (4-5-00)

j. Screening, referral, and care of juvenile offenders who may be suicide-prone, or experience physical, mental or emotional disabilities; (3-30-07)

k. Arrangements for providing close medical supervision of juvenile offenders with special medical or psychiatric problems; (3-30-07)

l. Delousing procedures; (4-5-00)

m. Infectious disease control and medical isolation; (4-5-00)

n. Temporary, immediate isolation, and proper examination by the medical employee of juvenile offenders suspected of having contagious or infectious diseases; (3-30-07)

o. Management of pharmaceuticals, including storage in a secure location; and (3-30-07)

p. Notification of next of kin or appropriate authorities in case of serious illness, injury or death. (3-30-07)

02. Medical Judgments. Except for regulations necessary to ensure the safety and order of the detention center, all matters of medical, mental health, and dental judgment shall be the sole province of the health authority, who shall have final responsibility for decisions related to medical judgments. (3-30-07)

03. Informed Consent. Permission to perform medical, surgical, dental or other remedial treatment shall be obtained from parents, spouse, guardian, court or other competent person as stated in Title 16, Chapter 16, Section 16-1627, Idaho Code. (3-30-07)

04. Health Appraisal. A health appraisal for each juvenile offender shall be provided by the health authority or medical employee within fourteen (14) days of admission. (3-30-07)

251. -- 254. (RESERVED).

255. RULES AND DISCIPLINE.

01. Written Policy and Procedures. The detention center shall have written policy and procedures for maintaining discipline and regulating juvenile offenders' conduct. The following general principle shall apply: (3-30-07)

a. The conduct of juvenile offenders shall be regulated in a manner which encourages and supports appropriate behavior, with penalties for negative behavior; (3-30-07)

b. The detention center shall have written rules of conduct which specify prohibited acts, the penalties that may be imposed for

various degrees of violation, and the disciplinary procedures to be followed; (3-30-07)

c. Disciplinary action shall be of a nature to regulate juvenile offenders' behavior within acceptable limits and shall be taken at such times and in such degrees as necessary to accomplish this objective; (3-30-07)

d. The behavior of juvenile offenders shall be controlled in an impartial and consistent manner; (3-30-07)

e. Disciplinary action shall not be arbitrary, capricious, retaliatory, or vengeful; (4-5-00)

f. Corporal or unusual punishment is prohibited, and care shall be taken to insure juvenile offenders' freedom from personal abuse, humiliation, mental abuse, personal injury, disease, property damage, harassment, or punitive interference with daily functions of living, such as eating or sleeping; (3-30-07)

g. Use of restraints or use of physical force as punishment is prohibited; (3-30-07)

h. Withholding of food or variation of diet as punishment is prohibited; and (4-5-00)

i. Juvenile offenders shall not be subject to any situation in which juvenile offenders impose discipline on each other. (3-30-07)

02. Resolution of Rule Infractions. The detention center shall have written policy and procedures to define and govern the resolution of rule infractions. (3-30-07)

03. Grievance Procedures. The detention center shall have written policy and procedures for juvenile offenders which will identify grievable issues and define the grievance process. (3-30-07)

04. Criminal Law Violations. The detention center shall have written policy and procedures to govern the handling of incidents that involve the violation of federal, state, or local criminal law,

including prompt referral to the appropriate authority for possible investigation and prosecution. (3-30-07)

256. MAIL, VISITING, TELEPHONE.

01. Written Policy and Procedures. The detention center shall have written policy and procedures which shall govern the practices of handling mail, visitation, use of the telephone, and any limitations or restriction on these privileges. Juvenile offenders shall have the opportunity to receive visits and to communicate and correspond with persons, representatives of the media or organizations, subject to the limitations necessary to maintain detention center security and order. (3-30-07)

02. Mail Service. Mail, other than sent to or received from public officials, judges, attorneys, courts, government officials and officials of the confining authority, may be opened and inspected for contraband. (4-5-00)

03. Telephone Service. All juvenile offenders, except those restricted as a result of disciplinary action, shall be provided the opportunity to complete at least two (2) telephone calls weekly to maintain family and community ties. (3-30-07)

a. Telephone calls shall not be monitored, except where legitimate reason exists in order to maintain security and order in the detention center. Notification that the juvenile offender's phone calls may be monitored should be posted in the detention center. (3-30-07)

b. The detention center may require that any costs for telephone calls be borne by the juvenile offender or the party called. (3-30-07)

c. Written policy and procedures shall grant all juvenile offenders the right to make at least one (1) local or collect long distance telephone call to family members, attorneys, or other approved individuals during the admissions process. (3-30-07)

d. Juvenile offenders shall be allowed to make a reasonable number of telephone calls to their attorneys. (3-30-07)

i. Telephone calls to attorneys shall be of reasonable duration. (4-5-00)

ii. Telephone calls to attorneys shall not be monitored. (4-5-00)

iii. Telephone calls to attorneys shall not be revoked as a disciplinary measure. (4-5-00)

04. Visitation Restrictions. The parents or legal guardians, probation officer, parole officer, detention center administrator or the court of jurisdiction may impose restrictions on who may visit a juvenile offender. (3-30-07)

05. Search of Visitors. Written policy and procedures shall specify that visitors register upon entry into the detention center and the circumstances under which visitors are searched and supervised during the visit. (3-30-07)

06. Confidential Visits. The detention center shall provide juvenile offenders adequate opportunities for confidential access to courts, attorneys and their authorized representatives, probation and parole officers, counselors, caseworkers and the clergy. (3-30-07)

07. Visitation. Attorneys, probation and parole officers, counselors, caseworkers and clergy shall be permitted to visit juvenile offenders at reasonable hours other than during regularly scheduled visiting hours. (3-30-07)

a. Visits with attorneys, probation and parole officers, counselors, caseworkers and clergy shall not be monitored, except that detention center employees may visually observe the visitation as necessary to maintain appropriate levels of security. (3-30-07)

b. Visits with attorneys, probation and parole officers, counselors, caseworkers or clergy shall be of the contact type unless otherwise indicated by the juvenile offender or visitor, or the detention center administrator determines there is a substantial security justification to restrict the visit to a non-contact type. When a contact visit is not allowed, the reasons for the restriction shall be documented in the juvenile offender's record. (3-30-07)

257. -- 260. (RESERVED).

261. ADMISSION.

01. Orientation Materials. Written policy and procedures shall provide that new juvenile offenders receive orientation materials, including conduct rules. If, at any time, a literacy or language barrier is recognized, the detention center shall make good faith efforts to assure that the juvenile offender understands the material. (3-30-07)

02. Written Procedures for Admission. The detention center shall have written policy and procedures for admission of juvenile offenders which shall address, but are not limited to, the following: (3-30-07)

a. Determination that the juvenile offender is lawfully committed to the detention center; (3-30-07)

b. The classification of juvenile offenders in regard to sleeping, housing arrangements, and programming; (3-30-07)

c. If the juvenile offender shows signs of illness, injury, is incoherent, or unconscious, he shall not be admitted to the detention center until the committing officer has been provided written documentation from a medical personnel or a physician of examination, treatment, and fitness for confinement; (3-30-07)

d. A complete search of the juvenile offender and possessions; (3-30-07)

e. The disposition of personal property; (3-30-07)

f. Provision of shower and the issuance of detention clothing and personal hygiene articles; (3-30-07)

g. The provision of medical, dental and mental health screening; (3-30-07)

h. Male and female juvenile offenders shall not occupy the same sleeping room; (3-30-07)

i. The recording of basic personal data and information; (3-30-07)

j. Providing assistance to juvenile offenders in notifying their families of their admission and the discussion of procedures for mailing and visiting; and (3-30-07)

k. The fingerprinting and photographing in accordance with Title 20, Chapter 5, Section 20-516(8), Idaho Code. (3-30-07)

03. Court Appearance Within Twenty-Four Hours. According to Title 20, Chapter 5, Section 20-516(4), Idaho Code, written policy and procedures shall ensure that any juvenile offender placed in detention or shelter care be brought to court within twenty-four (24) hours, excluding Saturdays, Sundays and holidays for a detention hearing to determine where the juvenile offender will be placed until the next hearing. Status offenders shall not be placed in any jail or detention center, but instead may be placed in juvenile shelter care facilities. (3-30-07)

04. Limitations of Detention. Written policy and procedures shall limit the use of detention in accordance with Title 20, Chapter 5, Section 20-516, Idaho Code. (3-30-07)

262. RELEASE.

01. Release. Written policy and procedures shall govern the release of any juvenile offender and the release process including, but not limited to, verification of juvenile offender's identity, verification of release papers, completion of release arrangements, including the person or agency to whom the juvenile offender is being released, return of personal effects, completion of any pending action, and instructions on forwarding mail. (3-30-07)

02. Community Leaves. Written policy and procedures shall govern escorted and unsecured day leaves into the community. (3-30-07)

03. Personal Property Complaints. Written policy and procedures shall govern a procedure for handling complaints about personal property. (4-5-00)

04. Disposal of Property. Property not claimed within four (4) months of a juvenile's discharge may be disposed of by the detention center in accordance with Title 55, Chapter 14, Section 55-1402, Idaho Code. (3-30-07)

263. -- 264. (RESERVED).

265. PROGRAMS AND SERVICES AVAILABLE.
The detention center shall have written policy and procedures which govern what programs and services will be available to juvenile offenders, subject to the limitations necessary to maintain detention center security and order. These programs and services shall include, at a minimum, access or referral to counseling, religious services on a voluntary basis, one (1) hour per day and five (5) days per week of large muscle exercise and passive recreational activities, regular and systematic access to reading material, juvenile work assignments and educational programs according to the promulgated rules of the Idaho State Department of Education, except where there is justification for restricting a juvenile offender's participation. Any denial of services must be documented. (3-30-07)

266. -- 274. (RESERVED).

275. DETENTION CENTER DESIGN, RENOVATION, AND CONSTRUCTION.

01. Applicability. All standards in this section, except where exceptions are stated, shall apply to new juvenile detention centers, renovation of existing juvenile detention centers, and renovation of any existing building for use as a juvenile detention center for which construction was initiated after October 1, 1998. In the case of a partial renovation of an existing detention center, it is intended that these rules should apply only to the part of the detention center being added or renovated. (3-30-07)

02. Code Compliance. In addition to these rules, all new construction and renovation shall comply with the applicable ADA, building, safety, and health codes of the local authority and the applicable requirements of the State Fire Marshal, and state law. Standards herein which exceed those of the local authority shall take precedence. (4-5-00)

03. Site Selection. Juvenile detention centers should be located to facilitate access to community resources and juvenile justice agencies. If the detention center is located on the grounds or in a building with any other correctional facility, it shall be constructed as a separate, self-contained unit in compliance with Title 20, Chapter 5, Section 20-518, Idaho Code. (3-30-07)

04. General Conditions. All newly constructed or renovated juvenile detention centers shall conform to the following general conditions: (3-30-07)

a. Light levels in all housing areas shall be appropriate for the use and type of activities which occur. Night lighting shall permit adequate illumination for supervision; (3-30-07)

b. All living areas shall provide visual access to natural light; (3-30-07)

c. HVAC systems shall be designed to provide that temperatures in indoor living and work areas are appropriate to the summer and winter comfort zones, and healthful and comfortable living and working conditions exist in the detention center; (3-30-07)

d. All locks, detention hardware, fixtures, furnishings, and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on sleeping room or housing unit doors is prohibited; (3-30-07)

e. Juvenile offenders' rights to privacy from unauthorized or degrading observation shall be protected without compromising the security and control of the detention center. Privacy screening for all toilet and shower areas which still allows adequate supervision of those areas should be incorporated into the design; (3-30-07)

f. The detention center shall have a perimeter which is secured in such a way that juvenile offenders remain within the perimeter and that access by the general public is denied without proper authorization; (3-30-07)

g. The security area of the detention center shall have an audio communication system equipped with monitors in each sleeping

room and temporary holding room designed to allow monitoring of activities and to allow juvenile offenders to communicate emergency needs to detention center employees. Closed circuit television should primarily be used to verify the identity of persons where direct vision is not possible. Closed circuit television shall not be used to routinely monitor the interior of sleeping rooms; and (3-30-07)

h. All newly constructed or renovated detention centers shall provide an emergency source of power to supply electricity for entrance lighting, exit signs, circulation corridors, fire alarm, electrically operated locks and the heating and ventilation system. (3-30-07)

05. Admission and Release Area. The detention center shall have an intake and release area which should be located within the security perimeter, but apart from other living and activity areas. (3-30-07)

a. Adequate space shall be allocated for, at least but not limited to; (3-30-07)

i. Reception; (3-30-07)

ii. Booking; (3-30-07)

iii. Search; (3-30-07)

iv. Shower and clothing exchange; (3-30-07)

v. Medical screening; (3-30-07)

vi. Storage of juvenile offender's personal property and detention center clothing; (3-30-07)

vii. Telephone calls; (3-30-07)

viii. Interviews; and (3-30-07)

ix. Release screening and processing. (3-30-07)

b. If a detention center has temporary holding rooms, the rooms may be designed to detain juvenile offenders for up to eight (8)

hours pending booking, court appearance, housing assignment, transfer, or release. Temporary holding rooms may be designed for multiple occupancy and shall provide thirty-five (35) square feet of unencumbered floor space for each juvenile offender at capacity. (3-30-07)

c. Temporary holding rooms shall have access to a toilet and wash basin with hot and cold water. (3-30-07)

06. Single Occupancy Rooms. Single occupancy sleeping rooms or cells shall have a minimum of thirty-five (35) square feet of unencumbered space and shall be equipped with at least a bed above the floor. (4-5-00)

07. Multiple Occupancy Rooms. Multiple occupancy sleeping rooms or cells shall have at least thirty-five (35) square feet of unencumbered floor space per juvenile offender at the room's rated capacity and shall be equipped with at least a bed off the floor for each juvenile offender. (3-30-07)

08. Sanitation and Seating. All single or multiple occupancy sleeping rooms shall be equipped with, or have twenty-four (24) hours per day access without detention center staff assistance to toilets, wash basins with hot and cold running water, and drinking water at the following ratios: (3-30-07)

a. One (1) shower and one (1) toilet for every eight (8) juvenile offenders or fraction thereof; (3-30-07)

b. One (1) wash basin with hot and cold water for every twelve (12) juvenile offenders or a fraction thereof; and (3-30-07)

c. Tables and seating sufficient for the maximum number expected to use the room at one (1) time. (3-30-07)

09. Day Room and Multi-Purpose Room. The detention center shall have at least one (1) day room and multi-purpose room which provides a minimum of thirty-five (35) square feet of floor space per juvenile offender for the maximum number expected to use the room at one (1) time. (3-30-07)

10. **Program Space**. Adequate space shall be allocated for, but not limited to: (3-30-07)

a. Educational programs; (3-30-07)

b. Individual and group activities; (3-30-07)

c. Exercise and recreation, indoor and outdoor; (3-30-07)

d. Visitation; (3-30-07)

e. Confidential attorney and clergy interviews; and (3-30-07)

f. Counseling. (3-30-07)

11. **Interview Space**. A sufficient number of confidential interview areas to accommodate the projected demand of visits by attorneys, counselors, clergy, or other officials shall be provided. At least one (1) confidential interview area is required. (4-5-00)

12. **Medical Service Space**. Space shall be provided for routine medical examinations, emergency first-aid, emergency equipment storage, and secure medicine storage. (4-5-00)

13. **Food Service**. The kitchen or food service area shall have sufficient space for food preparation, serving, disposal, and clean-up to serve the detention center at its projected capacity. The kitchen or food service area shall be properly equipped and have adequate storage space for the quantity of food prepared and served. (3-30-07)

14. **Laundry**. Where laundry services are provided in-house, there shall be sufficient space available for heavy duty or commercial type washers, dryers, soiled laundry storage, clean laundry storage, and laundry supply storage. (4-5-00)

15. **Janitor's Closet**. At least one (1) secure janitor's closet containing a mop sink and sufficient space for storage of cleaning supplies and equipment shall be provided within the security perimeter of the detention center. (3-30-07)

16. Security Equipment Storage. A secure storage area shall be provided for all chemical agents, weapons, and security equipment. (4-5-00)

17. Administration Space. Adequate space shall be provided which includes but is not limited to, administrative, security, professional and clerical staff, offices, conference rooms, storage rooms, a public lobby, and toilet facilities. (4-5-00)

18. Public Lobby. A public lobby or waiting area shall be provided which includes sufficient seating and toilets. Public access to security and administrative work areas shall be restricted. All parts of the detention center that are accessible to the public shall be accessible to, and usable by, persons with disabilities in compliance with ADA standards. (3-30-07)

276. -- 999. (RESERVED).

IDAPA 05
TITLE 01, CHAPTER 03

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.03 – RULES OF THE CUSTODY REVIEW BOARD

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IDAPA 05
TITLE 01, CHAPTER 03

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.03 - RULES OF THE CUSTODY REVIEW BOARD

000. LEGAL AUTHORITY.

01. Section 20-520(1)(r), Idaho Code. Pursuant to Section 20-520(1)(r), Idaho Code, the Idaho Department of Juvenile Corrections shall adopt rules implementing the Custody Review Board and operations and procedures of such board. (3-5-08)

02. Section 20-532, Idaho Code. Pursuant to Section 20-532, Idaho Code, a juvenile offender committed to a secure facility shall remain until the offender reaches nineteen (19) years of age, is retained for extended custody pursuant to Section 20-520(1)(r), Idaho Code, or is released or discharged. (3-5-08)

03. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Title 67, Chapter 52, Idaho Code, as are deemed necessary or appropriate for the function of the department and the implementation and administration of the Juvenile Corrections Act. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.03, "Rules of the Custody Review Board." (5-3-03)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho and the Custody Review Board will be consistently based on the following principles: accountability, community protection, and competency development. (5-3-03)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements, including board bylaws, which pertain to the interpretation of these rules. Such documents will be available for

public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. (5-3-03)

003. ADMINISTRATIVE APPEALS.
This chapter does not provide for appeal of the determination of the Custody Review Board. (3-5-08)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference into these rules. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., Boise, Idaho 83720-0285. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections rules should be directed to 954 W. Jefferson St., P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.
The records associated with the Custody Review Board are juvenile records of the Idaho Department of Juvenile Corrections, and are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (5-3-03)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Board. The Custody Review Board of the Idaho Department of Juvenile Corrections. (5-3-03)

02. Case Management Team. A team consisting of juvenile services coordinator (JSC), case manager, and juvenile probation officer (JPO) who provide input in setting and following through with treatment goals. (5-3-03)

03. Case Manager. Department staff assigned to directly manage a juvenile's case, such as a group leader at a state institution; or,

if a juvenile is placed at a contract program, the contract provider's employee assigned to directly manage a juvenile's case. (5-3-03)

04. Classification. A process for determining the needs and requirements of juveniles for whom commitment has been ordered, and for assigning them to housing units or programs according to their needs and existing resources. (5-3-03)

05. Commit. Commit means to transfer legal custody. (5-3-03)

06. Court. Means any Idaho district court or magistrate's division thereof. (5-3-03)

07. Director. The director of the Idaho Department of Juvenile Corrections. (5-3-03)

08. Department. The Idaho Department of Juvenile Corrections. (5-3-03)

09. Extended Time in Custody. Any period of time a juvenile remains in custody after age nineteen (19) and not to exceed age twenty-one (21). (5-3-03)

10. Incident Report. A written document reporting an unusual occurrence or special event such as the discovery of contraband, use of physical force, use of chemical agents, discharge of firearms, and action taken including notation of strip and cavity searches. (5-3-03)

11. Juvenile. A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (5-3-03)

12. Juvenile Records. Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (5-3-03)

13. Juvenile Services Coordinator (JSC). An employee of the department who is assigned to a particular juvenile as the case worker, licensed in social work. (3-5-08)

14. Legal Guardian. A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner, or operator of a detention center, observation and assessment center, secure facility, residential facility, or other facility having temporary or long-term physical custody of the juvenile offender. (5-3-03)

011. -- 099. (RESERVED).

100. GENERAL PROVISIONS.

01. Hearings. All matters concerning juveniles, before the Custody Review Board, are confidential and shall be conducted in accordance with Section 67-2341(1), (4), and (5), Idaho Code; Title 9, Chapter 3, Idaho Code; and Title 20, Chapter 5, Idaho Code, regarding juvenile records and proceedings. (5-3-03)

02. Written Record. A written record of the vote by the Custody Review Board shall be kept confidential and privileged from disclosure, to the extent allowed by law, and provided that the record, or portions thereof, shall be made available upon request, for all lawful purposes or as required by the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (5-3-03)

03. Confidentiality. Distribution of the record by the Custody Review Board or an employee of the Idaho Department of Juvenile Corrections to any person not specifically allowed by law to receive or read it may result in disciplinary action. (5-3-03)

04. Records of Hearings and Meetings. Summary minutes of individual hearings and case reviews will be approved and signed by the board members and maintained in the department office. (5-3-03)

101. POWERS AND DUTIES.

01. Review. The Custody Review Board is empowered by Sections 20-520(1)(r) and 20-532, Idaho Code, to review the cases of juveniles in the custody of the department whose cases have been referred to the board according to Section 201 of these rules. (3-5-08)

02. Board Determinations. After conducting its review, the Custody Review Board shall advise the department's director whether it has determined that the juvenile before it needs an extended time in custody to address accountability, community protection, and competency. (3-5-08)

03. Indeterminate Sentence Remains. The Custody Review Board cannot direct the placement or treatment of a juvenile in the department's custody, and any determination by the board that extended time in custody is needed by a juvenile shall not create a determinate sentence of any kind. (3-5-08)

04. Release Date for Juveniles. If a juvenile has appeared before the Custody Review Board and the board has concluded that he not be retained in custody, the director shall set a release date for the juvenile, as follows: (4-6-05)

a. If a juvenile appears before the board prior to his nineteenth birthday, but before a reasonable and appropriate release plan has been finalized, the department may retain the juvenile long enough to finalize those plans, but not to exceed forty-five (45) days after the juvenile's nineteenth birthday. (4-6-05)

b. In all other cases, the department may retain the juvenile long enough to finalize a reasonable and appropriate release plan, but not to exceed forty-five (45) days after the director's signed order has been transmitted or delivered to the facility/JSC or any other department appointee. (3-5-08)

102. STRUCTURE AND COMPOSITION OF THE CUSTODY REVIEW BOARD.

01. Board Members. (5-3-03)

a. The board is composed of four (4) members, each of whom shall be appointed by the director of the department. (5-3-03)

b. The director shall select appointees who represent a variety of juvenile justice experiences and victim perspectives, or who are otherwise qualified. (5-3-03)

02. Terms of Appointment. (5-3-03)

a. The first term of appointment shall be staggered as follows: (5-3-03)

i. An appointee shall serve for a term of one (1) year; (5-3-03)

ii. An appointee shall serve for a term of two (2) years; (5-3-03)

iii. An appointee shall serve for a term of three (3) years; and (5-3-03)

iv. An appointee shall serve for a term of four (4) years. (5-3-03)

b. The terms of these initial board members shall be identified in each appointment. (5-3-03)

c. The director shall fill each succeeding vacancy for terms of four (4) years. Vacancies in the board for unexpired terms shall be by appointment by the director for the remainder of the term. All appointees may be reappointed. (5-3-03)

03. Compensation of Board Members. Members shall be compensated as provided by Section 59-509(b), Idaho Code. They shall serve without honorarium or compensation but shall be reimbursed for actual and necessary expenses, subject to the limits provided in Section 67-2008, Idaho Code. (5-3-03)

04. Removal from Board. The director may remove any member from the board for neglect of duty required by law, for

incompetence, for breaches of confidence or for unprofessional or dishonorable conduct. (5-3-03)

103. -- 199. (RESERVED).

200. REVIEW PROCESS.
A juvenile in the custody of the Idaho Department of Juvenile Corrections does not have the legal right or ability to request or demand a case review by the board. A review by the board does not create a liberty interest for the juvenile, and cannot be appealed. All cases come before the Custody Review Board through the referral system in Section 201 of these rules (5-3-03)

201. REFERRAL OF CASES TO THE BOARD.
The Custody Review Board shall review cases referred to it and will advise the director whether it has determined that extended time in custody is necessary for a juvenile to address competency, accountability and community protection. (3-5-08)

01. Cases Eligible for Referral. A juvenile's case is eligible for referral to the board in either of the following circumstances: (4-6-05)

a. If the juvenile is no more than six (6) months from his nineteenth birthday and one (1) or more members of the juvenile's case management team believes that the juvenile needs extended time in custody beyond that juvenile's nineteenth birthday; or (4-6-05)

b. If the juvenile is past age nineteen (19), has already been retained in the department's custody based on an earlier determination of the Custody Review Board, and one (1) or more members of a juvenile's case management team, the Custody Review Board, or the director of the department believes that an additional case review is in the best interest of the juvenile or others affected. (3-5-08)

02. Juvenile Has Not Appeared Before the Custody Review Board. Any juvenile who has not appeared before the Custody Review Board in person or by video conference prior to the date of his nineteenth birthday shall be released from custody on that date or as soon thereafter as a reasonable release plan can be determined and finalized.

The final release date shall not exceed forty-five (45) days after the juvenile's nineteenth birthday. (4-6-05)

03. Hearing Schedules. Once a case is referred, the board shall set a date for the review hearing. Unless the board decides otherwise, no case will be heard more often than every six (6) months. (5-3-03)

04. Written Submissions. All written documents and letters to be considered at a particular hearing must be submitted fourteen (14) calendar days in advance of the scheduled hearing in order to ensure that they will be considered. Other documents may be allowed after this deadline by unanimous consent of the board members present. Documents may include: (5-3-03)

a. Progress reports to the courts pursuant to Sections 20-532 and 20-540, Idaho Code; (5-3-03)

b. Report on original offenses leading to commitment plus order for commitment and orders of judgment; (5-3-03)

c. Written recommendations from each member of the treatment team; (5-3-03)

d. Polygraph results and written conclusions and recommendations from the professionals administering these tests; (5-3-03)

e. Psychosocial or psychosexual evaluations; (5-3-03)

f. Victim's written statement; (5-3-03)

g. Juvenile's written statement; (5-3-03)

h. Initial classification; (5-3-03)

i. Custody level assessment at case review; and (5-3-03)

j. Any other pertinent information. (5-3-03)

202. PERSONS TO ATTEND OR COMMENT.

01. Juvenile. The juvenile who is the subject of a custody review proceeding is required to appear either in person or by videoconference. (5-3-03)

02. Witnesses. The Custody Review Board allows for the participation of victims, attorneys, members of the case management team, and approved family members or others who have a direct relationship to the specific hearing or subject of the hearing. (5-3-03)

03. Participation. Persons who want to participate in hearings shall notify the Custody Review Board staff fourteen (14) calendar days in advance of the scheduled hearing. Children, including victims, under the age of fourteen (14), may not be allowed to attend the hearings without prior approval of the director or board. Parents or guardians of child victims in a case may appear and comment. (5-3-03)

04. Time Limited. The board's presiding officer may limit the time allotted to each participant during the proceeding, in its discretion; and may exclude witnesses or participants for inappropriate or disruptive behavior. (5-3-03)

203. CONFLICT OF INTEREST.

A member of the board, who has personal knowledge of a case, shall notify all other board members of this fact prior to the meeting where that case is to be considered. The remaining members of the Custody Review Board will determine whether or not that member should be disqualified from participating in the review of that case and determination. (5-3-03)

204. -- 299. (RESERVED).

300. BOARD DETERMINATIONS.

All determinations by the Custody Review Board regarding a juvenile shall be prepared in writing and given to the director of the Idaho Department of Juvenile Corrections. (3-5-08)

01. Confidentiality. All determinations, including any written documents from any source regarding the juvenile's case, will be

held by the Idaho Department of Juvenile Corrections in the juvenile's case management file. (3-5-08)

02. Board's Determination to the Director. The board's written determination concerning a juvenile's release or the juvenile's need to have extended time in custody shall be given to the director no later than thirty (30) calendar days after the date the board receives the last documents or interviews the last witness pertaining to the case. (3-5-08)

03. Reconsideration. The board may reconsider its determination in any case only if the vote based on the reconsideration is made before the written determination is given to the director of the Idaho Department of Juvenile Corrections. Only the members who heard the case may discuss or vote on any reconsideration of the determination. (3-5-08)

a. Any member of the board who was present for and heard the juvenile's case may call for a vote to reconsider the board's determination by making a request through the board chair. (3-5-08)

b. Any reconsideration may occur by teleconference, in person, by videoconference, or any combination thereof. (3-5-08)

c. The chair will call for a motion to reconsider, and a vote. (3-5-08)

d. The determination will then be given to the director in the same manner as is specified in Subsection 300.02, of these rules. (3-5-08)

04. Indeterminate Sentence Remains. If the board determines that a juvenile needs to stay for an extended time in custody of the department, that determination does not create a determinate sentence of any kind, and the director shall still have the authority to release the juvenile at any later time deemed appropriate. (3-5-08)

05. Official Record of Hearing/Review. The official record of a hearing or case review will be the summary minutes of that hearing or review, once signed, and the original record will be maintained with records of the Idaho Department of Juvenile Corrections. (5-3-03)

06. Evaluation of Juvenile Cases. Juvenile cases are evaluated on the individual merits of each case. The board's evaluation of a case and a juvenile's need for extended time in custody shall not be based upon any predetermined hearing standard, criteria, or precedent. Factors that may be taken into account by the board include, but are not limited to: (5-3-03)

a. Seriousness of the crime; (5-3-03)

b. Prior criminal history of the juvenile, as well as prior commitments to the department; (5-3-03)

c. Progress or completion of program, treatment plan, accountability; (5-3-03)

d. Institutional history to include conformance to established rules, involvement in programs and overall behavior; (5-3-03)

e. Evidence of the development of a positive social attitude and the willingness to fulfill the obligations of a good citizen; and (5-3-03)

f. Information or reports regarding physical, psychological, or other conditions. (5-3-03)

301. -- 399. (RESERVED).

400. VICTIMS.

It is the policy of the Idaho Department of Juvenile Corrections and the Custody Review Board to respect the rights of victims of crime in Idaho, pursuant to the Idaho Constitution and statute. When a juvenile's case has been referred for review, the department shall be responsible for providing the board with a list of crime victims who were officially identified by the adjudicating court or prosecuting attorney. (5-3-03)

01. Notice to Victims. The board will notify identified victims of a juvenile's crime that a custody review hearing has been scheduled. These victims will also be notified of their right to submit written statements or information and their right to provide testimony.

After the review proceeding, victims shall be notified of the board's determination regarding the custody of the juvenile. (5-3-03)

a. Notices of rights, hearings, the board's final determinations, and any anticipated release documents will be sent to the victim of record at the last known address. It is the responsibility of the victim to provide any change of address. (3-5-08)

b. Victims may request that they not be notified or contacted. (5-3-03)

02. Victim Testimony. A victim may attend any and all custody review hearings pertinent to their case and to provide testimony. The victim may be allowed to testify before the board members during a hearing session but at a time separate from the actual hearing with the juvenile present. All testimony of a victim shall remain confidential. (5-3-03)

401. -- 999. (RESERVED).

IDAPA 05
TITLE 01, CHAPTER 04

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.04 – UNIFORM STANDARDS FOR JUVENILE PROBATION SERVICES

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IDAPA 05
TITLE 01, CHAPTER 04

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05.01.04 - UNIFORM STANDARDS FOR JUVENILE PROBATION SERVICES

000. LEGAL AUTHORITY.

01. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (4-6-05)

02. Section 20-504(14), Idaho Code. Pursuant to Section 20-504(14), Idaho Code, the Idaho Department of Juvenile Corrections, in cooperation with the courts and the counties, shall establish uniform standards for county juvenile probation services. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.04, "Uniform Standards for Juvenile Probation Services." (4-6-05)

02. Scope. These rules are established to ensure that all county juvenile probation services operate under consistent standards based on the principles of accountability, community protection, and competency development. (4-6-05)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements, which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. (4-6-05)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (4-6-05)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference into these rules.
(4-6-05)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho Department of Juvenile Corrections. The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., Boise, Idaho 83720. Business hours are typically 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections' rules should be directed to P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120.
(4-6-05)

02. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295.
(4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.
The records associated with the Idaho Department of Juvenile Corrections are subject to these rules and the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-6-05)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Assessment. The process of acquiring an understanding of a problem, what causes it, and what can be changed to minimize or resolve it. (4-6-05)

02. Case Plan. A procedure to plan, seek, and monitor services from different agencies and staff on behalf of the juvenile, with attention given to accountability, community protection, and competency development. (4-6-05)

03. Discretionary or Unscheduled Detention Days. Time, in days, placed on hold for a juvenile to be used at the discretion of the court in accordance with the agency's policy and procedure. (4-6-05)

04. Diversion Agreements. A contract entered into by the juvenile and his parents with the probation department, utilizing community resources, community service work, voluntary restitution, or any other available service or program as an alternative to the filing of a petition with the juvenile court. (4-6-05)

05. Idaho Juvenile Risk Assessment. Document that was developed and approved as a statewide risk assessment, measuring the juvenile's life areas to determine his risk to the community and risk to re-offend. (4-6-05)

06. Juvenile Probation Department. Any public or private agency administered by or contracted with the court, made up of one (1) or more staff to provide juvenile probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. (4-6-05)

07. Juvenile Probation Officer. An employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation, and the supervision of juvenile offenders' compliance with court orders. (4-6-05)

08. Social History. An in-depth description and assessment of the current and past juvenile situation, including but not limited to family history and dynamics, medical information, previous criminal information as well as family criminal history, educational and employment information, victim information, developed into a formal document to present to the court for review, noting the juvenile probation officer may or may not offer recommendation regarding supervision. (4-6-05)

09. Use of Force. Physical force used in instances of justifiable self-defense, protection of others or protection of property. (4-6-05)

011. -- 099. (RESERVED).

100. STANDARDS FOR JUVENILE PROBATION SERVICES. Each juvenile probation department shall have policies and procedures regarding the following: (4-6-05)

01. Services. Services provided to juveniles and their families supporting the "Balanced Approach Model." The elements of the "Balanced Approach Model" include accountability, community protection, and competency development. (4-6-05)

02. Assessments, Social Histories, and Case Plans. How to conduct assessments of juveniles under probation supervision as well as the preparation of social histories and case plans, including that all assessments, social histories, and case plans be maintained in some form of retrievable record; written, electronic, or as otherwise appropriate. (4-6-05)

03. Monitoring or Enforcing. Monitoring or enforcing court orders shall include the use of graduated sanctions. (4-6-05)

04. Community Supervision. Maintaining community supervision of juveniles in the home, school, and community, based on risk assessment of the juvenile, using at a minimum, the Idaho Juvenile Risk Assessment, or a similar assessment instrument. (4-6-05)

05. On-the-Job and Other Training. Annual job-related training for juvenile probation officers may include field and on-the-job training and other training. Each policy and procedure shall identify a system for proper documentation of types of training, hours, and attendance. These policies and procedures shall require, at a minimum, twenty (20) hours annually of training or course work in the following: (4-6-05)

a. The Idaho Juvenile Corrections Act; (4-6-05)

b. Balanced approach; (4-6-05)

c. Report writing; (4-6-05)

d. Probation officer safety; (4-6-05)

e. State and county statutes and rules; (4-6-05)

f. Status offender supervision, in accordance with Section 20-516, Idaho Code; (4-6-05)

g. Case supervision for minimum, moderate, and high risk populations; and (4-6-05)

h. Gender specific case supervision. (4-6-05)

06. Professional Responsibility. A copy of the Idaho Juvenile Probation Officer Code of Professional Responsibility as described in Section 200, of these rules, shall be kept in each juvenile probation department. (4-6-05)

07. Case Documentation. Complete, thorough, and concise, written case documentation, including, but not limited to, ongoing case contact notes with the juvenile and other pertinent parties. (4-6-05)

08. Professional Contact. Identifying what will be considered appropriate and professional contact with juveniles under court supervision. This policy and procedure shall also address the frequency and location of contacts with juveniles. (4-6-05)

09. Use of Force. Use of force, defusing volatile situations, and documenting and reporting incidents that include the use of force. The policy and procedure shall require individual written and signed reports by probation department personnel and shall include date, time, and circumstances of the incident or the use of force, and identify known witnesses. (4-6-05)

10. Transportation of Juveniles. At a minimum, this policy and procedure must require that all juvenile probation officers involved in the transport of a juvenile have a valid and active Idaho driver's license in good standing, and that appropriate insurance is in effect for the transporting officer. (4-6-05)

11. Reporting Abuse. The legal requirement for reporting physical and sexual abuse in accordance with Section 16-1619, Idaho Code, Child Protective Act. (4-6-05)

12. Search and Seizure. Each juvenile probation department that conducts searches shall have a policy and procedure regarding search and seizure. (4-6-05)

13. Drug Testing. Drug testing, and documentation of testing of any juvenile under court order or diversion agreements. (4-6-05)

14. Minimum Job Qualifications. Minimum job qualifications and background information required at the time of a probation officer's employment. These job qualifications are set forth in IDAPA 11.11.03, "Rules of the Idaho Peace Officer Standards and Training Council." (4-6-05)

15. Medical Records. Confidentiality of juvenile records, access to medical records under the guidelines of HIPAA (Health Information Portability and Accountability Act), and Rule 32 of the Idaho Court Administrative Rules. (4-6-05)

16. Unscheduled Detention Time. Use of unscheduled detention time or discretionary days in detention. (4-6-05)

17. Emergencies. Responding to emergency medical situations of juveniles under probation supervision. (4-6-05)

101. -- 199. (RESERVED).

200. PROFESSIONAL RESPONSIBILITIES.
Juvenile probation officers have professional responsibilities as it relates to the following: (4-6-05)

01. Legal Rights. Respect and protect the civil and legal rights of the juvenile. (4-6-05)

02. Discrimination. Refrain from discriminating against any individual because of race, gender, creed, national origin, religious

affiliation, age, disability, or any other type of prohibited discrimination. (4-6-05)

03. Protection. Respect and protect the right of the public to be safeguarded from criminal activity. (4-6-05)

04. Welfare. Treat every professional situation with concern for the welfare of the individuals involved and with no intent to personal gain. (4-6-05)

05. Performance. Refrain from using their positions to secure personal privileges or advantages, or allow personal interests to impair objectivity in the performance of duties while acting in an official capacity. (4-6-05)

06. Formal or Informal Activity. Refrain from entering into any formal or informal activity or agreement, which presents a conflict of interest or is inconsistent with the conscientious performance of duties. (4-6-05)

07. Gifts. Refrain from accepting any gift, service, or favor that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties. (4-6-05)

08. Confidentiality. Adhere to state and federal statutes regarding issues of confidentiality of supervised juveniles, and refrain from identifying juveniles, or discussing critical problems or incidents outside of the official work setting. (4-6-05)

09. Private Information. Preserve the integrity of private information; refrain from seeking information on individuals beyond what is necessary to implement responsibilities and to perform their duties; and refrain from revealing nonpublic information unless expressly authorized to do so. (4-6-05)

10. Quality of Service. Maintain relationships with colleagues that promote mutual respect within the profession and improve the quality of service. (4-6-05)

11. Criticism. Refrain from public criticism of their colleagues or their agencies or courts except when warranted, verifiable, and constructive. (4-6-05)

12. Unethical Behavior. Report to appropriate authorities any corrupt or unethical behavior in which there is sufficient evidence to justify review. (4-6-05)

13. Civil Service Rules. When acting in the role of administrator, make all appointments, promotions, and dismissals in accordance with established civil service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests. (4-6-05)

14. Workplace. Respect, promote, and contribute to a workplace that is safe, healthy, and free of harassment in any form. (4-6-05)

15. Balanced Approach. Encourage program development, which promotes the ideals of the Balanced Approach identified in Subsection 100.01, of these rules, and the Juvenile Corrections Act. (4-6-05)

16. Reports. Diligently work to ensure that all information included in their reports concerning juveniles, colleagues, and others is timely, relevant and accurate. (4-6-05)

17. Continuing Education. Provide competent supervision of juveniles through continuing education, training and keeping abreast of current trends and developments. (4-6-05)

201. -- 999. (RESERVED).

IDAPA 11
TITLE 11, CHAPTER 02

IDAPA 11 – IDAHO STATE POLICE

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

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IDAPA 11
TITLE 11, CHAPTER 02

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

000. LEGAL AUTHORITY.

01. Section 20-504(2), Idaho Code. Pursuant to Section 20-504(2), Idaho Code, the Idaho Department of Juvenile Corrections shall establish minimum standards for detention, care and certification of approved detention facilities based upon such standards. (3-30-01)

02. Section 19-5109(f), Idaho Code. Pursuant to Section 19-5109(f), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Juvenile Training Council, implement minimum training and certification standards for juvenile detention officers. (3-30-01)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.02, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers," IDAPA 11, TITLE 11, Chapter 02. (3-30-01)

02. Scope. These rules are established to provide the opportunity for all county juvenile detention officers in the state to receive quality, consistent training to ensure that juveniles in custody receive appropriate care and supervision. (3-30-01)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretations of these rules will be available for public inspection to the extent allowed by Title 9, Chapter 3, Idaho Code, and will be available at the Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. Additional written interpretations are available for public inspection at 700 South Stratford Drive, Meridian, Idaho 83642, P.O. Box 700, Meridian, Idaho 83680-0700. (3-30-01)

003. ADMINISTRATIVE APPEALS.
Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedure Act and by the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-30-01)

004. INCORPORATION BY REFERENCE.
There are no documents that have been incorporated by reference into this rule. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295. (5-3-03)

02. Idaho Department of Juvenile Corrections. The principal place of business of the Idaho Department of Juvenile Corrections is in Boise, Idaho. The office is located at 954 W. Jefferson St., Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Idaho Department of Juvenile Corrections, P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100. The facsimile number of the office is (208) 334-5120. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.
The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-3-03)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Basic Juvenile Detention Academy. A basic course of instruction for Juvenile Detention Officers as recognized by POST Council. (3-30-01)

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Detention Academy. (3-30-01)

03. Juvenile Detention Center. A facility designed to temporarily detain juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (3-30-01)

04. Juvenile Detention Officer. Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center. (3-30-01)

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, a county Clerk, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Detention Academy. (3-30-07)

06. Mandatory Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the mandatory training requirements established by POST Council. (3-30-01)

07. Part-Time Juvenile Detention Officer. Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center, and does not meet the definition of "employee" as defined in Section 59-1302, Idaho Code. (4-11-06)

08. Voluntary Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the voluntary training requirements established by POST Council. (3-30-01)

011. -- 029. (RESERVED).

030. JUVENILE DETENTION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile detention officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (3-30-01)

02. Certification. The following dates govern voluntary and mandatory certification. (3-30-01)

a. From October 1, 2000 through September 30, 2002, any county Juvenile Detention Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (3-30-01)

b. If employed after October 1, 2002, any juvenile detention officer shall be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a juvenile detention officer. (3-30-01)

c. Juvenile detention officers employed prior to October 1, 2002, shall comply with the training and certification provisions of Section 030 by September 30, 2004, however, the requirement for successful completion of the POST Basic Juvenile Detention Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on a challenge examination administered by POST and any other requirements for certification. The officer will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts, the officer must successfully complete the POST Basic Juvenile Detention Academy to be certified. (3-30-01)

03. Applications. All applications for award of the Juvenile Detention Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (3-30-01)

04. Submission. The Application for Certification form must be submitted by the officer/applicant to the applicant's department head, who shall forward the application to the Council. Certificates will be issued to the department head for award to the applicant. (3-30-01)

05. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency. (3-30-01)

031. THE BASIC CERTIFICATE.

The following requirements are necessary for award of the basic certificate: (3-30-01)

01. Probation. The applicant must have completed at least six (6) months satisfactory probationary period (may include basic training academy time). Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. (3-30-01)

02. Basic Training. The applicant shall have completed the POST Basic Juvenile Detention Academy and shall have passed the POST juvenile detention certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts, the applicant must reapply and successfully complete the POST Basic Juvenile Detention Academy to be certified. (3-30-01)

03. Juvenile Detention Training Manual. Successful completion of forty (40) hours of supervised juvenile detention training in the employing department, or another department if necessary, is required. Evidence of such training must be submitted by applicant's employer to POST Council. (3-30-01)

032. CHALLENGE PROCEDURE.

Any juvenile detention officer employed by a duly constituted Idaho juvenile detention center who has, within the last five (5) years, been employed by another county, state, or the federal government as a juvenile detention officer or a student who has satisfactorily completed a Basic Juvenile Detention Academy equivalent to Idaho's POST Basic Juvenile Detention Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Detention Academy, provided the officer: (3-30-01)

01. Documents. Submits a POST Juvenile Detention Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (3-30-01)

02. Examination. Passes the POST juvenile detention certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 030.02; (3-30-01)

03. Training. Attends and passes the Idaho POST Juvenile Detention Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and (3-30-01)

04. Probation Period. Completes probationary period, as required by Subsection 031.01. (3-30-01)

033. PART-TIME JUVENILE DETENTION OFFICER CERTIFICATION.

01. Certification. The following dates govern mandatory certification: (4-11-06)

a. If employed after October 1, 2006, any part-time juvenile detention officer must be certified by obtaining mandatory

certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a part-time juvenile detention officer. (4-11-06)

b. Part-time juvenile detention officers employed prior to October 1, 2006, must comply with the training and certification provisions of Section 033 by September 30, 2007. (4-11-06)

02. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency. (4-11-06)

03. Eligibility. To be eligible for the award of the part-time juvenile detention officer certificate, each applicant must meet the definition of part-time juvenile detention officer as defined in Subsection 010.07. (4-11-06)

04. Supervision. All certified part-time juvenile detention officers must be under the direct supervision of a certified full-time juvenile detention officer. This section is intended to limit the activity of a part-time juvenile detention officer. Each agency must draft its own individual agency policy in reference to the supervision of its certified part-time juvenile detention officers and that policy must be kept on file within each agency. (4-11-06)

05. Limitation. A part-time juvenile detention officer's certification will be effective only during those periods when he is formally assigned by the appointing agency to perform the duties of a certified part-time juvenile detention officer. (4-11-06)

034. THE PART-TIME JUVENILE DETENTION OFFICER CERTIFICATE.

The following requirements are necessary for award of the part-time juvenile detention officer certificate: (4-11-06)

01. Part-Time Juvenile Detention Officer Packet. Any part-time juvenile detention officer desiring part-time juvenile detention officer certification must submit a completed POST Part-Time Juvenile

Detention Officer Certification Packet prior to attending any part-time juvenile detention officer training. (4-11-06)

02. Employment. The applicant must have been employed by the agency at least six (6) months (may include part-time juvenile detention officer training time) prior to being awarded the part-time juvenile detention officer certification. Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. (4-11-06)

03. Basic Training. The applicant must have completed the POST Part-Time Juvenile Detention Officer Training and must have passed the POST part-time juvenile detention officer certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. (4-11-06)

a. Any part-time juvenile detention officer desiring part-time juvenile detention officer certification must successfully complete the POST Council-approved Part-Time Juvenile Detention Officer Training of no less than forty (40) hours, to include, but not be limited to, items outlined in IDAPA 05.01.02, "Rules of the Idaho Department of Juvenile Corrections, Secure Juvenile Detention Facilities," Subsection 212.05. (4-11-06)

b. Portions of the core curriculum may be taught by uncertified instructors. However, Legal and Liability for Juvenile Detention Officers, Verbal Judo, and Appropriate Use of Force must be taught by POST-certified instructors. (4-11-06)

c. The officer will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%) or better. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. (4-11-06)

d. The Council will accept written certification from the agency head as proof that a part-time juvenile detention officer has successfully completed the required core curriculum. (4-11-06)

04. Part-Time Juvenile Detention Orientation Training. Successful completion of supervised part-time juvenile detention orientation training in the employing department is required. Evidence of such training must be submitted by applicant's employer to POST Council. (4-11-06)

05. Applications for Certification. All applications for award of the Part-Time Juvenile Detention Officer Certificate must be completed on the prescribed form "Application for Certification" as provided by the POST Council. The Application for Certification form must be submitted by the officer/applicant to the applicant's department head, who will forward the application to the Council. Certificates will be issued to the department head for award to the applicant. (4-11-06)

06. Retaining Certification. A certified part-time juvenile detention officer must work sixty (60) hours annually in a juvenile detention officer capacity to retain certification. Documentation of hours worked must be kept on file at the appointing agency. Any part-time juvenile detention officer working less than sixty (60) hours annually must complete all requirements set forth in Section 033 to be recertified. (4-11-06)

07. Decertification. The Council may decertify any part-time juvenile detention officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (4-11-06)

08. Full-Time Juvenile Detention Officer Status. To be certified as a full-time juvenile detention officer, a certified part-time juvenile detention officer, upon appointment to full-time juvenile detention officer status, must comply with the requirements in Sections 030 and 031. (4-11-06)

035. -- 999. (RESERVED).

IDAPA 11
TITLE 11, CHAPTER 03

IDAPA 11 – IDAHO STATE POLICE

11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS

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IDAPA 11
TITLE 11, CHAPTER 03

11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS

000. LEGAL AUTHORITY.

01. Section 20-504(14), Idaho Code. Pursuant to Section 20-504(14), Idaho Code, the Idaho Department of Juvenile Corrections, by rule, and in cooperation with the courts and the counties, shall establish uniform standards, criteria and operating procedures for county juvenile probation services, as well as qualifications for and standards for the training of juvenile probation officers. (5-3-03)

02. Section 19-5109(f), Idaho Code. Pursuant to Section 19-5109(f), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Juvenile Training Council, implement minimum training and certification standards for juvenile probation officers. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.03, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers," IDAPA 11, TITLE 11, Chapter 03. (5-3-03)

02. Scope. These rules are established to provide the opportunity for all county juvenile probation officers in the state to receive quality, consistent training to ensure that juveniles receive appropriate supervision. (5-3-03)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretations of these rules will be available for public inspection to the extent allowed by Title 9, Chapter 3, Idaho Code, and will be available at the Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho, 83720. Additional written interpretations are available for

public inspection at 700 South Stratford Drive, Meridian, Idaho 83642, P.O. Box 700, Meridian, Idaho 83680-0700. (5-3-03)

003. ADMINISTRATIVE APPEALS.

Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedure Act and by the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (5-3-03)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295. (5-3-03)

02. Idaho Department of Juvenile Corrections. The principal place of business of the Idaho Department of Juvenile Corrections is in Boise, Idaho. The office is located at 954 W. Jefferson St., Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Idaho Department of Juvenile Corrections, P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100. The facsimile number of the office is (208) 334-5120. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-3-03)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Basic Juvenile Probation Academy. A basic course of instruction for Juvenile Probation Officers as recognized by POST Council. (5-3-03)

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Probation Academy.(5-3-03)

03. Juvenile Probation Department. Any public or private agency administered by or contracted with the court, made up of one (1) or more staff to provide juvenile probation services to a county at the expense and concurrence of the county commissioners. Services may include intake, diversion, supervision, restitution, and community service work. (5-3-03)

04. Juvenile Probation Officer. Any employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation and the supervision of juvenile offenders' compliance with court orders. (5-3-03)

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, a county Clerk, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Probation Academy. (3-30-07)

06. Mandatory Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the mandatory training requirements established by POST Council. (5-3-03)

07. Voluntary Certification. To issue a certificate to a juvenile probation officer based upon successful completion of the voluntary training requirements established by POST Council. (5-3-03)

011. -- 029. (RESERVED).

030. JUVENILE PROBATION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile probation officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (5-3-03)

02. Certification. The following dates govern voluntary and mandatory certification: (5-3-03)

a. From October 1, 2001 through September 30, 2003, any county Juvenile Probation Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (5-3-03)

b. If employed after October 1, 2003, any juvenile probation officer shall be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a juvenile probation officer. (5-3-03)

c. Juvenile probation officers employed prior to October 1, 2003, shall comply with the training and certification provisions of Section 030 by September 30, 2005, however, the requirement for successful completion of the POST Basic Juvenile Probation Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on a challenge examination administered by POST and any other requirements for certification. The officer will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts, the officer must successfully complete the POST Basic Juvenile Probation Academy to be certified. (5-3-03)

03. Applications. All applications for award of the Juvenile Probation Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (5-3-03)

04. Submission. The Application for Certification form must be submitted by the officer/applicant to the applicant's department

head, who shall forward the application to the Council. Certificates will be issued to the department head for award to the applicant. (5-3-03)

05. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency. (5-3-03)

031. THE BASIC CERTIFICATE.

The following requirements are necessary for award of the basic certificate: (5-3-03)

01. Probation. The applicant must have completed at least a six (6) month satisfactory probationary period (may include basic training academy time). Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. (5-3-03)

02. Basic Training. The applicant shall have completed the POST Basic Juvenile Probation Academy and shall have passed the POST juvenile probation certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts, the applicant must reapply and successfully complete the POST Basic Juvenile Probation Academy to be certified. (5-3-03)

03. Juvenile Probation Training Manual. Successful completion of forty (40) hours of supervised juvenile probation training in the employing department, or another department if necessary, is required. Evidence of such training must be submitted by applicant's employer to POST Council. (5-3-03)

032. CHALLENGE PROCEDURE.

Any juvenile probation officer employed by an Idaho juvenile probation department who has, within the last five (5) years, been employed by another county, state, or the federal government as a juvenile probation officer or a student who has satisfactorily completed a Basic Juvenile Probation Academy equivalent to Idaho's POST Basic Juvenile Probation Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Probation Academy, provided the officer: (5-3-03)

01. Documents. Submits a POST Juvenile Probation Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (5-3-03)

02. Examination. Passes the POST juvenile probation certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 030.02; (5-3-03)

03. Training. Attends and passes the Idaho POST Juvenile Probation Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and (5-3-03)

04. Probation Period. Satisfactorily completes the probationary period, as required by Subsection 031.01. (5-3-03)

033. -- 999. (RESERVED).

IDAPA 11
TITLE 11, CHAPTER 05

IDAPA 11 – IDAHO STATE POLICE

11.11.05 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DIRECT CARE STAFF

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IDAPA 11
TITLE 11, CHAPTER 05

11.11.05 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR IDAHO DEPARTMENT OF JUVENILE CORRECTIONS DIRECT CARE STAFF

000. LEGAL AUTHORITY.

01. Section 20-504(3), Idaho Code. Pursuant to Section 20-504(3), Idaho Code, the Idaho Department of Juvenile Corrections shall establish and administer all secure residential facilities including all state juvenile corrections centers. (5-8-09)

02. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the Idaho Department of Juvenile Corrections shall have authority to adopt such administrative rules as are deemed necessary for the functioning of the department and the implementation and administration of the juvenile corrections act. (5-8-09)

03. Section 20-531(4), Idaho Code. Pursuant to Section 20-531(4), Idaho Code, the Idaho Department of Juvenile Corrections shall adopt standards, policies, and procedures for the regulation and operation of secure facilities. (5-8-09)

04. Section 19-5109(6), Idaho Code. Pursuant to Section 19-5109(6), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the juvenile training council, implement minimum training and certification standards for employees of the department who are engaged in the direct care and supervision of juveniles. (5-8-09)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.05, "Rules of the Idaho Peace Officer Standards and Training Council for Idaho Department of Juvenile Corrections Direct Care Staff," IDAPA 11, Title 11, Chapter 05. (5-8-09)

02. Scope. These rules are established to provide the

opportunity for all Idaho Department of Juvenile Corrections staff who are engaged in the direct care and supervision of juveniles to receive quality, consistent training to ensure that juveniles in custody receive appropriate care and supervision. (5-8-09)

002. WRITTEN INTERPRETATIONS.
In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretations of these rules will be available for public inspection to the extent allowed by Title 9, Chapter 3, Idaho Code, and will be available at the Department of Juvenile Corrections, 954 W. Jefferson St., Boise, Idaho 83720. Additional written interpretations are available for public inspection at the Idaho State Police, Peace Officer Standards and Training, 700 South Stratford Drive, P.O. Box 700, Meridian, Idaho 83680-0700.

003. ADMINISTRATIVE APPEALS.
Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedure Act and by the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (5-8-09)

004. INCORPORATION BY REFERENCE.
There are no documents that have been incorporated by reference into this rule. (5-8-09)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Idaho State Police, Peace Officer Standards and Training. The principal place of business of the Idaho State Police, Peace Officer Standards and Training, is in Meridian, Idaho. The office is located at 700 South Stratford Drive, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Peace Officer Standards and Training Academy, P.O. Box 700, Meridian, Idaho 83680-0700. The telephone number of the office is (208) 884-7250. The facsimile number of the office is (208) 884-7295. (5-8-09)

02. Idaho Department of Juvenile Corrections. The principal place of business of the Idaho Department of Juvenile Corrections is in Boise, Idaho. The office is located at 954 W. Jefferson St., Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday,

Sunday and legal holidays. The mailing address is: Idaho Department of Juvenile Corrections, P.O. Box 83720, Boise, Idaho 83720-0285. The telephone number of the office is (208) 334-5100. The facsimile number of the office is (208) 334-5120. (5-8-09)

006. PUBLIC RECORDS ACT COMPLIANCE.
The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public record. (5-8-09)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Basic Juvenile Corrections Academy. A basic course of instruction for direct care staff of the Idaho Department of Juvenile Corrections as recognized by POST Council. (5-8-09)

02. Challenge Exam. A test to determine an IDJC staff's competence for waiver of successful completion of the basic Juvenile Corrections Academy. (5-8-09)

03. Council. As used in this chapter, refers to the POST Council. (5-8-09)

04. Department. As used in this chapter, refers to the Idaho Department of Juvenile Corrections, IDJC. (5-8-09)

05. Director. As used in this chapter, refers to the Director of the Idaho Department of Juvenile Corrections. (5-8-09)

06. Juvenile Corrections Direct Care Staff. Any full or part-time employee of the department whose primary job duties include providing for the safety, care, education, protection, or supervision of juveniles committed to the custody of the department. Current job titles specifically included in this definition are, but are not limited to: (5-8-09)

a. Rehabilitation Technician; (5-8-09)

b. Rehabilitation Technician Supervisor; (5-8-09)

c. Rehabilitation Specialist; (5-8-09)

d. Rehabilitation Specialist Associate; (5-8-09)

e. Instructor - DJC; (5-8-09)

f. Instructor Specialist; (5-8-09)

g. Instructor Assistant; and (5-8-09)

h. Safety and Security Officer. (5-8-09)

07. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, a county Clerk, and a county Sheriff. (5-8-09)

08. Mandatory Certification. To issue a certificate to an IDJC direct care staff based upon successful completion of the mandatory training requirements established by POST Council. (5-8-09)

09. Voluntary Certification. To issue a certificate to an IDJC direct care staff based upon successful completion of the voluntary training requirements established by POST Council. (5-8-09)

011. -- 099. (RESERVED).

100. JUVENILE CORRECTIONS DIRECT CARE STAFF CERTIFICATION.

01. Property. Certificates and awards remain the property of the Council and are only valid as long as the direct care staff is employed by the department in a direct care staff role as defined in Subsection 010.06 of these rules. (5-8-09)

02. Eligibility. To be eligible for the award of a Basic Juvenile Corrections Direct Care Staff Certificate, each applicant must be a full or part-time employee of the department in a direct care staff role. (5-8-09)

03. Applications. All applications for award of the Basic Juvenile Corrections Direct Care Staff Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (5-8-09)

04. Submission. The Application for Certification form must be submitted by the direct care staff/applicant to the applicant's department head. The department head shall forward the application to the Council. Certificates will be issued to the department head for award to the applicant. (5-8-09)

05. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of fitness which will be left to the discretion of the department. (5-8-09)

06. Certification. The following dates govern voluntary and mandatory certification. (5-8-09)

a. From July 1, 2008 through June 30, 2010 any juvenile corrections direct care staff may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 101 or 102 of these rules. Earning voluntary certification during this period will satisfy the mandatory requirement in Subsection 100.06 of these rules. This option will close on June 30, 2010. (5-8-09)

b. If employed after June 30, 2010 every juvenile corrections direct care staff must be certified by the Peace Officer Standards and Training Council within one (1) year after first being employed unless granted additional time to complete certification by the POST Council as set forth in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 030.11. (5-8-09)

c. Juvenile corrections direct care staff employed prior to June 30, 2010 shall comply with the training and certification provisions of Sections 100 and 101 of these rules by June 30, 2012. However, the requirement for successful completion of the POST Basic Juvenile Corrections Academy will be waived if the direct care staff scores a minimum of seventy-five percent (75%) on the POST juvenile

corrections certification examination approved by the Council. The direct care staff will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the direct care staff fails both attempts or fails to retake the examination within six (6) months, they must successfully complete the POST Basic Juvenile Corrections Academy to be certified. (5-8-09)

07. Decertification. The Council may decertify any juvenile corrections direct care staff in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (5-8-09)

101. THE BASIC CERTIFICATE.

The following requirements are necessary for award of the basic certificate to hired department direct care staff. (5-8-09)

01. Probation. The applicant must have satisfactorily completed a minimum one thousand forty (1,040) hour probationary period with the department, which may include basic juvenile corrections academy time. This period must reflect continuous employment as direct care staff with the department. The probationary period may be extended by the department which could delay certification until the probationary period is satisfactorily completed. This probationary period of one thousand forty (1,040) hours must be continuous with the department when applying for certification. The probationary period shall not extend over two thousand eighty (2,080) hours for certification purposes. (5-8-09)

02. Basic Training. The applicant must have attended and completed the POST Basic Juvenile Corrections Academy and must have passed the POST juvenile corrections certification examination approved by the Council. The applicant will be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts or fails to retake the examination within six (6) months, the applicant must reapply, attend and successfully complete the POST Basic Juvenile Corrections Academy to be certified. (5-8-09)

03. Juvenile Corrections on the Job Training. Successful completion of forty (40) hours of approved and supervised juvenile corrections training provided by the department is required. Evidence of such training must be submitted by the applicant's employer to POST Council prior to certification. (5-8-09)

102. CHALLENGE PROCEDURE.

01. Eligibility for Certification - Challenge Procedure. Any juvenile corrections direct care staff employed by the department for a minimum of one (1) year or who, within the last five (5) years, has been employed by another state, county, or the federal government as a juvenile corrections direct care staff, or a student who has satisfactorily completed a Basic Juvenile Corrections Academy equivalent to Idaho's POST Basic Juvenile Corrections Academy within the last three (3) years, shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Corrections Academy if approved by the division administrator for the unit in which the direct care staff will be employed, and provided the staff person: (5-8-09)

a. Documents. Submits a POST Juvenile Corrections Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the direct care staff's training and experience; (5-8-09)

b. Examination. Passes the POST juvenile corrections certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 100.06 of these rules; (5-8-09)

c. Training. Attends and passes the following POST-approved courses: (5-8-09)

i. The Idaho POST Juvenile Corrections Academy's "Appropriate Use of Physical Force" training; (5-8-09)

ii. "Legal and Liability Issues"; (5-8-09)

iii. "Code of Ethical Conduct"; (5-8-09)

iv. "Prohibition of Abuse of Residents"; (5-8-09)

v. "Suicide Prevention;" (5-8-09)

vi. "Prison Rape Elimination Act;" and (5-8-09)

vii. "Incident Reporting;" and (5-8-09)

d. Satisfactorily completes the employment probationary period as required by Subsection 101.01 of these rules. (5-8-09)

02. Challenge Academy. In order to facilitate the POST certification of its direct care staff, with the approval of the POST Executive Director, the department may offer academies specific to those topics identified in Subsection 102.01.c. of these rules. In all such cases, only POST-certified courses will be included and each will be led by POST-certified instructors. (5-8-09)

03. Direct Care Staff Approved for Participation in the Challenge. Juvenile corrections direct care staff approved for participation in the challenge process may also be provided an opportunity to test for POST certification following successful completion of a challenge academy. All otherwise specified rules concerning POST certification testing will apply in these instances. (5-8-09)

103. LAPSE OF JUVENILE CORRECTIONS CERTIFICATION.

The certification of any juvenile corrections direct care staff will be considered lapsed if the individual does not serve as a direct care staff for the department or as a POST-certified juvenile probation or juvenile detention officer in Idaho for two (2) consecutive years. (5-8-09)

01. Over Two Years. A juvenile corrections direct care staff who has been out of full-time status with the department in a direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over two (2) years and whose job requires that he be recertified, or who wishes to be recertified, must meet the following POST requirements: (5-8-09)

a. Submit a POST Juvenile Corrections Certification Challenge Packet; (5-8-09)

b. Pass the POST juvenile corrections certification examination approved by the Council, conducted in the manner set forth in Subsection 100.06.c. of these rules, administered by a POST Training Specialist; and (5-8-09)

c. Satisfactorily complete a probationary period of not less than one thousand forty (1,040) hours of continuous employment in a direct care staff role with the department. (5-8-09)

02. Over Three Years. A juvenile corrections direct care staff who has been out of full-time status with the department in a direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over three (3) years, must attend the POST Basic Juvenile Corrections Academy in order to earn recertification. The Council may waive this requirement on a showing of good cause by the direct care staff supported by clear and convincing evidence that during a substantial part of the time out of full-time juvenile corrections direct care staff status, the individual was engaged in an occupation requiring juvenile corrections direct care staff training, skill, and experience. This evidence must be submitted with a POST Juvenile Corrections Certification Challenge Packet. Upon receiving a waiver, the direct care staff must meet the following POST requirements: (5-8-09)

a. Pass the POST juvenile corrections certification examination approved by the Council, conducted in the manner set forth in Subsection 100.06.c. of these rules, administered by a POST Training Specialist; and (5-8-09)

b. Satisfactorily complete a probationary period of not less than one thousand forty (1,040) hours of continuous employment in a direct care staff role with the department. (5-8-09)

03. Over Five Years. A juvenile corrections direct care staff who has been out of full-time status with the department in a direct care staff role, or as a certified juvenile detention or juvenile probation officer in Idaho for over five (5) years must attend and pass the POST Basic Juvenile Corrections Academy in order to earn recertification. No waiver of this requirement will be granted by the Council. (5-8-09)

104. -- 999. (RESERVED).