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**IDAPA 16
TITLE 06
Chapter 07**

16.06.07 - RULES GOVERNING JUVENILE JUSTICE SERVICES

000. LEGAL AUTHORITY.

01. General Authorities Granted the Department of Health and Welfare. (12-28-90)
 - a. By the provisions of Section 39-105(1), Idaho Code, the Director of the Department of Health and Welfare is authorized to adopt, promulgate and enforce rules in those circumstances when such authority is not vested in the Idaho State Board of Health and Welfare. (12-31-91)
 - b. By the provisions of Section 39-106(1)(a), Idaho Code, the Director is required to prescribe such rules as may be necessary for the administration of the Department and the conduct and duties of the employees. (12-28-90)
 - c. By the provisions of Section 56-202 (b), Idaho Code, the Director is required to promulgate, adopt and enforce such rules and methods of administration as may be necessary or proper to carry out provisions of Section 56-201 et seq., Idaho Code, the "Public Assistance Law", except where such authority is granted to the board. (12-28-90)
02. Specific Authority for Juvenile Justice Services. By the provisions of Section 16-1801, et seq., Idaho Code, the "Juvenile Justice Reform Act of 1989", and Section 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles," the Department is authorized to ensure the provision of services to communities, to the courts and to families and children aimed at the prevention and remediation of juvenile delinquency. (12-28-90)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited in full as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 06, Chapter 07, "Rules Governing Juvenile Justice Services." (12-28-90)
02. Scope. These rules are established to govern the statewide provision of family services aimed at the prevention and remediation of juvenile delinquency. (12-28-90)

002. POLICY.

It is the policy of the Department to provide a coordinated array of services and treatment in the least restrictive, most normative environment appropriate for the protection of children, the preservation of families and the safety of the community. (12-28-90)

003. PURPOSE.

The primary purpose of juvenile justice services is to provide a continuum of supervision and rehabilitation programs which meet the needs of youth in accordance with the principles set forth in the provisions of Section 16-1801, Idaho Code. (12-28-90)

004. DEFINITIONS.

01. Alternate Care. Providing for temporary living arrangements, when necessary for a child to leave his own home, through a variety of foster care, respite care, residential treatment and institutional resources, in accordance with the protections established in Public Law 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980". (12-28-90)
02. Board. The Idaho State Board of Health and Welfare. (12-31-91)
03. Case Management. A change oriented function of family services to assure and coordinate the provision of family system assessment, case planning, treatment and other services, protection, advocacy, review and reassessment, documentation and timely closure of a case. (12-28-90)

04. Case Plan. See "Family Case Plan". (12-28-90)
05. Central Office. The state level administrative office of the Department of Health and Welfare located in Boise, Idaho. (12-28-90)
06. Child Protective Services. Services provided in response to potential, alleged or actual abuse, abandonment or neglect of individuals under the age of eighteen (18) in accordance with the provisions of Section 16-1601 et seq., Idaho Code, the "Child Protective Act." (12-28-90)
07. Children's Review and Placement Team. A regional interdisciplinary team which reviews cases that have been referred by case management for placement in intensive residential care. The team, through its review, ensures that youth are appropriately designated for intensive residential placement and may be utilized for other treatment decision making. (12-28-90)
08. Combined Service Plan. A service plan developed collectively by the case manager, State Youth Services Center staff, the youth and youth's parent which describes the services to be provided to the youth and family and which outlines the treatment conditions the youth must meet during the youth's placement at the State Youth Services Center to become eligible for conditional release. (12-28-90)
09. Community-based Program. An in-home detention program or a nonsecure or staff secure residential program operated to supervise and rehabilitate offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state. (12-28-90)
10. Compact Administrator. The individual designated to coordinate interstate transfers of persons requiring special services in accordance with the provisions of Section 16-2101 et seq., Idaho Code, "Interstate Compact on the Placement of Children"; Section 16-1901 et seq., Idaho Code, "Interstate Compact on Juveniles"; or Section 66-1201 et seq., Idaho Code, "Interstate Compact on Mental Health." (12-28-90)
11. Conditional Release. A release of a youth offender from residency in a secure facility to live outside that facility under the supervision of the Department or other person designated by the Department prior to relinquishment of Departmental jurisdiction. (12-31-91)
12. Conditional Release Agreement. A written agreement made by the youth, youth's parent, case manager and secure facility staff which states the conditions of the youth's release from a secure facility and which outlines the community-based services to be provided for the youth and family upon release. (12-28-90)
13. Day Treatment. An intensive nonresidential service that includes an integrated set of educational, clinical, social, vocational and family interventions provided on a regularly scheduled, typically daily, basis. (12-28-90)
14. Department. The Idaho Department of Health and Welfare. (12-28-90)
15. Detention. The temporary care of children who require secure custody for their or the community's protection in physically restricting facilities. (12-28-90)
16. Director. The Director of the Idaho Department of Health and Welfare or his designee. (12-31-91)
17. Family and Children's Services (FACS). Those programs and services directed to families and children, administered by the Department and provided in accordance with these rules. (12-31-91)
18. Family Case Plan. The principal document in the family case record which is based upon assessment of and establishes the service and treatment goals, objectives and processes for the entire family. The family case plan incorporates any special plans, such as conditional release agreements, made for individual family members. (12-28-90)
19. Family Centered Services. An approach to the delivery of social services that focuses on families

rather than individuals. Services are based on assessment of the entire family and include treatment and support services designed to strengthen and maintain families, while ensuring the protection of children and the safety of their communities. (12-28-90)

20. Family Services Worker. Any of the direct service personnel, including social workers, psychologists, counselors and family therapists, working in regional Family and Children's Services programs. (12-28-90)

21. Family System Assessment. The basis for the service and treatment goals, objectives and processes for the entire family. The assessment is usually conducted by a multidisciplinary team, using currently accepted tools and procedures. It includes attempts to intervene in the crisis and reduce the risk to assure the safety of the family, the individuals involved and their community. (12-28-90)

22. Field Office. A Department of Health and Welfare service delivery site. (12-28-90)

23. Juvenile Justice Services. Services to communities, to the courts and to families and children aimed at the prevention and control of juvenile delinquency in accordance with the provisions of Section 16-1801 et seq., Idaho Code, the "Juvenile Justice Reform Act of 1989." (12-28-90)

24. Licensed. Facilities or programs being licensed in accordance with the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16, Title 06, Chapter 02, "Rules and Standards for Child Care Licensing." (12-28-90)

25. Permanency Planning. A primary function of family services initiated in all cases to identify programs, services and activities designed to establish permanent home and family relationships for children within a reasonable amount of time. (12-28-90)

26. P.L. 96-272. Public Law 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980." Section 427, requires states to implement a case review system to protect children in alternate care under the supervision of the state. (12-28-90)

27. Prevention. Programs, services and activities aimed at preventing child protective, juvenile justice and severe behavioral and emotional problems. Prevention services are developed and provided by FACS in coordination with other statewide and community organizations as resources are available. (12-31-91)

28. Regional Office. Department office located in one (1) of seven (7) areas of the state which comprises a geographically defined service area for the administration and delivery of the Department's services. (12-31-91)

29. Revocation of Conditional Release. The written order of the Department terminating conditional release supervision of a youth offender and directing return of the youth offender to the custody of a secure facility because of a violation of the conditional release. (12-28-90)

30. Section 427 Reviews. Refers to the case review system federally required by the provisions of Section 427 of P.L. 96-272, designed for the protection of children in alternate care under the supervision of the state. (12-28-90)

31. Work Program. A public service work project administered by the department which employs youth offenders at a reasonable wage for the purpose of reimbursing victims of the youth offender's delinquent behavior. (12-28-90)

32. Youth Development Plan. A service plan developed by the case manager (in concert with a youth and the youth's parent) which guides the services that are provided by the youth companion who is assigned to work with that particular youth. (12-28-90)

005. -- 399. (RESERVED).

400. INITIATION OF SERVICES.

Juvenile justice services are based on legal system referral, as well as on assessment of need in accordance with the provisions the current FACS Policy Memorandum on "Family Centered Services" and shall include: (12-31-91)

01. In-state. Referrals through contract provisions or commitments to the Department under the "Juvenile Justice Reform Act of 1989"; and (12-28-90)

02. Out-of-state. Referrals to the state under the provisions of Section 16-1901 et seq., Idaho Code, the "Interstate Compact on Juveniles". (12-28-90)

401. SERVICES TO BE PROVIDED.

In addition to the family services available in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16, Title 06, Chapter 01, "Rules Governing Social Services," juvenile justice service system components include the following: (12-31-91)

01. Case Management. A case manager for every youth ordered into departmental custody under the "Juvenile Justice Reform Act of 1989" to be responsible for: (12-28-90)

a. Direct treatment of youth and their families; (12-28-90)

b. Supervision of youths' activities; (12-28-90)

c. Supervision of restitution; and (12-28-90)

d. Coordination of other services provided to the youth and their families. (12-28-90)

02. Regional Day Treatment. Regional day treatment services that include an integrated set of educational, clinical, social, vocational and family interventions provided on a regularly scheduled, typically daily basis. (12-28-90)

03. Tracker Services. Community-based tracker or youth companion services, providing daily contact, supervision and support to youth regarding employment, education, courts, family and life skills. (12-28-90)

04. Educational Treatment and Vocational Programming. Regional availability of educational treatment and vocational programming to prepare seriously delinquent youth for the work world. (12-28-90)

05. Nonresidential Alcohol and Drug Programs. Regional availability of nonresidential alcohol and drug programs to provide outpatient assessment and counseling for youth with substance abuse problems. (12-28-90)

06. Residential Supervision and Treatment. Access to twenty-four (24) hour residential supervision and treatment programs which provide linkages with family, school and employment and emphasize helping youth generalize appropriate behavior into their environment. (12-28-90)

07. Observation and Assessment. Access to observation and assessment programs which provide assessment and treatment planning in nonresidential and short-term residential setting with intensive daily programming. (12-28-90)

08. Secure Facilities. Access to secure facilities that provide confinement, education and treatment of the most seriously delinquent youth. (12-28-90)

402. MAXIMUM NUMBER OF COMMITMENTS TO THE DEPARTMENT.

01. Maximum Case Load. The Department shall determine the maximum number of commitments under the "Juvenile Justice Reform Act of 1989" from a county during a calendar year pursuant to the provisions of Section 16-1826(15), Idaho Code. Such number shall be determined by the following method which will establish a maximum caseload of committed youth for each departmental case manager handling juvenile justice cases in each region. (12-28-90)

02. Case Managers. The number of case managers assigned to juvenile justice responsibilities shall be determined by the number of youth under the age eighteen (18) in the region in the following manner: (12-28-90)

a. A baseline youth offender population shall be determined by adding together the total number of YR (juvenile justice) committed cases opened as contained in the Social Services Activity Report in each of the past five (5) years (1985, 1986, 1987, 1988, 1989) and computing the average. The average shall be divided by the standard of cases per case manager (twenty (20) youth offenders) to determine the number of case managers statewide. (12-28-90)

b. To determine the number of case managers per region the total youth population statewide (as derived from the July 1, 1988 population estimates by county by the Department's Center for Health Statistics) shall be divided by the total number of case managers. The quotient equals the total number of youth per case manager. The regional youth population (same source) shall be divided by the total number of youth per case manager to determine the regional number of case managers. The regional maximum number of commitments at any one time equals the number of regional case managers times twenty (20). (12-31-91)

c. Due to the extraordinary impact of the above population-based formula and its deviation from existing commitment and practice a four (4) year phase-in plan will be utilized to achieve parity. In order to implement the four (4) year plan, the original number of regional commitments shall be established by the Department's Chief of the Bureau of Juvenile Justice as supplied by the January 1990 Social Services Activity Report (active juvenile justice cases at the end of month). (12-31-91)

03. Regions Having Excess of the Maximum. (12-28-90)

a. By January 1, 1991, those regions having in excess of the maximum established number of commitments, shall make a reduction in the original number of commitments by at least twenty-five percent (25%) of the excess. Those regions having less than the maximum may add to the number of original by no more than twenty-five percent (25%) of the difference between the maximum and original number. The same numerical adjustments will be made on January 1 of each of the following three (3) years to achieve parity as established by the end of the four (4) year phase-in period. (12-28-90)

b. The calculations for maximum number of commitments will be repeated at the end of the four (4) year cycle and at five (5) year intervals thereafter by the Department's Bureau of Juvenile Justice. In the event the Department receives an appropriation from the State Legislature for additional case managers, the Department's Juvenile Justice Bureau Chief will, within four (4) months after the appropriation is in effect, adjust the commitment figures to reflect the increase in the number of case managers.

<FORMULA		
A	=	Average number of cases opened during five (5) year period.
B	=	Cases per case manager.
C	=	State total of case managers.
D	=	Total state youth population.
E	=	Total number of youth per case manager.
F	=	Regional youth population.
G	=	Number of case managers per region.
H	=	Regional maximum number of commitments.
I	=	Original number of regional commitments.
J	=	Difference between I and H.

<FORMULA		
K	=	Number of commitments that may be added the first year.
L	=	First year adjusted number of commitments.

EXAMPLE		
A (490) divided by B (20)	=	C (rounded to 25)
D (319,410) divided by C (25)	=	E (12,776)
F (66,696) divided by E (12,776)	=	G (rounded to 5)
G (5) multiplied by B (20)	=	H (100)
H (100) minus I (62)	=	J (38)
J (38) multiplied by 25%	=	K (rounded to 10)
K (10) plus I (62)	=	L (72)

(12-31-91)

04. Commitment Reporting. The regional FACS Managers shall communicate in writing within five (5) days to the Department's Juvenile Justice Bureau Chief the name, date of commitment, county of residence, region, for each commitment. The Department's Juvenile Justice Bureau Chief shall communicate in writing to the Administrative Office of the Courts on a regular basis the number of commitments by judicial district. (12-31-91)

05. Waiver to Maximum Numbers of Commitment. The Director, in order to grant a waiver to the maximum number of commitments, must first make written findings that the waiver is based upon the following two (2) conditions: (12-31-91)

- a. The juvenile has committed a felony crime against persons; and (12-28-90)
- b. To allow said juvenile to remain in the community would subject the community to substantial danger. (12-28-90)

06. Maximum Numbers Established. In order to maintain the integrity of secure facilities, maximum numbers will be established. (12-28-90)

07. Determining Maximum Youth Population. The maximum number of youth placed in secure facilities by a region shall be determined by taking the regional percentage of the total state youth population (same source) and multiplying that percentage times the maximum capacity number for each secure facility. (12-28-90)

403. ALTERNATE CARE.

Juvenile justice services shall be provided in the least restrictive setting appropriate, with preference given to the family home and the involvement of the parents in the treatment program. The provisions of Section 403, apply to referrals to facilities for diagnostic and evaluation services and to placements at the Idaho Youth Services Center, as well as to placements in less restrictive settings. (12-31-91)

01. Alternate Care Placements. Alternate care placements shall be handled in accordance with the provisions of appropriate rules and regulations. (12-31-91)

02. Case Review. Periodic case review shall occur no less frequently than once every six (6) months, in accordance with the provisions of the Department's FACS Policy Memorandum 87-7, and the current FACS policy on

"Family Centered Services." (12-31-91)

03. Hearings. (12-31-91)

a. In accordance with FACS Policy Memorandum 87-7, permanency planning disposition hearings will be held for all youth placed in out-of-home care for more than eighteen (18) months to be held at not more than eighteen (18) month intervals; (12-28-90)

b. Prior to any placement of a youth in a more restrictive setting, an administrative hearing will be held for determination of the appropriate level of care for each youth. If an emergency requires immediate placement, a post placement hearing must be held within forty-eight (48) hours of the more restrictive placement. (12-28-90)

04. Disposition Filing. When a child committed under the "Juvenile Justice Reform Act of 1989" is moved to or released from an alternate care placement, a copy of the Department's order of disposition shall be sent to the committing court. (12-28-90)

05. Services to Families of Children In Alternate Care. Services to families of children in alternate care shall continue, as specified in the family case plan, the conditional release agreement and the community-based service agreement. The case manager is responsible for maintaining regular contact in accordance with the youth's classification, but not less than monthly. Case managers shall involve families in planning for the child's return to the home and community. (12-28-90)

404. -- 499. (RESERVED).

500. LEGAL RIGHTS OF CHILDREN.

All Department personnel shall ensure the observance of the legal rights of all children and families being served under the "Juvenile Justice Reform Act of 1989." (12-28-90)

01. Children's Rights. Children and their families served under the "Juvenile Justice Reform Act of 1989" shall be informed of their rights. These rights include, but are not limited to the following: (12-28-90)

a. The right to remain silent, to say nothing to the police and in court; (12-28-90)

b. The right to be informed of and understand that anything said can be used against them in a court of law; (12-28-90)

c. The right to consult with an attorney and to have an attorney present during questioning; (12-28-90)

d. If they cannot afford a lawyer, the right to have one appointed prior to any questioning and to represent them at all stages of all legal proceedings; (12-28-90)

e. The right to notice of charges against them in time to prepare for hearing; (12-28-90)

f. The right to confrontation and cross-examination; (12-28-90)

g. The right to have charges against them proven beyond a reasonable doubt; (12-28-90)

h. The right to appeal all court and Department administration decisions; (12-28-90)

i. The right to have a written report submitted to the court containing confirmed facts from documented sources regarding their environment, past history and physical and mental condition prior to court disposition; (12-28-90)

j. If detained, the right to a detention hearing within twenty-four (24) hours of apprehension, excluding Saturdays, Sundays and holidays; (12-28-90)

- k. If detention is ordered, the right to be detained in a facility separated from the sight and sound of adult offenders, supervised and observed sufficiently to protect their physical and mental health; (12-28-90)
 - l. The right to be dealt with as children unless all legal provisions allowing waiver to adult court are met; (12-28-90)
 - m. The right to immediate and appropriate treatment that is not punitive, degrading or discriminating in nature, but which is directed at the discovery and correction of the basic causes of the delinquent behavior; (12-28-90)
 - n. The right to be informed of and understand the services they are entitled to, including the conditions of placement and supervision; (12-28-90)
 - o. The right to a court or administrative hearing prior to placement in a more restrictive setting; (12-28-90)
 - p. While receiving treatment, the right to have their situation reviewed at least every six (6) months to determine that suitable treatment is being provided; (12-28-90)
 - q. A right to the protection provided by privacy, including having a hearing from which the public is excluded and having records and confidential information protected from the general public; (12-28-90)
 - r. The rights to conditional release and to be discharged from treatment and supervision when treatment goals have been achieved and no further purpose would be served by secure confinement or supervision in a community setting; and (12-28-90)
 - s. A right to have juvenile records expunged if the court finds that rehabilitation has been attained and all civil rights will be restored upon discharge. (12-28-90)
02. Responsibility of Department Personnel. Department personnel shall ensure the observance of the legal rights of children and their families through the following measures: (12-28-90)
- a. Consulting with educational, law enforcement, judicial and state legal authorities regarding children's rights; (12-28-90)
 - b. Acting as advocates for children and their families when their rights are not observed; (12-28-90)
 - c. Ensuring strict observance of the law and Department procedures in providing services to children and families. (12-28-90)

501. -- 599. (RESERVED).

600. IDAHO YOUTH SERVICES CENTER.

The Idaho Youth Services Center (YSC) operates as a secure facility in accordance with the provisions of Section 16-1827, Idaho Code. In addition to the requirements of Section 403, placements at the Idaho Youth Services Center (YSC) shall meet the requirements of this section. (12-31-91)

01. Placements. Placements at the Idaho Youth Services Center shall be handled in accordance with the Idaho Supreme Court secure placement criteria in compliance with the provisions of Section 16-1826(6), Idaho Code. (12-28-90)
- a. Intake, assessment and classification of children referred to the Idaho Youth Services Center shall be handled in accordance with the provisions of the Youth Services Center Policy and Procedure Manual. (12-28-90)
 - b. A comprehensive treatment plan shall be developed within sixty (60) days of referral of a child to the Idaho Youth Services Center, in consultation with the community case manager. (12-28-90)

- c. Treatment and services at the Idaho Youth Services Center shall be provided in accordance with the provisions of the Youth Services Center Policy and Procedure Manual. (12-28-90)
- d. On a quarterly basis, written progress reports shall be provided to the child's community case manager to facilitate release planning. (12-28-90)
- e. The child's community case manager shall be responsible for: (12-28-90)
 - i. Providing or arranging personal contact with the child at the Idaho Youth Services Center on a quarterly basis to assess the child's progress, the continuing appropriateness for the placement and the development of community-based resources; (12-28-90)
 - ii. Providing information quarterly during the placement about the progress of the child's aftercare plan to aid in planning and treatment at the Idaho Youth Services Center; and (12-28-90)
 - iii. Scheduling periodic case reviews and dispositional hearings in accordance with the provisions of Section 403. (12-31-91)
- f. In case of an emergency involving a child placed at the Idaho Youth Services Center: (12-28-90)
 - i. The parents or guardian shall be notified immediately; and (12-28-90)
 - ii. The child's case manager shall be notified as soon as possible. (12-28-90)

601. CONDITIONAL RELEASE.

All youth committed to the Department under the "Juvenile Justice Reform Act of 1989" and placed in a secure facility shall be conditionally released from that secure facility to return to a community-based program which may include placement in the youth's own home. Conditional release status shall continue until the youth offender is discharged by the Department. Case management staff shall be responsible for implementation of the conditional release agreement and for supervision of youth while on conditional release. (12-28-90)

- 01. Establishment of the Combined Service Plan. (12-28-90)
 - a. The secure facility staff member and the case manager working in conjunction with the youth's family will develop parallel treatment objectives which will be combined to establish the youth's combined service plan. (The case managers initial service plan must be completed within thirty (30) days. Reference Federal P.L. 96-272 guidelines.) (12-28-90)
 - b. The combined service plan for each youth committed to secure placement shall be reviewed within ninety (90) days of placement in a secure facility. (12-28-90)
 - c. The review shall be conducted by a team consisting of at least the youth's case manager and a staff member of the secure facility. The case manager shall encourage participation by the youth's family. The youth shall be present and may be represented by another person not a resident of the secure facility. (12-28-90)
 - d. The combined service plan developed by the review team shall include the criteria to be met by the youth while a resident of the secure facility program before the youth is conditionally released. (12-28-90)
 - e. The combined service plan shall be in writing and signed by the youth, parents, case manager and secure facility staff member. (12-28-90)
- 02. Conditional Release Hearing. Each youth placed in a secure facility shall be entitled to a hearing to determine his appropriateness for conditional release upon completion of the combined service plan. (12-28-90)
 - a. The hearing process shall include notice to all parties statutorily required as identified by the presiding judge and/or case manager to include the prosecuting attorney, magistrate judge, victim(s), attorney for the juvenile and the juvenile's parent. Notice shall be given at least two (2) weeks prior to completion of all service plan

conditions. (12-28-90)

b. All persons entitled to notice may attend any portion of the hearing determined appropriate by the hearing officer. All persons entitled to notice may present testimony or submit written materials to be considered by the hearing officer. (12-28-90)

c. Formal Rules of Evidence shall not apply at the proceeding and the hearing is not a contested case proceeding. (12-28-90)

d. The youth's case manager shall attend the hearing. (12-28-90)

03. Recommendations of the Review Team. The review team will make recommendations in writing to the hearing officer regarding the conditional release agreement. (12-28-90)

04. Decision of the Conditional Release Hearing. The decision of the hearing officer shall be made at the time of the hearing and subsequently reduced to writing and shall state whether the release is to be granted and the specific conditions of the release. Conditions shall be case specific, goal directive and include a projected discharge date. If the conditional release is granted, a conditional release agreement which states the conditions of the release shall be signed by the youth, the youth's case manager, parents and a representative of the secure facility. The date of such release shall be stated. (12-31-91)

05. Revocation of the Conditional Release. If a youth conditionally released from a secure facility violates the terms of the conditional release agreement, the case manager shall report such violation to the court in writing within seven (7) days from the time the violation was detected. (12-28-90)

a. If the case manager determines that the violation is of such magnitude as to endanger the community or property or there is a law violation and the youth meets the detention criteria of the Standards for Release of Children Prior to Detention Hearing adopted by the Administrative Conference of the State Judiciary, an Order of Reconfinement may be issued by the Regional Director. (12-28-90)

b. The Order of Reconfinement shall state where the youth shall be confined. A youth may be confined for up to twenty-four (24) hours, excluding weekends and holidays, in juvenile detention prior to a detention court hearing. (12-28-90)

c. A copy of the Order of Reconfinement shall be delivered to the court and prosecuting attorney immediately (within twenty-four (24) hours). A request shall be made for a detention court hearing to be scheduled. The detention court hearing is held for the following purposes: (12-28-90)

i. To appraise the youth and his parent or guardian of the nature of the allegations against the youth; and (12-28-90)

ii. To make a determination about whether or not the youth shall remain in detention prior to an administrative adjudicatory hearing. (12-28-90)

d. If the youth's detention placement is continued by the court, the youth's case manager shall schedule an administrative adjudicatory hearing to be held within seven (7) days. (12-28-90)

e. If the case manager determines the violation does not meet the detention criteria of the Standards for Release of Children Prior to Detention Hearing adopted by the Administrative Conference of the State Judiciary, the case manager may request an administrative adjudicatory hearing. The purpose of the administrative adjudicatory hearing is to determine whether the allegations of violation of the conditional release agreement are true or not true. (12-28-90)

06. Violations of Conditional Release. If the allegations of violation of conditional release agreement have been determined by the hearing officer to be true, the youth will be reclassified by the case manager. (12-28-90)

07. Reclassification. As a result of the reclassification, the youth's conditional release agreement may

be modified upon the consent of the youth and all review team members. (12-28-90)

08. Review of Reclassification. If after reclassification of the case, the case manager determines that the youth's conditional release should be revoked and placement in a more restrictive setting is warranted, the case will be set for an administrative dispositional hearing to determine if the youth's conditional release shall be revoked and to determine the appropriate level of placement. (12-28-90)

09. Revocation of Conditional Release. Upon receipt of an Order of Revocation of Conditional Release, the youth shall be placed consistent with the hearing officer's findings. (12-28-90)

10. Appeal of Conditional Release. The youth has a right to appeal pursuant to hearing provisions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 300, et seq., and Section 600, "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

602. -- 699. (RESERVED).

700. ADDITIONAL VIOLATION OF LAW OR VIOLATION OF CONDITION OF RELEASE.

In accordance with the provisions of Section 16-1820, Idaho Code, the Department may revoke the conditional release of a youth offender upon a determination that there has been a violation of law or of a condition of conditional release by the youth offender which warrants return to a secure facility. (12-28-90)

01. Report to Law Enforcement. Any report of a law violation by a child shall be immediately provided to the appropriate law enforcement agency. The report must include: (12-28-90)

- a. Summary of the details of the offense; (12-28-90)
- b. Date, time and place of the offense; and (12-28-90)
- c. Any social information necessary for planning the child's continued rehabilitation. (12-28-90)

02. Report to Prosecuting Attorney. The Department shall report any law violation by a child to the prosecuting attorney in the county where the offense was committed for consideration relevant to filing a petition under the "Juvenile Justice Reform Act of 1989". (12-28-90)

701. OUT-OF-STATE PLACEMENTS.

Any out-of-state placement of a child committed to the Department under the "Juvenile Justice Reform Act of 1989" shall be coordinated with the interstate compact administrator in accordance with the provisions Section 16-1901 et seq., Idaho Code, the "Interstate Compact on Juveniles." (12-28-90)

702. STANDARDS FOR YOUTH COMPANIONS.

The following standards shall govern the selection of youth companions. The standards describe the type of relationship youth companions shall establish with a youth and that youth's family: (12-28-90)

01. Job Description. Youth companions work under the direction of the regional case manager to carry out the Youth Development Plan by providing intensive supervision services to seriously delinquent youth whose families are unable to provide this level of supervision. Where resources are limited, priority for services shall be granted to the most seriously delinquent offenders in the community. (12-28-90)

02. Principal Accountabilities. (12-28-90)

- a. Client Services. The typical responsibilities of a youth companion must include: (12-28-90)
 - i. Face to face, telephonic, and/or surveillance type supervision and contacts with youth and their families to assist, encourage and verify that youth are meeting the conditions of their community-based service agreements, state probation, or conditional release agreements; and (12-28-90)
 - ii. Transport youth to school, employment, counseling sessions, etc. as needed to carry out the Youth

- Development Plan. (12-28-90)
- b. Collateral Contacts. The typical responsibilities of a youth companion must include: (12-28-90)
 - i. Face to face and/or telephonic interviews with school officials, law enforcement officers, employers, counselors and other persons who are involved in the supervision and/or treatment of a youth for the purpose of verifying that the youth is complying with the conditions of his community-based service agreement, state probation, or conditional release agreement; and (12-28-90)
 - ii. Attend and/or testify at court hearings as directed. (12-28-90)
 - 03. Minimum Qualifications. A youth companion must have the following minimum knowledge, skills and abilities; however, some limited training will be provided by the Department and the Department's Bureau of Juvenile Justice. (12-31-91)
 - a. The youth companion must show some knowledge of: (12-28-90)
 - i. Adolescent development and behavior; (12-28-90)
 - ii. Family dynamics and functioning; (12-28-90)
 - iii. The juvenile justice system; (12-28-90)
 - iv. Community resources; and (12-28-90)
 - v. Educational programs for youth. (12-28-90)
 - b. The youth companion must show the ability to communicate both verbally and in writing and to observe and describe behavior. In some locations, youth companions must be bilingual. (12-28-90)
 - c. The youth companion must show the ability to: (12-28-90)
 - i. Establish a functional, helpful relationship with a youth and his family; (12-28-90)
 - ii. Follow directions of the regional case manager; and (12-28-90)
 - iii. Report as specified. (12-28-90)
 - d. The youth companion must show certification as a youth companion and ongoing compliance with certification requirements as follows: (12-28-90)
 - i. Same gender as the youth served, except when providing services in public areas preapproved by the case manager; (12-28-90)
 - ii. Good health; (12-28-90)
 - iii. Twenty-one (21) years of age or older; (12-28-90)
 - iv. Fully completed Youth Companion Certification Application; (12-28-90)
 - v. Three (3) satisfactory references; (12-28-90)
 - vi. Local law enforcement check; (12-28-90)
 - vii. Fingerprinting for completion of criminal history background checks and all resultant conditions pursuant to appropriate rules, including payment for the cost of all background checks and fingerprinting; (12-31-91)

- viii. Satisfactory completion of youth companion orientation. (12-28-90)
- e. If a youth companion's duties include transporting youth, the youth companion must meet the following qualifications: (12-28-90)
 - i. Possession of a valid and current driver's license; (12-28-90)
 - ii. Possession of required automobile insurance; (12-28-90)
 - iii. Must obtain a drivers record check through the Idaho Criminal Identification Bureau and verify that he has not within the previous five (5) years been: (12-28-90)
 - (1) Convicted of more than two (2) moving traffic infractions; (12-28-90)
 - (2) Convicted of or accepted withheld judgment for driving a motor vehicle while under the influence of drugs or alcohol; (12-28-90)
 - (3) A party to a lawsuit in which a judgment was entered against the individual based on the individual's negligent operation of a vehicle; (12-28-90)
 - (4) Has no pending charges or convictions of recklessly operating a vehicle; (12-28-90)
 - iv. Demonstrate an ability to follow safe driving practices, including the following: (12-28-90)
 - (1) Use of seat belts at all times; (12-28-90)
 - (2) Observance of state and local traffic laws at all times; (12-28-90)
 - (3) Operation of safe and properly maintained vehicles; and (12-28-90)
 - (4) Clients of the Department are not permitted to operate motor vehicles at any time; (12-28-90)
- f. The youth companion must show a willingness to; (12-28-90)
 - i. Work flexible hours; (12-28-90)
 - ii. Work with youth who have differing cultural and social attitudes, behaviors and practices; (12-28-90)
 - iii. Work with youth who may be emotionally disturbed and/or present behavioral disorders and who may be resistant; (12-28-90)
 - iv. Work with youth who have language barriers. (12-28-90)
- 04. Level of Authority. (12-28-90)
 - a. Work Conduct. Youth companions shall conduct themselves in a manner consistent with standards required of state employees providing direct services to children. The relationship established with the youth and his family shall be noncoercive. Duties and responsibilities of youth companions do not include enforcement of conditional release agreements, community-based service agreements, or state probation conditions but shall include monitoring and reporting. Violations of community-based service agreements, conditional release agreements and/or probation conditions shall be reported to the case manager within twenty-four (24) hours. (12-28-90)
 - b. Personal Conduct. Youth companions are expected to dress, maintain their personal conduct and exercise personal hygiene in a manner consistent with the nature of work performed and within reasonably accepted limits of the community and the setting within which work is performed. Youth companions will refrain from any activity that could be interpreted as attempting to influence the religious beliefs and choices of clients. (12-28-90)

- c. Limitation of Powers. Youth companions shall not: (12-28-90)
 - i. Apprehend or detain youth; (12-28-90)
 - ii. Restrain youth in any manner; (12-28-90)
 - iii. Search a youth or his premises; (12-28-90)
 - iv. Seize property or belongings; (12-28-90)
 - v. Have unlawful, physical contact with youth; (12-28-90)
 - vi. Carry weapons; or (12-28-90)
 - vii. Take disciplinary actions. (12-28-90)
- d. Emergency restraint. If youth companions observe or assess a situation requiring restraint for the protection of the youth or others, the youth companion shall contact the appropriate emergency service and case manager pursuant to the Youth Development Plan and shall take no restraining action himself. (12-31-91)
- 05. Emergency Procedures. Youth companions shall not transport or assume responsibility for youth who are: (12-28-90)
 - a. In an intoxicated condition; or (12-28-90)
 - b. Expressing or demonstrating suicidal behavior; or (12-28-90)
 - c. In such an emotional or distraught state as to be a risk to themselves or others; or (12-28-90)
 - d. Experiencing medical conditions or injuries requiring emergency medical treatment; however, the youth companion should immediately, without leaving the youth, call 911 or other emergency service and immediately notify the case manager of the situation. (12-28-90)

703. -- 704. (RESERVED).

705. DISCHARGE FROM THE DEPARTMENT'S JURISDICTION.

In accordance with the provisions of Section 16-1832, Idaho Code, a youth offender may be discharged from the jurisdiction of the Department at any time upon finding that no further purpose would be served by placement in a secure facility or supervision in a community setting. (12-28-90)

- 01. Requirements for Discharge. Criteria for discharge shall consider the protection of the community and the best interest of the youth involved, as evidenced by: (12-28-90)
 - a. Successful completion of the community-based service agreement, state probation; and/or (12-28-90)
 - b. Fulfillment of all requirements of the conditional release agreement. (12-28-90)
- 02. Written Order Required. Discharge of a youth offender from the jurisdiction of the Department shall be accomplished by written order signed by the Regional Director or designee. Copies of the order of disposition shall be provided to: (12-28-90)
 - a. The committing court; (12-28-90)
 - b. The child; and (12-28-90)

c. The child's parent(s) or guardian(s). (12-28-90)

03. Release of all Penalties. The discharge shall be a complete release of all penalties incurred by adjudication of the offense for which the youth offender was committed. The Department shall so notify the child in writing in language he can understand. (12-31-91)

706. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Hearings and appeals shall be governed according to the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-28-90)

998. INCLUSIVE GENDER AND NUMBER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate. (12-28-90)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 06, Chapter 07, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (12-28-90)