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**IDAPA 05
TITLE 01
CHAPTER 04**

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, 400 N. 10th St., 2nd Floor, P.O. Box 83720, Boise, Idaho 83720-0285. (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 400 N. 10th St., 2nd Floor, 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).

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