

PARENT HANDBOOK TO THE IDAHO JUVENILE JUSTICE SYSTEM

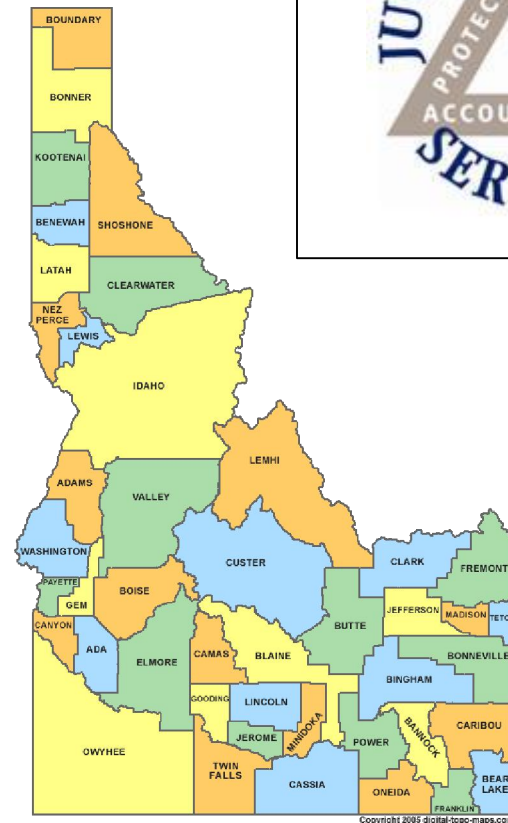


Idaho Federation of Families for Children's Mental Health

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The information contained in this handbook is not legal advice. Always consult a lawyer for legal advice regarding your child.



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IMPORTANT CONTACTS FOR YOUR CHILD:

Name of your Judge/Hearing Officer:

Your Attorney's/Public Defender's Name & Phone #:

Your Probation Officer's Name & Phone #:

Juvenile Service Coordinator's Name & Phone #:

Other Important Phone #s:

HELPFUL RESOURCES

Note: Each county has a different set of resources at its disposal, some having more resources than others. Please check with your child's probation officer for the available resources in your county.

Idaho Federation of Families for Children's Mental Health

www.idahofederation.org 208-433-8845

You will find helpful information regarding mental health issues and numerous resources for support and guidance throughout Idaho, including advocates to help you navigate the system. Their services are free of charge.

Idaho Department of Juvenile Corrections

www.idjc.idaho.gov Find regional office #s on p.16

This website will provide you with more information about the Juvenile Justice System in Idaho, answers to frequently asked questions, forms, and contact information to specific regional and county offices.

Idaho Department of Education

www.sde.idaho.gov 208-332-6973

Everything you need to know about the education system in Idaho, including special education needs and who to call for assistance, can be found here.

Idaho Department of Health & Welfare

www.dhw.idaho.gov Regional office #s on this

website. Programs, contacts and information regarding all services provided by this department can be found on this site (i.e. child support, child protective services, children's mental health, food stamps, cash assistance, disability assistance).

2-1-1 Careline For community services throughout the state

www.idahocareline.org 211 or 1-800-926-2588

TERMS TO KNOW (CONTINUED)

Work program – a public service work project which employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offense

ALPHABET SOUP (ACRONYMS)

CAFAS – Child Adolescent Functional Assessment Scale (a tool used in assessing the needs of the juvenile)

CMH – Children’s Mental Health

CMI – Case Management Inventory

DHW – Department of Health and Welfare

FFT – Functional Family Therapy

IBI – Intensive Behavioral Interventions

IEP – (Individual Education Plan) an educational plan which comes under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA)

JCC – Juvenile Correction Center

504 Plan – a plan that can be utilized in schools which allows for accommodations for disabilities (physical or mental health) which falls under the Rehabilitation Act of 1973; a civil rights law

PA/R – Progress Assessment/Reassessment

PSR – Psychosocial Rehabilitation Services

SED – Serious Emotional Disturbance

YLS – Youth Level of Service

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*Court supervision of a juvenile is geared toward the rehabilitation, protection, and guidance of the juvenile and his/her family. Court activities are directed to the discovery and correction of the causes of the illegal conduct with aid of resources from the community and the Department of Juvenile Corrections. As a result, court programs are administered on an individual basis. **The court is concerned with a restorative balance among the community, the victim and the individual offender.***

INTRODUCTION

There's a knock on your door or your phone rings. It's the police. Your child has been arrested. This may be your first introduction to the juvenile justice system. You are most likely feeling a variety of emotions, and you are concerned about your child's welfare.

- How is your child?
- Where is your son/daughter now?
- What happened?
- What did s/he do?
- Who else was involved?
- Is anyone injured?
- Is s/he being unjustly accused?

Natural reactions are fear and anger. You may be fearful that your child's future is over or you may be afraid that anything you say will harm your child's situation. You may be angry with the police, with your child or even with yourself. You may also be feeling embarrassment and humiliation. What if the neighbors and your employer find out?

Your confusion and emotions are running high at this time. The worst part is that you don't know what lies ahead for your child and for your family. Know that you are not alone. This booklet and the people who work in the system are here to help you understand the complexities of the Idaho Juvenile Justice System.

Note: Each county, although under the same legal framework, may have a different management style and/or philosophy regarding the way in which the law is carried out from other counties in the state.

TERMS TO KNOW (CONTINUED)

monitored by a county probation officer on a continual basis for a period of time determined by the court (can be as long as 3 years)

Prosecutor – who the police file a report with if they decide it is necessary; prosecutor decides whether or not to file a petition with the court

Progress Report – written monthly report documenting the juvenile's progress toward the goals and objectives created in the Service Plan

Recidivism – being adjudicated or convicted of a new crime that is not a status offense or probation violation

Reintegration – part of the aftercare plan whereby the juvenile's successful transition back into his/her community is made; part of the Service Plan called the RAP (Reintegration & Aftercare Plan)

Relapse Prevention – strategy to train offenders to cope more effectively with and to overcome the stressors/triggers in their environment that may lead them to return to criminal activity

Restitution – payment (financial or service work) made by the juvenile to pay back the victim for the cost of damage or harm

Service Plan – written document developed during the observation and assessment period that defines the juvenile's needs, risks, strengths, goals and recommendations for the family and what reintegration services are needed

Status Offense – an act that violates the law only if committed by a juvenile, such as truancy, running away or alcohol violations

TERMS TO KNOW (CONTINUED)

Informal adjustment – this is one option that the judge has at the disposition hearing; it is less restrictive than formal probation, but holds various requirements that the juvenile must complete; if juvenile is compliant within this period, the petition could be dismissed

Juvenile – a person less than 18 years of age or who was less than 18 at the time of any act, omission or status that brings them to the attention of the law

Legal Custody – the responsibility of the physical well-being of a juvenile, which includes: the duty to protect, train and discipline, and to provide food, shelter, education and ordinary medical care due to a provision of law or a judicial order or decree

Observation & Assessment Program – any state-operated or purchased service program responsible for temporary custody of juvenile offenders for the purpose of testing and behavioral observation in order to determine treatment needs and placement; a service plan is developed and implemented

Petition/Indictment – a formal written accusation charging a person with a crime

Preliminary Inquiry/Hearing – takes place before a determination can be made; data about the juvenile is gathered and presented to the judge

Public Defender – attorney who is assigned to the juvenile if juvenile does not have an attorney of his/her own

Probation – an option the judge has at time of disposition; while the offender lives at home, his or her activities are closely

PARENTS' RIGHTS & RESPONSIBILITIES

First and foremost, as the parent of a young offender, remember that this is your child and you have rights as well as responsibilities regarding your child's path through the Juvenile Justice System.

You have the right:

- To an attorney/public defender to represent your child
- To ask questions and understand what is happening to your child at all times
- To participate in decisions regarding your child's care
- To confidentiality of all treatment records. Information can be released only to individuals & agencies as specified in writing through a *Release of Information* form signed by you, except under certain conditions (i.e. by a court order, if abuse and/or neglect is suspected, in a mental health or medical emergency which could mean danger to self or others).
- To be treated with respect and dignity (as does your child).

Your responsibilities include:

- The Juvenile Corrections Act states that parents or legal guardians of juvenile offenders will be held accountable, where appropriate, through monetary reimbursement for restitution to victims of the offense.

PARENTS' RIGHTS & RESPONSIBILITIES (CONTINUED)

- Parents or legal guardians may be required to supervise and confine the juvenile offender when appropriate.
- Parents or legal guardians may be required to participate in counseling or treatment designed to develop positive parenting skills and an understanding in the family's role in the juvenile's behavior.
- Your child is ultimately your responsibility, but when he/she is involved in the Juvenile Justice System, you partner with the personnel of the system to help your child develop competency skills so that he/she does not re-offend. It is your responsibility to set rules and consequences at home, and also to "raise the bar" regarding what is acceptable behavior in your home. Consult with your probation officer if you need help with this.
- You, as well as your child, are under contract with the state, but you remain the parent. This means that you are ultimately the one responsible for raising your child, not the probation officer. The probation officer is there to supervise the terms of the probation (i.e. remind the family of meeting dates, hearing dates, etc.; provide resources such as counseling and community service opportunities), and to enforce the court order.
- Parents may be responsible for the costs of an attorney, assessments & treatment based on their ability to pay.

TERMS TO KNOW

Commit to – to transfer legal custody to Idaho's Department of Juvenile Corrections

Community Treatment Team – team of people including probation officer, family, case manager, service coordinator and others who are working together to provide input into the juvenile's service plan

Detention – the temporary placement of juveniles who require secure custody for their own or the community's protection in a physically restrictive facility during pre- and post-adjudication

Detention Hearing – Juveniles are held in the detention center on an order from the court and/or if they are deemed a risk to the community, a risk to self, or at risk to flee the jurisdiction before their next court hearing.

Disposition – the determination by the judge (what is called "sentencing" in the adult system)

Diversion – the utilization of local community resources (some examples: individual counseling, family therapy, informal probation, community service work, voluntary restitution) as an alternative to filing a petition with juvenile court

Evidentiary hearing – the state's attorney presents a case to prove that the juvenile committed the charged offense; the juvenile's attorney cross-examines witnesses and presents evidence on the juvenile's behalf; the judge determines whether the juvenile is found to be delinquent of the charges.

AFTERCARE PLAN/REINTEGRATION

The after care plan begins to take shape the day your child is committed to the Idaho Department of Juvenile Corrections. The purpose of the plan is to “reintegrate” or prepare your child for a successful return to his/her community or a new living situation.

Much is learned about your child during his/her time with the system. Through the preliminary inquiry, observation & assessment, your involvement, and any treatment process undertaken while in the care of IDJC, your child’s needs become more evident, not only to IDJC, but to you and your child. From this, a plan is developed and should address:

- Education
 - Should he return to his old school? Does he need educational testing or an IEP or 504 Plan?
 - Should she begin studying for her GED (High School Equivalency Test)?
- Family Life
 - Should she return home? If not, where should she live?
 - Would the family benefit from family counseling?
- Work
 - Does he need to get a job? If so, who is hiring in his community? How will he get there?
- Friends
 - Should she stay away from her old friends? If so, does she know how to do this, and does she know how to make new friends?
- Activities
 - What positive activities, geared to his strengths, are available to him in the community or at school?
- Treatment Needs
 - Does he need to be involved in a support group?
 - Does she need therapy of any kind? What are the names and contact information of community resources?
 - Does he need medical attention or follow-up care?

THE STATE’S RESPONSIBILITIES

When a juvenile commits a crime in Idaho, the state is responsible to all of its citizens: the juvenile offender, the victim and the community. Therefore, Idaho has adopted the Balanced and Restorative Justice Model. This is a comprehensive model with a holistic approach that comprises a continuum of services based on prevention, early intervention, and graduated sanctions.

The model encompasses a three-pronged mission:

1. Community Safety,
2. Accountability to the Victim, and
3. Competency Development of the Offender (The juvenile is provided opportunities to increase his/her skills that are necessary to function effectively and positively in the community.)

Graduated sanctions:

This is a community-based concept providing increased surveillance of the juvenile, tighter controls on the juvenile’s movement, more intense treatment for a wider assortment of problems or deficiencies, increased offender accountability, and greater emphasis on payment to victims and/or correctional authorities.

The state’s responsibilities include providing a system of services which consist of referral, assessment, intervention, problem-solving, evaluation, and follow-up. This is the case management system of the Juvenile Corrections System. As a parent, you are a partner in this system.

The Juvenile Corrections System, by law, should encompass the following aspects: day treatment, community programs, probation services, secure facilities, after-care, and assistance to counties for juveniles not committed to the custody of IDJC.

DIFFERENCE BETWEEN THE JUVENILE & ADULT SYSTEMS

- A juvenile is taken into **custody**;
an adult is **arrested**.
- A juvenile commits an **offense**;
an adult commits a **crime**.
- A juvenile has a **hearing**;
an adult has a **trial**.
- A juvenile receives a **disposition**;
an adult receives a **sentence**.

There are five basic steps in the juvenile court process:

1. The juvenile is taken into custody
2. The detention hearing
3. The admit-deny hearing
4. The evidentiary hearing
5. The disposition/sentencing hearing

The authorities take into account a number of elements when making a determination regarding the custody of a juvenile:

- Is the juvenile a threat to him/herself?
- Is the juvenile a threat to others?
- Is s/he likely to run away prior to a hearing?
- What is the juvenile's age?
- What is the offense for which s/he is being held?
- Does the juvenile have a past history of offenses?
- What does his/her school record look like?
- Where and with whom does the juvenile currently live?

WHAT HAPPENS WHEN YOUR CHILD HAS BEEN COMMITTED TO THE STATE? (CONTINUED)

Your child's length of stay will depend on how s/he reduces his/her risk to re-offend through therapeutic program participation. Release is determined when the facility treatment and community treatment teams assess the risk to the community by your child, and they have determined that this risk has been reduced. When your child has completed the program, you will receive a letter with his/her expected date of return home. In some cases, your child may be transferred to a less restrictive program to help get ready for the return home. In these cases, your child's probation officer will contact you regarding your child's terms of probation.

CUSTODY RESOURCES

JCC District Offices:

District 1 - Coeur d'Alene, ID	208-769-1449 x13
District 2 – Lewiston, ID	208-799-3332
District 3 – Nampa, ID	208-465-8443 x131
District 4 – Boise, ID	208-334-5100
District 5 – Twin Falls, ID	208-736-4776 x11
District 6 – Pocatello, ID	208-236-6396 x13
District 7 – St. Anthony, ID	208-624-3462 x4103

State Facilities:

JCC Lewiston – 208-799-3332
JCC Nampa – 208-465-8443
JCC St. Anthony – 208-624-3462

Child Support Information and Payments – 208-334-5100 x429

WHAT HAPPENS WHEN YOUR CHILD HAS BEEN COMMITTED TO THE STATE? (CONTINUED)

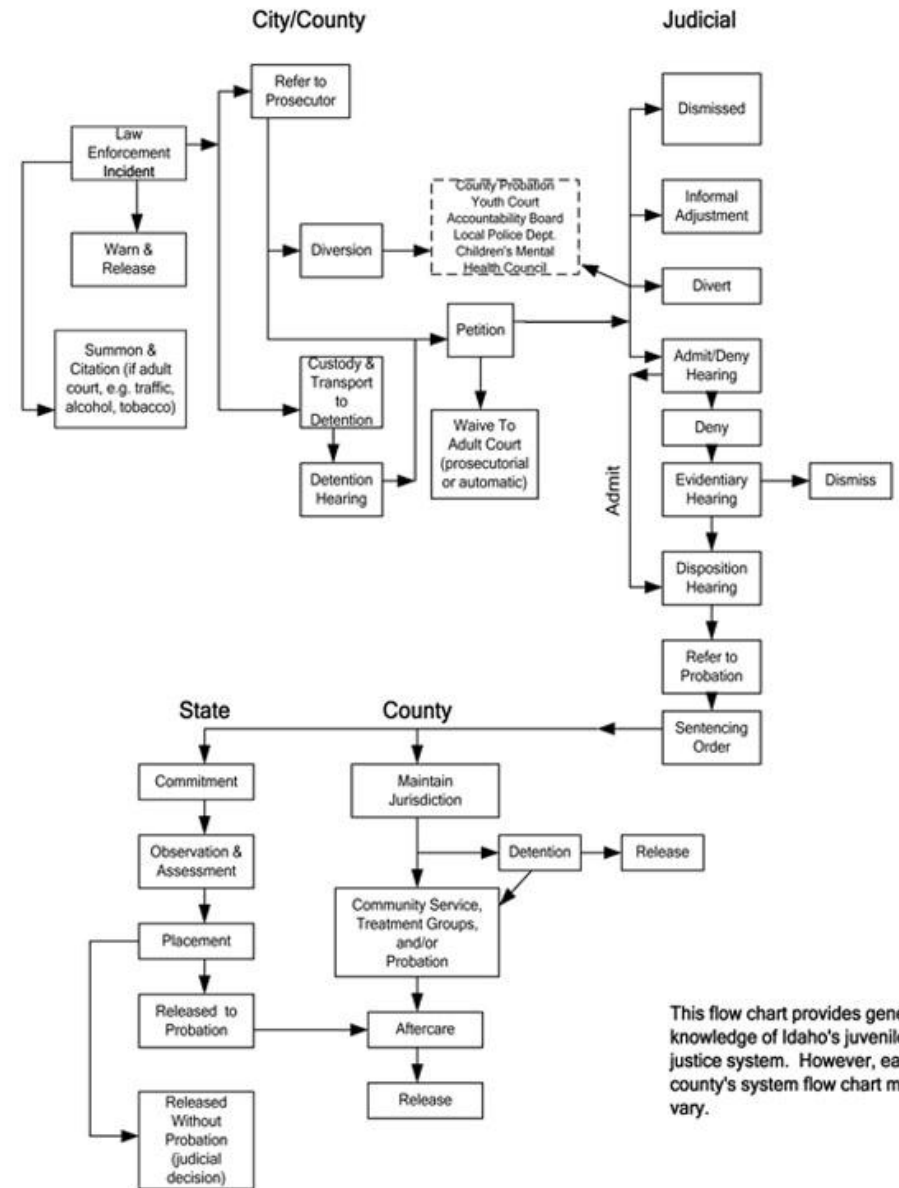
Your **financial and legal responsibilities** while your child is in state custody are ordered by the judge at the adjudication/disposition hearing. If you have been receiving child support payments, social security benefits or other monies to support your child, that money must be paid to the state while your child is in custody. You may be responsible for certain health care costs. If you have medical insurance for your child, you should continue the policy in the event that your child should require medication or medical items. Stay involved so that you know what is happening with your child and these costs are not a surprise.

If your child has been placed with a contract provider, you will become familiar with the case manager, known as the **Juvenile Service Coordinator (JSC)**. The JSC's responsibilities include monitoring service plans and progress reports, sharing information with the family, courts, community agencies and other necessary IDJC employees and reintegration case manager.

If your child has been placed in a state correctional center, then you will be in contact with a **Rehabilitation Specialist**. This case manager is responsible for writing a service implementation plan and progress reports to be shared with the family, courts, community agencies and other necessary IDJC employees.

There is no need to send anything with your child. All of his/her basic needs will be met. Contact the JSC or Rehab Specialist to inquire about sending personal items. The state does everything possible to ensure your child's safety and well-being while in custody. All facilities must meet licensure requirements.

FLOW CHART



OVERVIEW OF THE JUVENILE JUSTICE PROCESS

Persons under the age of 18 years who violate any federal, state, or local law are processed under the Juvenile Corrections Act. Generally, when an officer believes that a juvenile has broken the law, the juvenile is charged with an offense and the police officer decides whether to **release the juvenile** or take him/her into **custody**. The juvenile is photographed, fingerprinted and entered into the police computer system. A report concerning the alleged offense is filed. Juvenile cases are customarily handled in the magistrate division of the district court.

Juveniles who have not been charged cannot be held for more than six hours. **Parents/guardians must be notified** as soon as possible when the juvenile is taken into custody. The police determine when the family may see their child during the six-hour period. Juveniles must be separated from adults while locked up. If taken to **detention** or another facility, a **detention hearing** is held within 24 hours of the time of lock-up. This hearing determines where the child will be placed until the next hearing.

The report of the offense is submitted to the prosecuting attorney requesting that a petition be filed with the juvenile court. The prosecuting attorney reviews the case and determines whether there is sufficient evidence to bring the matter before the juvenile court. If the prosecutor feels there is sufficient evidence, a **petition is filed** with the court and an **admit/deny hearing** is scheduled after a summons has been issued for the juvenile's appearance in court. The juvenile may admit or deny the charges at this hearing. If the juvenile denies the charges an investigation takes place and an **evidentiary hearing** is held to determine if the juvenile committed the alleged offenses.

If the youth has admitted to the charges or the judge has found the juvenile to be responsible for the offense a **disposition/sentencing hearing** is scheduled to determine whether the juvenile will be placed on probation or placed in state custody.

WHAT HAPPENS WHEN YOUR CHILD HAS BEEN COMMITTED TO THE STATE?

When a juvenile has been committed to the state, s/he is now in the custody of the state of Idaho. You, the parent or guardian, are expected to be involved in your child's life during this time. As a partner with the state, your involvement will increase your child's chances of success in the program. You are encouraged to:

- ❖ Visit, call and write to your child while in state custody
- ❖ Attend all meetings ("staffing")
- ❖ Be an active participant in meetings & in the development of the reintegration plan
- ❖ Follow through on requests made by your child's case manager
- ❖ Read this booklet and learn the lingo; go online for more help
- ❖ Prepare yourself and other family members for the future by laying a foundation for success

About five days after the disposition hearing, your child will be transported to an observation and assessment facility. At this facility your child will be evaluated to help determine the most appropriate juvenile program for his/her placement. You will be asked to participate in a meeting (by phone if necessary) to discuss program options for your child.

Your child will then be placed in one of the state's juvenile correctional centers: JCC Lewiston, JCC Nampa or JCC St. Anthony, or in one of the contract provider programs across the state. When possible, your child will be placed in a program nearest your home. You will be sent a program information packet explaining the program and the ways in which you can help your child succeed. You are responsible for the costs associated with visiting and for long distance calls. Most programs allow your child to phone home on a regular basis.

ADVOCATING FOR YOUR CHILD

You are your child's best advocate. Here are some important steps you can take that will help your child's case:

Get organized. Put all important documents regarding your child's case in a file or binder (i.e. letters, emails, assessments, reports, mental health evaluations, school records).

Document information. You will not remember everything so keep a notebook to record information from meetings and telephone conversations with P.O. and lawyer. (Include the date, whom you spoke, important information they gave you, next steps to be taken and by whom)

Become knowledgeable. Ask to read and request copies of everything (charges, reports, evaluations, assessments, screenings, lab results, court orders, juvenile justice policies and procedures). Put your request in writing if needed. Ask questions. Be heard; express your concerns.

Become a partner in your child's rehabilitation. Share with the Probation Officer what you know about your child (school grades and problems, strengths/abilities/hobbies/dreams/interests/jobs, family circumstances and culture, mental health diagnoses, health or physical problems, agencies your child has been involved with, and his/her needs)

Be present. Attendance of parents/guardians is required at all court hearings. It is vitally important to also attend all meetings because the court may assume you are not interested. If you absolutely cannot attend contact the probation office and explain your absence and how you want to be involved in your child's case.

Be honest.

Be persistent.

Be respectful.

Be good to yourself and to other family members. This can be a stressful time.

OVERVIEW OF THE JUVENILE JUSTICE PROCESS (CONT.)

If court action is not required, the prosecuting attorney may utilize the **diversion process** and refer the case directly to the county probation department or a community diversion program.

Diversion may include:

- Reprimand of the juvenile
- Informal supervision with the probation department
- Community service work
- Restitution to the victim

If the juvenile is compliant within the Diversion Program, the petition could be dismissed. If the juvenile violates again, s/he may proceed to formal probation.

There may be other possible options available to the probation department depending on the county.

There will be fees and charges assessed throughout the court and probation process for which payment will be the responsibility of the juvenile and/or parent.

Common Rules & Court Orders

Rule 19 requires a screening team be convened before a juvenile offender is committed to the Idaho Department of Juvenile Corrections to assure every effort is made to use community-based programs for juvenile offenders prior to commitment whenever safe for the community and appropriate.

20-511A requires the Dept of Health & Welfare to complete a mental health assessment and create a treatment plan to provide needed mental health services to the juvenile.

TIPS FOR PARENTS

- ✓ Know that you are not alone. Numerous families from every walk of life go through the juvenile court system each year.
- ✓ This is a stressful time for you, your child and your family. Take care of yourself and find someone you trust with whom you can talk.
- ✓ When you appear in court or attend meetings with or for your child, it is best to dress appropriately (conservatively, not trendy). You are showing the judge and staff of the court system that you care about your child, and that you are an important person in the decision-making process.
- ✓ Make eye contact with the probation officer, court staff, attorney or judge who is speaking to you.
- ✓ Be aware of your non-verbal behaviors. Facial expressions and body language tell others about our attitudes.
- ✓ If you are too emotionally distraught or stressed, bring an advocate who understands the Juvenile Justice System or a friend who can help you listen to what is being said in the courtroom or in meetings.

TIPS FOR PARENTS (CONTINUED)

- ✓ Stay in touch with those who are employed in the system to help you and your child.
- ✓ If you can not afford an attorney you may request to have a public defender represent your child.
- ✓ “Check your emotions at the door.” Don’t play the blame-game. Build partnerships and focus on strengths.
- ✓ Ask yourself what you could do differently; what you could do better when your child returns home. Get the help you and your family need to follow through.
- ✓ Find ways to connect with your juvenile; take time to listen and try to understand him/her. Learn new ways to communicate; more effective ways.
- ✓ Keep an open mind; there are different ways to look at the same situation, different solutions to the same question, and different paths to the same destination.
- ✓ Demonstrate your willingness to be involved.