

Family Guide to Bannock County Juvenile Justice

THE BALANCED APPROACH

SPECIAL POINTS OF INTEREST:

- Our Mission & Philosophy
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Mission

Our mission to the community of Bannock County is to protect its citizens from juvenile crime through the implementation of evidence based practices and programs, and to ensure that juveniles under our jurisdiction successfully repair the harm to victims and community caused by their offending behavior.

Department Philosophy – The Balanced Approach

The Balanced and Restorative Justice Model is a philosophy of correctional care that emphasizes three equally important principles:

Community Protection – The public has the right to safe and secure homes and communities. The juvenile justice system must help the child while keeping the community, including the child and family, safe.


Accountability – When a crime is committed, the child is responsible for the harm caused and should take action to repair the harm and restore the victim and community.

Competency Development – Children should leave the juvenile justice system more capable of living responsibly and productively in the community. Since children are not as developmentally mature as adults, they are given the opportunity to learn to be responsible and competent.



Do you have questions about Juvenile Court?

Bannock County Juvenile Probation has created a Family Guide to Juvenile Justice. It is available on our website at **<http://www.bannockcounty.us/juvenile/>**. It will give you information on the juvenile court process and programs we offer through Juvenile Probation.



Youth Court

Youth Court was started in Bannock County in November 1991. It is a diversion program designed to give first time juvenile offenders a “second chance”. Juvenile offenders who have committed a misdemeanor are given a chance to attend Youth Court. If they complete their outlined program, they will not have a juvenile record. Youth volunteers are

trained as Youth Court panelists. These volunteers question the offender and their parents to gain information that will help them in deciding a disposition for the offender. Pocatello Police Department also assigns a school resource officer to attend Youth Court to help panelists understand important things to consider by different types of offenses. The program helps

over a hundred juveniles a year to take a second look at their mistakes and make a decision to stay out of the juvenile system. If a juvenile successfully completes their Youth Court requirements, they get their citation back. In addition, it provides high school students with a realistic view of juvenile law. Youth Court is held every other Tuesday starting at 6:00 pm. There is a fee to participate in the program.

Truancy Court

Truancy Court was developed as an early intervention program in partnership with Juvenile Court, Juvenile Justice, School District #25, and other community based agencies to address the increasing problem of truancy. A case management plan is developed based on the Balanced Approach and the needs of the juvenile and family. Additional services such as mental health services, substance abuse counseling, parent education or family therapy, and individual coun-

seling may be implemented as part of the case management plan based on the family's needs. Truancy Court consists of three phases. During the first phase the juvenile and parent(s) appear before the Juvenile Judge every week at Truancy Court to evaluate their compliance with the conditions of the Truancy Court program. During the second phase they attend every other week. In the third phase, they

attend one month after achieving Phase 3. The juveniles receive rewards for compliance and sanctions for violations. In order to graduate from the program, juveniles and parents must comply with the conditions of the Truancy Court program for an extended period of time, and the Truancy Court team must reach a consensus that the needs have been adequately addressed and the likelihood of further truancy has been significantly reduced. There is a \$100 Truancy Court Fee.

Status Offender Program

The Status Offender Program is a diversion program that focuses on the special needs of status offenders and their families. Each family is assessed in order to develop a comprehensive treatment plan that addresses the needs and risks of the family. The

Status Offender Coordinator meets with the family and juvenile regularly to monitor progress and help mediate family issues. There is a \$100 Status Offender Diversion Fee.

Early interventions for families and youth.

Families in Action— Active Parenting of Teens is a comprehensive new parenting program for parents of preteens and teens. The skills you will learn in this class will give you confidence and courage to meet the challenges and savor the joys of your children's teen years. Parents will learn the basics of parenting a teen (plus some in-depth discussion of today's hot topics). You will learn what's going on in your teen's head, which will help you figure out why they do what they do. You will learn how to open up the lines of communication, encourage cooperation and responsibility, and discipline effectively. You will also explore techniques for solving the inevitable problems that crop up. You will learn strategies for preventing problems relating to drugs, alcohol, violence and teen sexuality. Both the parent(s) and the juvenile attend the Families in Action Program. It is held once a week, from 6:30—8:30 pm, for six weeks. (http://www.activeparenting.com/Teens_parents)

Parenting with Love & Limits— *Parenting with Love and Limits*® (PLL), is an evidence-based family education, skill-building and therapeutic intervention model which has demonstrated effectiveness in significantly reducing aggressive behaviors, depression, attention deficit disorder problems, externalizing problems and substance use while also reducing recidivism and improving family communication. (<https://gopll.com/>)

The program targets specific risk and protective factors related to delinquency and other emotional and behavioral problems. PLL is currently recognized as a Model Program through SAMSHA's National Registry of Evidence-Based Programs and Practices. PLL utilizes assessment, group sessions and individual coaching sessions throughout the program

PLL is different, brief—and NOT traditional counseling

- Why your current rules and consequences repeatedly fail.
- How your teen creatively uses things like substance abuse, disrespect, running away, or violence to commit acts of "parent abuse" to continually defeat parents who try to regain control of their household.
- Creative Consequences to stop behaviors of (a) Extreme Disrespect, (b) Running Away, (c) Alcohol and Drug Use, (d) Sexual Promiscuity, (e) Threats or Acts of Violence, and (f) Threats of Suicide.
- How and Why Button Pushing Creates Conflict and Confrontation between Parents and Teenagers.
- How to write a Loophole Free Contract and how to use role plays to deliver the contracts without your buttons being successfully pushed.
- About the fine line between love and dislike and why there is a current lack of nurturance. You will learn why you love your child, but no longer like them.

Early Interventions

Shortstop— Shortstop is a two session program held at the Bannock County Jail for youth ages 14-17. It is intended as an intervention between a potential problem and further involvement in the juvenile justice system. It emphasizes family communication and encouragement to change behavior. It includes decision making skills, legal rights and responsibilities, victim awareness, family communication, drug and alcohol information, self-concept/life plan, education motivation, group discussion, rap session, and peer pressure. It is held on Tuesday evenings from 6:00—9:00.

Restorative Conferences — A *restorative conference* is a structured meeting between offenders, victims and both parties' family and friends, in which they deal with the consequences of the crime or wrongdoing and decide how best to repair the harm. Neither a counseling nor a mediation process, conferencing is a victim-sensitive, straightforward problem-solving method that demonstrates how citizens can resolve their own problems when provided with a constructive forum to do so (O'Connell, Wachtel, & Wachtel, 1999).

Conferences provide victims and others with an opportunity to confront the offender, express their feelings, ask questions and have a say in the outcome. Offenders hear firsthand how their behavior has affected people. Offenders may choose to participate in a conference and begin to repair the harm they have caused by apologizing, making amends and agreeing to financial restitution or personal or community service work. Conferences hold offenders accountable while providing them with an opportunity to discard the "offender" label and be re-integrated into their community, school or workplace (Morris & Maxwell, 2001).

Participation in conferences is voluntary. After it is determined that a conference is appropriate and offenders and victims have agreed to attend, the conference facilitator invites others affected by the incident — the family and friends of victims and offenders (O'Connell, Wachtel, & Wachtel, 1999). (<http://www.iirp.edu/what-we-do/what-is-restorative-practices/defining-restorative/20-restorative-conference>)

Family Group Decision Making — Family Group Decision Making (FGDM) operates according to the premise that the direct involvement of a family group works better to solve a family's issues than the efforts of professionals alone to solve those issues for people. A key ingredient of an FGDM meeting is "Family Alone Time," when the family group is left alone, without professionals in the room, to devise plans to solve their own issues. These plans are then evaluated by professionals for legal and safety concerns. (<http://www.iirp.edu/what-we-do/what-is-restorative-practices/defining-restorative/22-5-3-family-group-conference-fgc-or-family-group-decision-making-fgdm>)

ART — Aggression Replacement Training is a cognitive behavioral intervention program to help children and adolescents improve social skill competence and moral reasoning, better manage anger, and reduce aggressive behavior. (episcenter.psu.edu) ART is a 10 week course that meets 2 times each week for 2 hours per session. The groups will cover 3 sections. Social skills training (what to do in an anger producing situation), Anger control training (what not to do in an anger producing situation), and Moral Reasoning (evaluate their own thinking and come up with responsible and mature decisions).

My Child was placed in Detention and received new charges; What happens now?

A family's first introduction to the juvenile justice system could be a knock on the door or a phone call from the police that your child has been arrested. You may have a mixture of questions and emotions when your child is arrested. First, you may have concern about your child's welfare. Is your child all right? Where is your child now? Can you bring your child home?

Second, you may be concerned with the circumstances of your child's arrest. What did your child do? Was anyone else involved? Was anyone injured?

A natural reaction is fear, fear that your child is not going to be OK or that she or he may not have the future you dreamed about. Fear that anything you say may further harm your child. Fear that you may somehow be charged too.

Another natural reaction is anger. Anger with the police, the person who filed the complaint, the police officer, the juvenile probation officer, the court system, or other youth that may have been involved. And, even anger at your child for doing such a thing!

You may also feel embarrassed or humiliated by your child's arrest. You may not want to tell relatives or employers, especially if you have to take time from work. Many family members say they could have predicted that their child would get in trouble with the law because of earlier signs and behaviors. Families may have tried to find help that would change the path their child was following. In the midst of all of this confusion and emotion, it is difficult to understand what has happened and what lies ahead for your child. (Information adapted from A FAMILY GUIDE to Pennsylvania's Juvenile Justice System)

When your child is placed in detention a Detention Hearing will be held within 24 hours (business days) or on Monday if they are arrested over the weekend (Friday night to Sunday). If Monday is a holiday, the hearing will be held on Tuesday. Detention hearings are typically held at 1:15 each day unless the Judge is out of town. You do not have to be here for the Detention Hearing, but you are welcome to attend. At the Detention Hearing Judge Murray will review why the youth is in detention, set a Pre-trial date, and ask them if they would like an attorney to represent them. The juvenile has the option of the Judge appointing a public defender or the family can hire a private attorney to represent them. Any juvenile 13 and under must have an attorney represent them. The Judge will determine if they need to remain in Detention or if they can be released. The Intake and Diversion Unit Supervisor will work on the plan to get them released from detention if the Judge determines they can be released. They may be placed on a Pre-trial Release Order with restrictions on where they can go & what they can do until their charges are resolved.

Legal Representation for Juveniles

Both the juvenile and parent(s) have the right to be represented by an attorney at all hearings and proceedings. Juveniles charged in juvenile court are required to have an attorney represent them in certain circumstances. This means that unless you have hired your own attorney, the Judge must appoint an attorney to represent you in the following circumstances:

- ◆ Where the juvenile is under fourteen (14) years of age at the time of the offense;
- ◆ In sentencing proceedings in which it has been recommended that the juvenile be committed to the legal custody of the Idaho Department of Juvenile Corrections;
- ◆ In cases involving crimes of a sexual nature;
- ◆ In cases involving crimes that are felonies;
- ◆ In hearings upon a motion to waive the juvenile court's jurisdiction, so that the juvenile is considered to be an adult in the eyes of the law and is therefore, tried as an adult in adult court;
- ◆ In hearings to examine a juvenile's competency to understand the proceedings against the juvenile and determine whether or not the juvenile can assist in the juvenile's own defense; or
- ◆ In recommitment proceedings (whether the juvenile should be recommitted to the custody of the Department of Juvenile Corrections).

Even if your case does not have one of the circumstances described above, you are still entitled to have an attorney represent you. If you wish to apply for a public defender you should ask the Court to appoint one to represent you.





*My child received a Citation.
What happens now?*

Juvenile Court Process

When a juvenile receives a citation there is a court date printed on the citation for the juvenile to appear before Judge Murray. If they receive a Juvenile Violation Report, you will receive a Summons for Court from the Sheriffs Office or by Certified Mail. An Admit/Deny hearing is the first hearing in Juvenile Court when the juvenile will Admit to the charge or Deny the charge. Admit/Deny hearings are normally held on Monday's at 8:30 am or Tuesday's at 1:15 pm at the Juvenile Detention Center located at 137 S. 5th Ave, Pocatello, ID. Please call the Juvenile Court at 234-1087 if you have questions about your court date.

What happens at Court?

Before you see the Judge a Juvenile Probation staff member will meet with you. We understand that you may be feeling many emotions including fear, anger, or embarrassment. Juvenile Probation Staff will address any concerns and answer any questions you may have . They will ask you questions about the juvenile's behavior at home & school, school attendance & grades, and family circumstances. They will tell you the recommendations for court. The more honest you are about the juvenile's circumstances the more accurate we can be with recommendations that will help your child and family. When you go before the Judge and admit to the charge, the Judge may then impose disposition at that time. After court you will be taken to the Juvenile Probation Office and they will set you up with the information you need for Probation or Diversion. Sometimes there can be more than 20 cases scheduled for Court. Plan on being here for a couple of hours. We try to get everyone through court quickly, but also want to take the time each family needs to explain the process and answer questions. If you would like to talk to someone before court please call our office at 234-1082.

If you deny the charge(s) it will be set for a Pre-trial Conference. At that time the Judge will ask you what you would like to do with your right to have an attorney. You can ask to have a Public Defender appointed, hire a private attorney, or represent yourself. At the Pre-trial you or your attorney will meet with the Prosecuting Attorney to try to resolve the charge(s). Pre-trials are held on Wednesday mornings starting at 8:15 am. There may be 20-30 cases set for Pre-trials so plan on being here for a few hours. The attorneys try to work quickly, but some cases may be more timely and complicated than others. Please be patient as we want the best outcome for you and your child!

Denial Process

Deny

Charge is set for a Pre-Trial. You can ask for a Public Defender to represent you, you can represent yourself, or you can hire a private attorney.

Pre-Trial

You or your attorney will meet with the Prosecuting Attorney to discuss the alleged offense(s).

Probation

- Informal Probation means your charge can be dismissed if you complete probation successfully. You only get one Informal Adjustment!
- Formal Probation means your charge will not be dismissed when you are released from Probation. Probation rules are the same for both Informal & Formal.

Disposition -

Once a juvenile admits the Judge disposes the case & the juvenile is placed on Diversion or Probation or committed to Department of Juvenile Corrections.

If an agreement is reached between you and the Prosecuting Attorney you will go before the Judge for Disposition. Disposition is usually done the same day, but may also be set for another day depending on the situation.

Diversion is for 6 months and the juvenile must complete all ordered conditions of the Diversion Order.

Trial

- If you do not reach an agreement with the Prosecuting Attorney your case will be set for Trial.

Admission Process

The Juvenile Justice system is intended to focus on treatment, rehabilitation, and supervision. The juvenile justice system may seem confusing and each child's experience will be different. What happens to your child depends on many factors:

- ◆ The needs of your child (mental health, educational, disability, trauma).
- ◆ The nature of the offense and whether injury or damage was done.
- ◆ Whether this is your child's first offense or has had previous offenses.
- ◆ Whether there is risk to the community (other people or property).

The juvenile justice system strives to help children learn from their mistakes, and make positive changes that will help them become responsible and productive citizens.

When your child Admits to the charge(s) there are different ways the case can proceed.

- ◆ ***Diversion***—The case is dismissed and diverted for six months. Your child will need to complete the ordered requirements within **three** months. The Diversion requirements may include 20 hours of Community Service at a non-profit organization, \$12 workman's compensation fee, \$100 Juvenile Justice Fee, attending the Families in Action program, attending the Shortstop program, Restitution, participating in a Restorative Conference or Family Group Decision Making, or attending the ART Program. If these requirements are completed and no new charges are received within the six months the charge will stay dismissed.
- ◆ ***Informal Probation***—When a juvenile is placed on Informal Probation it means their charge can be dismissed upon their successful completion of probation. They will follow the Exhibit A rules of probation and meet with their probation officer on a regular basis. They will complete a risk assessment and follow a case management plan created by the probation officer and you to address areas of concern. They will complete all court ordered requirements. Typically, an Informal Adjustment is given for a juvenile being placed on probation for the first time.
- ◆ ***Formal Probation***—When a juvenile is placed on Formal Probation they will follow the Exhibit A rules of probation. They will meet with their probation officer on a regular basis and complete all court ordered requirements. They will complete a risk assessment and follow a case management plan created by the probation officer and you to address areas of concern. If Formal Probation is completed successfully a juvenile can ask for their record to be expunged once the time requirement for expungement is up.

VICTIMS

What if I am a victim in a Juvenile case?

Juvenile Probation tries to review each case for restitution. If we determine there could be an out-of-pocket loss we will send the victim(s) a Victim Loss Statement. The victim reports any out-of-pocket expense and returns it to Juvenile Probation. Once we receive the Victim Loss Statement we will prepare a Restitution Order and submit it to the Judge for his signature. Once the Judge signs the Order it is entered into the court system and copies are sent to the Defendant and Victim(s) with a payment schedule. Payments are typically set at about \$100 per month. If you are a victim and have not been contacted; please contact us at 234-1082. Sometimes information is missing in cases so please let us know if you have a loss to claim in a juvenile case.

What can I do while waiting for the Adjudication or Disposition Hearing?

- Provide supervision if your child is home. This is important so that your child does not commit any new offenses.
- Attend each visitation in detention if your child is detained. Visitation is Wednesday evening from 7:15 pm to 8:15 pm and Sunday from 2:15 pm to 4:00 pm. Your child needs to know you care even when he or she has made mistakes and shown poor decision making.
- Offer information about your child. Make sure your child's attorney, probation officer, counselor, etc., understand your child's special needs. Needs such as medical, mental health, disability, or educational. Also tell them about your child's strengths.
- Ask for written information. Ask for phone numbers for Juvenile Probation, Juvenile Court, and the Public Defender's Office. Ask what you can expect as your child goes through the juvenile court system.
- Offer to help. Let your child's probation officer, attorney, and others know that you want to be involved, that you will work cooperatively with them throughout the process, and plan to attend decision-making meetings involving your child.
- Keep a notebook with names, court dates, phone, numbers, notes, and questions.
- Have a working telephone number at all times and return calls from the Court/Probation promptly.

Advocating for your child

- "Being there" for your child is important when your child is suspected of breaking or has broken the law. It may seem like your child's behavior is beyond your control, but this can be a time when you and your child can rebuild your relationship, and find a better direction for your child's life. Be there by:
 - Attending and arriving on time for meetings and court hearings. Your presence at court hearings is required. Your presence at probation meetings is also important and required. You want to be actively involved in your child's case.
 - While it may feel awkward or intimidating, you should speak up at meetings to provide additional information or give input on your child's needs. In court, be prepared to provide important information to the Judge. Be honest about school and home behavior.

- Build respectful relationships with people involved with your child. Regardless of how you may personally feel about your child's situation, or the individual juvenile justice staff person, lawyer, or judge, you should always communicate respectfully with them. It may be very difficult at times, but it will help your child. In turn, you can expect to be treated with respect. It is important to stay calm and ask questions. You can help build mutual respect by letting the court and juvenile probation personnel know that you are concerned for the welfare of your child, and that you look forward to working with them to ensure your child's success. Make sure they know about your child's problems and circumstances that may have contributed to their juvenile justice involvement. Be sure to share positive information as well. The strengths of your child and family are important in helping your child build a good future.
- Stay organized. Keep all paperwork in a folder (reports, letters, assessments, and court dates). Ask for copies of anything in writing about your child. Keep good notes regarding people you speak with, any meetings or hearings scheduled, and other important dates and appointments. Don't wait until the last minute to call and not know who you need to speak to. Juvenile Justice staff are constantly dealing with crisis situations, school issues, and other problems. They may not be available the instant you need them so please give them time to get back to you. If you know who you need to talk to it will save time in trying to figure out how to help you.

Frequently Asked Questions

- **Where is Juvenile Court & Juvenile Probation located?** 137 S. 5th Ave, Across the Street from Oliver's Restaurant.
- **How long will Court take?** It may take 2-4 hours depending on the number of cases being heard and the type of hearing you are attending. Tuesday afternoon Admit/Deny hearings & Wednesday morning Pre-trials are the busiest. Plan accordingly. There is very limited seating in our building. It may be difficult to bring small children.
- **What if my child is on probation & we want to leave the state?** With the permission of the Juvenile Probation Officer you may travel to another state. You will need to get permission at least 48 hours in advance. Travel Permits through the Interstate Compact shall be mandatory for juveniles traveling out-of-state for a period in excess of 24 consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies & practices of the sending and/or receiving state require such notification.
- **What if my child is on probation & we want to leave the county?** You must obtain permission from the juvenile probation officer at least 24 hours in advance.
- **When can a juvenile record be expunged?** Any person adjudicated in a case under the Juvenile Corrections 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 jurisdiction of the court, or five (5) years from the date of release from the juvenile corrections center, or after reaching age eighteen (18), whichever occurs last, petition the court for expungement. Any person who has been adjudicated in a case under the Juvenile Corrections 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. There are certain serious crimes that cannot be expunged. For more information please go to <http://www.legislature.idaho.gov/idstat/Title20/T20CH5SECT20-525A.htm>

Juvenile Probation

Physical Address: 137 S. 5th Ave

Mailing Address: PO Box 4926, Pocatello, ID 83205

Phone: (208) 234-1082

Fax: (208) 234-1094

Website: <http://www.bannockcounty.us/juvenile/>

Bannock County Youth Development Center

Physical Address: 141 N. 6th Ave (Upstairs of the Old Jail)

Phone: (208) 236-7096

Fax: (208) 236-7097