



Idaho State Judiciary

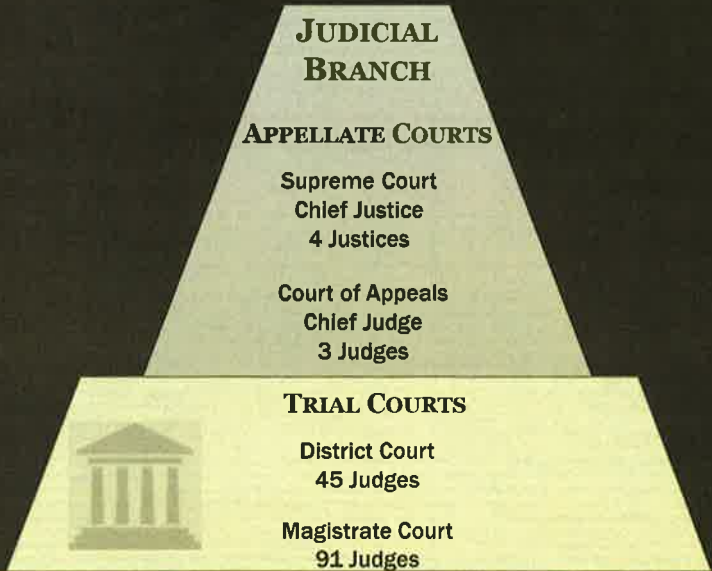


Presentation by Magistrate Judges to the
SENATE JUDICIARY & RULES COMMITTEE
JANUARY 18, 2016
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
JANUARY 19, 2016



INTEGRITY
FAIRNESS
INDEPENDENCE
RESPECT
EXCELLENCE
INNOVATION

Overview



JUDICIAL BRANCH

APPELLATE COURTS


Supreme Court
Chief Justice
4 Justices

Court of Appeals
Chief Judge
3 Judges

TRIAL COURTS

District Court
45 Judges

Magistrate Court
91 Judges



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Agenda for Today

- > Administrative Office of the Courts
Judge Barry Wood
Introduction
- > Fourth Judicial District
Judge Michael Oths
Who we are and what we do
- > First Judicial District
Judge Anna Eckhart
Child Protection
- > Second Judicial District
Judge Kent Merica
Family Court Services
- > Fifth Judicial District
Judge Mark Ingram
Statewide Juvenile Justice Judge
- > Fifth Judicial District
Judge Rick Bollar
Domestic Violence
- > Sixth Judicial District
Judge Rick Carnaroli
Criminal Courts
- > Seventh Judicial District
Judge Ryan Boyer
Problem Solving Courts



CHILD PROTECTION IN IDAHO

- IDAHO CODE 16-1601
- The Child Protective Act
- Enacted by you, the Legislature, provides the legal framework for cases involving abused, neglected or abandoned children are processed through the judicial system.

IT WORKS WELL!!!

- In 2012, Idaho's child welfare system was ranked number 1 in the nation by the Foundation for Government Accountability
- This is a non-profit government oversight committee that judged all 50 states and the District of Columbia on 11 outcomes and 41 data measures, including:
 - How quickly they reacted to abuse allegations
 - Whether they made sure abused children were put in safe, permanent homes quickly.
 - Whether foster care settings were supportive, safe, home-like and stable.
 - Their work to reduce abuse and neglect

HOW DOES A CHILD PROTECTION CASE START?

- A law enforcement officer can shelter a child whose safety is at risk—meth labs or during drug busts or criminal investigations.
- A judge can expand a juvenile correction proceeding into a child protection case
- Referral to either the Department of Health & Welfare or law enforcement. By statute, any physician, teacher, social worker, mental health professional—in fact any person—having reason to believe a child is abused, neglected or abandoned is required to report to either the Dept. of H & W, or law enforcement.

Anatomy of a Child Protection Case

- Once a case is filed, we are required to hold a hearing within 48 hours to determine whether reasonable grounds exist to support the allegations and whether the child should return home.
- We are then required to have a trial within 30 days, a Case Plan hearing 30 days after that, and then review hearings no less than every 6 months.
- At these hearings, we determine whether efforts should be directed toward reunification or permanent placement outside the home.
- We are required to make a finding whether the Department's efforts have been reasonable to avoid out-of-home placement at every hearing.

Anatomy, cont.

- I mention these requirements, particularly the time requirements, because federal funding (Title IV-E funds) for these children depends on Idaho judges complying with these requirements.
- Child Protection files are audited by the federal government. If we mess up, the kids lose funding.

GUARDIAN AD LITEM

- Our ability to do what's best for these children also depends on Guardian ad Litem program.
- Each of the 7 judicial districts now has GAL - or what we sometimes call CASA—programs, comprised of citizen volunteers who go through specific training to serve as independent advocates for each child.
- In fiscal year 2015, GAL volunteers contributed **18,118** hours, roughly the equivalent of 9 full-time positions, to advocate for Idaho's abused and neglected children.
- Funding for the training of these volunteers comes from you (2/3 of funding) and the remainder from community donors.

FISCAL YEAR 2015

- The Department of Health and Welfare received over 22,000 referrals related to child safety.
- Of those referrals, 8,983 were investigated/assessed (specific classifications are in handouts)
- Of those, investigations/assessments, 758 Child Protection cases were filed.
- Many investigations were resolved by the parents cooperating with the Department without judicial intervention.
- There were 7,269 hearings held with an overall compliance rate of 88%*.

The core of Child Protection

- TO ENSURE THAT EVERY CHILD THAT SHOULD BE IN CARE IS IN CARE, BUT NOT A SINGLE CHILD MORE; AND TO ENSURE THAT EVERY CHILD THAT IS IN CARE IS IN A SAFE NURTURING PLACEMENT THAT IS SUPPORTIVE OF THE PERMANENCY PLAN FOR THE CHILD.

Domestic Violence Courts

- Family safety
- Offender accountability

Domestic Violence Courts

Created with support of the Legislature

- Passage of [Idaho Code 32 - 1408\(3\)](#)
- Providing funding for Domestic Violence Court Coordinators

Domestic Violence Courts

- Enhance victim safety and offender accountability
- Provide effective case management
- Coordinate information for families with multiple cases
- Use one judge to process cases

Domestic Violence Courts

DV Courts process:

- Domestic violence cases (criminal)
- Protection order cases (civil)
- Related divorce, custody, child support cases
- Family violence criminal misdemeanor cases

Domestic Violence Courts

Court's Objective:

- Provide a safe environment for families at risk
- Create coordinated responses to family issues
- Avoid separate judges providing different rulings
 - Confusing
 - Have negative consequences to the family

Domestic Violence Courts

Statewide Domestic Violence Court Coordinator – Amber Moe

- DV Courts and Coordinators in 6 of 7 Judicial Districts
- Different demographics and resources
 - [Policies and Guidelines](#)
 - Research-based best practices
 - Identify essential elements for Domestic Violence Courts
- All have
 - Fast-track criminal case disposition
 - Ongoing judicial reviews

Domestic Violence Courts

- Offenders held to a higher level of accountability
- Concentrate responsibility in a single judge
- Monitor compliance with court orders
- Oversee treatment programs
- Allow victims a greater voice
- Promptly address critical family issues
- Provide resources for victims early in the process

Domestic Violence Courts

Court Coordinators are critical to the effective operation

- Identify gaps and barriers in services
- Create services and treatment options for victims and offenders in rural areas
- Facilitate development of coordinated community response
- Improve the handling of domestic violence cases within the justice system

Domestic Violence Courts

Ada County Domestic Violence Court as Mentor Court

- Model and host for site visits for judges and prosecutors
- Bonneville County District wide and High Intensity DV Court
- All Districts are participate in evaluations

CRIMINAL PROCEEDINGS

- Felonies, Misdemeanors and Infractions
- Arraignments
- Preliminary Hearings
- Jury Trials, Court Trials, Diversionary Courts
- Sentencing
- Probation Violation Hearings
- On Call Duty – Warrants, Temporary Holds for Mental Commitment Hearings, Jail Emergencies