

Idaho State Judiciary

INTEGRITY

FAIRNESS

INDEPENDENCE

RESPECT

EXCELLENCE

INNOVATION

Presentation by Magistrate Judges to the

SENATE JUDICIARY & RULES COMMITTEE

JANUARY 22, 2018

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

JANUARY 23, 2018





Idaho's Judicial Districts



Idaho Code – Chapter 22



- **1-2201. Magistrate division of district court – Established.**

Pursuant to the provisions of section 2 of article V of the Idaho Constitution there is hereby established in each county of the state of Idaho a magistrate division of the district court.

Jurisdiction of Magistrate Judges



Magistrate Judges:

- Hear preliminary hearings to determine whether to bind over and send a defendant to the district court for trial on a felony charge;
- Hear less serious criminal matters, known as misdemeanors;
- Issue warrants of arrest and search warrants;
- Hear infractions when they are contested;
- Preside over Small Claims or “the people’s court”;
- Handle habeas corpus proceedings, probate cases (wills and estates), juvenile cases, guardianships and conservatorships; child protection, civil protection orders, and domestic relation cases such as divorce, alimony, child support and child custody; and
- Handle civil cases where the amount of money involved does not exceed \$10,000.



Agenda for Today



> Sixth Judicial District

Judge David Kress
*Guardianship & Monitoring
Program Achievements*

> Fourth Judicial District

Judge James Cawthon
*Malicious Harassment // Safety Plus
Justice Challenge*

> Third Judicial District

Judge Jayme Sullivan
*Civil Protection Orders/Related
Orders*

> Second Judicial District

Judge Kent Merica
Imelda Ramirez (Court Assistance
Manager)
*Self-represented Litigants –
Challenges & Successes*

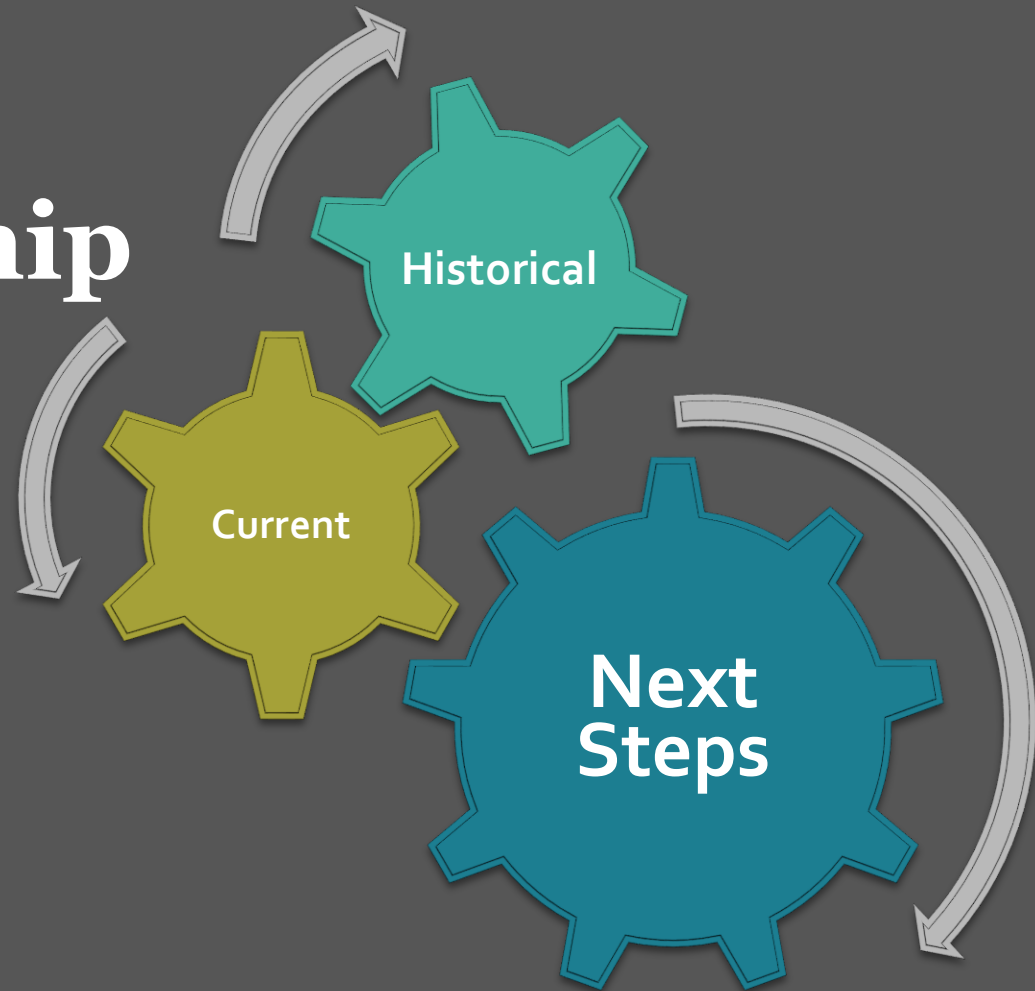


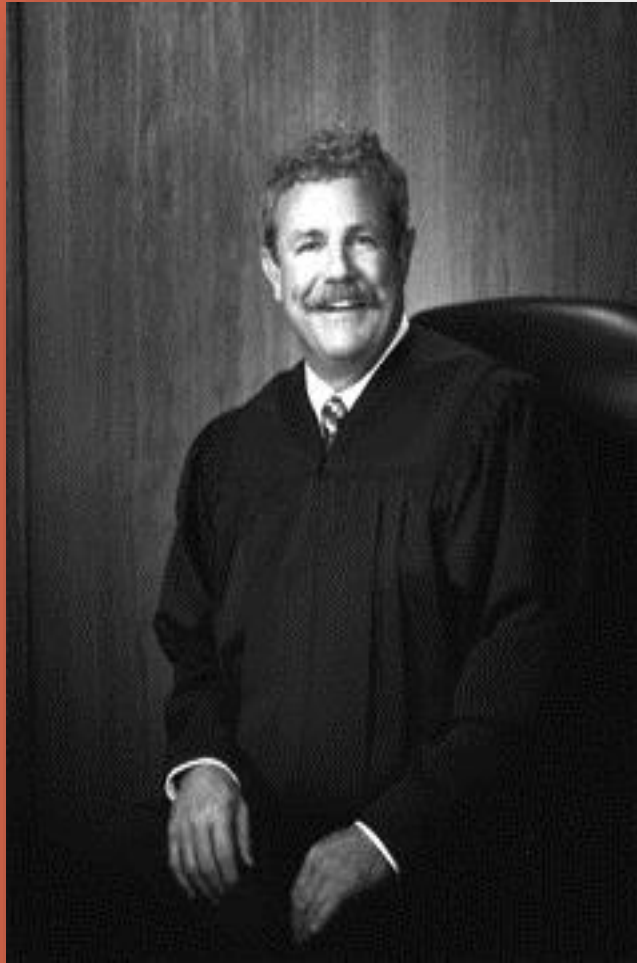
GUARDIANSHIP & MONITORING PROGRAM ACHIEVEMENTS



- *(Presentation by Hon. David Kress)*

Guardianship and Conservatorship Monitoring Program





*“Converging trends have escalated the need for **INNOVATIVE** and **IMPROVED** guardianship and conservatorship practices including: the graying of the population; the aging of individuals with disabilities; the rising incidence of elder abuse; and the growing mobility that has pulled families apart.”*

Chief Justice Roger Burdick
2013 State of the Judiciary



HISTORY



Need for Monitoring

Guardianships are a powerful tool which brings needed protections but also removes fundamental rights, putting vulnerable persons at risk of abuse, neglect and exploitation.

Guardianship monitoring by courts is critical to identify abuses thereby ensuring the welfare of these vulnerable individuals.

Guardianship Monitoring:
A National Survey of Court Practices —
AARP Public Policy Institute and ABA
Commission on Law and Aging

Pilot Project

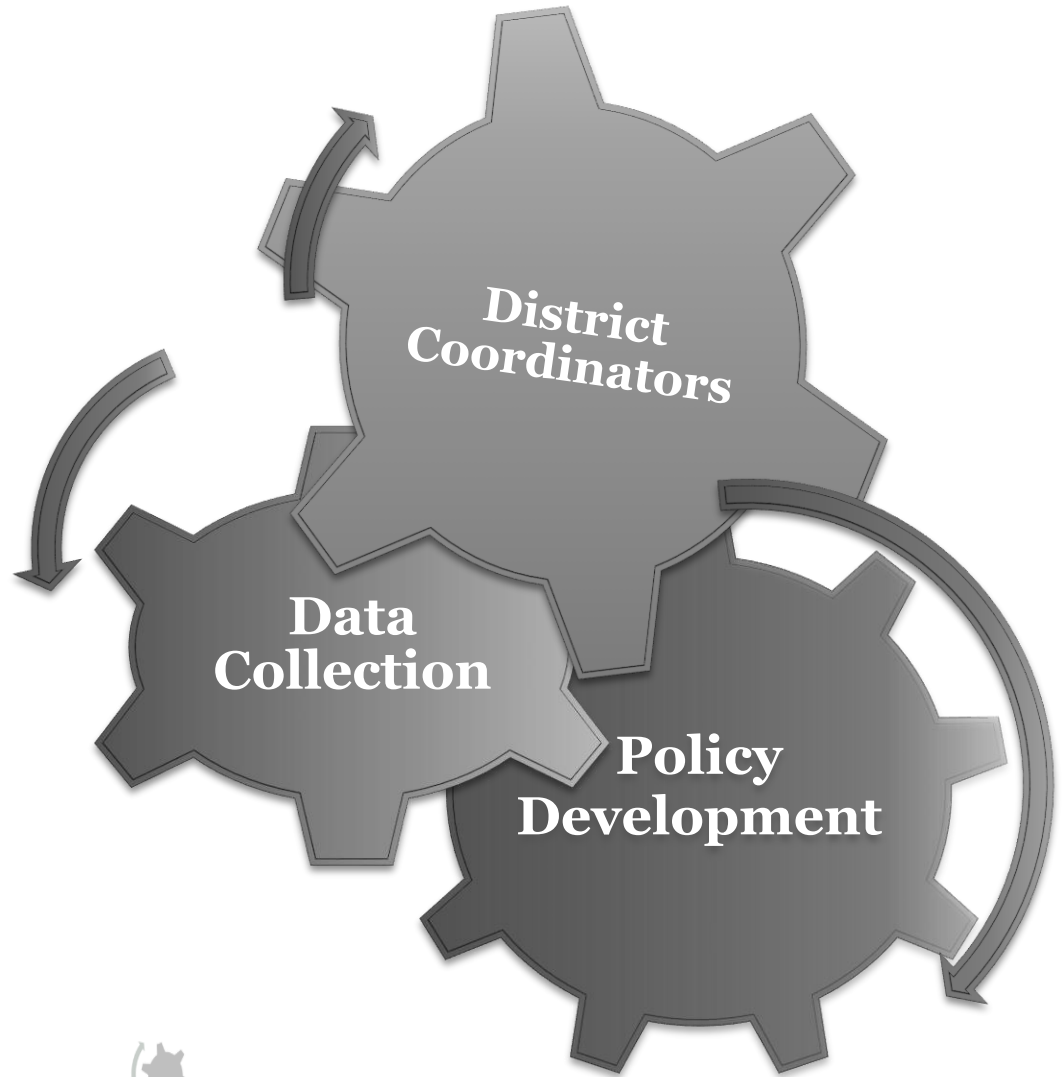
- Identification of Abuse, Neglect, or Financial Exploitation
- Subject Matter Expertise
- Orientation, Education, and Assistance
- Data Validation and Analysis



Evaluation Findings

The work of the district-wide coordinators identified **204 guardianship** cases that were erroneously closed, helped increase annual guardianship report submission by **23%**, and provided follow-up on **flagged cases (about 10% of all cases reviewed)** where the guardian wanted to resign or there were indicators of potential abuse or exploitation.

CURRENT



District GC Monitoring Coordinators

- Facilitates the court's oversight of guardians and conservators who are responsible for ensuring the safety and wellbeing of protected persons;
- Communicates with stakeholders, appointed guardians, and conservators to provide information regarding the rights of protected persons, establishes policies and procedures, and develops community relationships and resources;
- Monitors the wellbeing of protected persons through review of reports and interviews;
- Provides community resource information to guardians, conservators, and protected persons;
- Interviews protected persons, guardians, and other stakeholders regarding the welfare of protected persons and writes reports regarding the status of cases;
- Provides training to guardians and conservators and provides information about services to community groups



Ongoing Data Collection

Guardianship & Conservatorship in Idaho

Court Monitoring of Protected Persons

All to Date

Annual Report Review

# Reviewed	1,700
# Flagged for Follow-Up	265
% Flagged for Follow-Up	16%

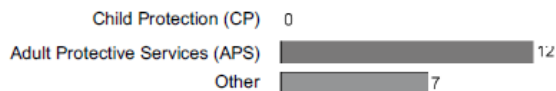
Cases Flagged for Follow-Up *(outside of annual report review)*

Flagged for Follow-Up 180

Referrals TO Other Agencies



Referrals FROM Other Agencies



In Person Visits

In-Home Visit	41
In-Office Visit	74

Phone Calls

On Flagged Cases 225

Hearings Held

Hearings held because of:



Policy Development



Next Steps



Alternatives to Full Guardianship



“Recognizing that every individual has **unique needs** and **differing abilities**, it is the purpose of the provisions of this chapter to promote the general welfare of all citizens by establishing a system which permits the partially disabled and disabled persons to participate **as fully as possible in all decisions** which affect them...”

Legislative Intent. I.C. 66-401



Innovation



Report Workshops



Volunteers



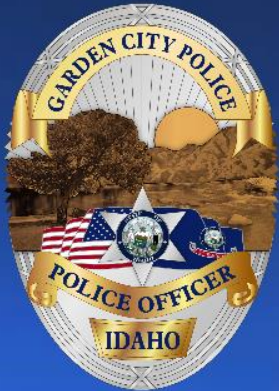
Collaboration

MALICIOUS HARASSMENT // SAFETY PLUS JUSTICE CHALLENGE



- *(Presentation by Hon. James Cawthon)*

Partner Agencies



Goals of the Challenge

- 15-19% reduction in jail usage
- Reduction in disparity
 - Race
 - Ethnicity
 - Gender (female)
- System level best practice creation

High Utilizers

- Pathways of Idaho will help to reduce jail usage
- Engagement with Coordinated Entry System
- Enhanced jail case management services
- Growth of jail sweep program



Reduce Overall System Disparity

- Structural protections
- Minority population engagement
- Additional focus on females and impoverished populations

Enhance Police/Community Relations

- Community Engagement Initiatives
- Implicit Bias Training
- Increased CIT Training



- Full implementation of vertical representation
- Expanded use of video court
- Coordination with PSI team
- 24/7 access for Public Defenders

In-Custody Case Processing

Expansion of Pretrial Release

- Addition of 1 case managers and 1 tech
- IPRAI assessments for each visual arrest

ROR & FTA Initiatives

- Data tracking for new ROR charges
- Court hearing notification system
- Public Defender's case management team
- Bonds changed to ROR on 5 different charges

Partner Agencies

Goals of the Challenge

- 15-19% reduction in jail usage
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CIVIL PROTECTION ORDERS AND RELATED ORDERS



- *(Presentation by Hon. Jayme Sullivan)*



Idaho Statutes

TITLE 39

HEALTH AND SAFETY

CHAPTER 63

DOMESTIC VIOLENCE CRIME PREVENTION

Civil Protection Orders



Civil Protection Orders

New Case Filings- FY2015-FY2017

District	FY2015			FY2016		
	CPO (39-6304 or 39-6306A)	CPO (18-7907)	Total	CPO (39-6304 or 39-6306A)	CPO (18-7907)	Total
1	830	0	830	821	0	821
2	362	0	362	308	0	308
3	1,127	0	1,127	1,155	0	1,155
4	819	0	819	917	0	917
5	598	0	598	668	0	668
6	197	0	197	197	0	197
7	524	0	524	581	0	581
	4,457	0	4,457	4,647	0	4,647

District	FY2017			% Change FY16-FY17
	CPO (39-6304 or 39-6306A)	CPO (18-7907)	Total	
1	589	546	1,135	38%
2	235	197	432	40%
3	931	601	1,532	33%
4	764	672	1,436	57%
5	495	500	995	49%
6	201	193	394	100%
7	390	317	707	22%
	3,605	3,026	6,631	43%

Data from ISTARs Detailed Caseload by Date Report and from the Odyssey Case Filings Statistics Report



Idaho Statutes

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 79

MALICIOUS HARASSMENT



Idaho Statutes

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 67

COMMUNICATIONS SECURITY

SELF-REPRESENTED LITIGANTS



- *(Presentation by Hon. Kent Merica and Imelda Ramirez, Court Assistance Manager)*