Proposed New Idaho Juvenile Rule (J.C.A.)

November 2026

The Idaho Supreme Court's Juvenile Justice Advisory Committee is seeking input on proposed revisions to Idaho Juvenile Rules in reference to court diversions under the Juvenile Corrections Act (J.C.A.). Please send your comments to **Deena Layne**, dlayne@idcourts.net by **Thursday, December 10, 2026**. Thank you.

Proposed NEW I.J.R. 11A. Court Diversion (J.C.A.): The proposed new rule sets out the procedure for ordering a court diversion in a J.C.A. case.

Idaho Juvenile Rule 11A. Court Diversion (J.C.A.)

(a) **When**. After the filing of a petition but prior to adjudication, the court may use the diversion process described in I.C. §§ 20-502(10) and 20-510, and this rule.

(b) **Definition.** "Diversion" means an alternative to formal prosecution of a juvenile offense. Diversion describes intervention approaches that redirect juveniles away from formal court processing in the juvenile justice system while applying the principles of the balanced approach and restorative justice. Diversion strategies take place at arrest, referral, intake, or prior to or after the filing of a petition and should provide the same range of services as formal court processing, except for detention. Diversion may be appropriate for low-risk or moderate-risk offenders as informed by results of a valid screening instrument.

(c) **Preliminary Inquiry.** In considering whether to divert a case, the court may order a preliminary inquiry by the county juvenile probation office. The inquiry may include, but is not limited to, the following areas:

(1) Age and social development.

(2) School or employment.

(3) Compliance during a prior diversion.

(4) Home environment.

(5) Past history and conduct.

(6) Results of psychological, substance use and psychosexual evaluations.

(7) Results of a validated risk assessment/screener.

(8) The nature and circumstances of the offense(s) charged.

(9) Whether community-based programs or alternatives can adequately address identified risks and needs.

(10) Such other areas as directed by the court.

(d) **Court Diversion**. If the court finds that diversion is in the interest of the public and the juvenile, the court may suspend further court action and place the juvenile on a Court Diversion not to exceed 6 months, unless extended for good cause. The juvenile must waive their right to a speedy trial on the record or in writing to participate in a Court Diversion.

(1) ***Interventions***. Interventions employed may include, but are not limited to, participation in and completion of the following:

(A) Community-based counseling, treatment, training or any other services intended to reduce the juvenile's risk to the community, provide accountability, and promote competency development;

(B) Restorative practice interventions;

(C) Supervision by the county juvenile probation office;

(D) Community service;

(E) Restitution to the victim; and

(F) Review hearings.

(2) ***Inadmissible Statements by a Juvenile*.** Statements made by a juvenile during a diversion, including but not limited to intake, are not admissible as substantive evidence in a later adjudicative proceeding on the underlying charge.

(3) ***Community Service*.** If community service is used, the court must collect a fee of 60 cents per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund to secure worker's compensation insurance for the juvenile offender. If a county is self-insured and provides worker's compensation insurance for persons performing community service, the court is not required to remit the fee to the state insurance fund

(4) ***Violation of the Court Diversion Terms and Conditions*.** If the juvenile fails to meet the terms and conditions of the court diversion prior to the expiration of the diversion, either party may request a hearing on the matter.

(5) ***Detention*.** The Court cannot order detention as part of a diversion.

(6) ***Ability to Pay*.** A juvenile's inability to pay a diversion fee should not preclude them from participating in a diversion program.