

## CHAPTER 8

### DELINQUENT JUVENILES

#### SECTION:

- 4-8-1: Runaways**
- 4-8-2: Beyond Control of Parents**
- 4-8-3: Curfew**
- 4-8-4: Violations Misdemeanors**

#### **4-8-1: RUNAWAYS:**

##### **Purpose and Intent:**

The purpose of this ordinance is to ensure that enforcement of runaway juveniles prioritizes child safety, minimizes abuse of discretion, aligns with the Idaho Child Protection Act and promotes family preservation. Enforcement of this ordinance shall prioritize use of the diversion process in conjunction with family-based services.

It shall be unlawful for any person under the age of eighteen (18) years (hereinafter “Juvenile”), living or found in Teton County, who is not lawfully emancipated from their parent(s), to attempt to run away or to run away from their parent(s), guardian(s) or legal custodian(s), or to be or remain at large having run away from such parent(s), guardian(s) or legal custodian(s). For the purposes of this section, an unemancipated Juvenile shall be considered to be a runaway if; (1) they have placed or removed their person beyond the control of their parent(s), guardian(s) or legal custodian(s), or (2) have placed or removed their person to a location unknown to their parent(s), guardian(s) or legal custodian(s) for a period of at least twelve (12) consecutive hours irrespective of such declaration or conduct.

This section shall not apply to any Juvenile escaping an unsafe household or escaping any situation posing a risk of imminent harm to the Juvenile’s health, safety or welfare. To determine if the juvenile is subject to enforcement and not escaping from a risk of imminent harm to health, safety or welfare, the investigating officer shall conduct an investigation into the facts and circumstances surrounding the juvenile runaway. If a credible risk of harm is found as a result of the investigation, enforcement under this chapter shall be suspended and an investigation into the imminent harm to the Juvenile shall be commenced. If needed, the Idaho Department of Health and Welfare shall be informed of the situation. All such investigations shall be documented by Law Enforcement in a police report.

A violation of this ordinance shall be a misdemeanor, punishable as provided for in Idaho Code 18-113, Idaho Code 20-516 and Teton County Code. For the avoidance of doubt, no arrest may be made for a violation of this ordinance.

Conduct that constitutes a runaway juvenile shall not by itself support a finding that a juvenile is also beyond the control of parents.

#### **4-8-2: BEYOND CONTROL OF PARENTS:**

##### **Purpose and Intent:**

The purpose of this ordinance is to ensure that enforcement of the ordinance of Beyond Parental Control prioritizes child safety, promotes the family organization preservation and encourages family services involvement to create a safe family unit. Enforcement of this ordinance shall prioritize use of the diversion process in conjunction with family-based services. Any Juvenile, who is not lawfully emancipated from their parent(s), may be declared beyond control of his or her parent(s), guardian(s) or legal custodian(s) who:

A. persistently or habitually refuses to obey reasonable orders or directions of such parent(s), guardian(s) or legal custodian(s), where that specific conduct may pose a danger to themselves or others; or

B. becomes so unreasonably disruptive that it jeopardizes the health, safety, or welfare of the family unit.

This ordinance shall not apply to any Juvenile escaping an unsafe household or escaping any situation posing a risk of imminent harm to the Juvenile's health, safety or welfare. To determine if the juvenile is subject to enforcement and not escaping from a risk of imminent harm to health, safety or welfare, the investigating officer shall conduct an investigation into the facts and circumstances surrounding the juvenile runaway. If a credible risk of harm is found as a result of the investigation, enforcement under this chapter shall be suspended and an investigation into the imminent harm to the Juvenile shall be commenced. If needed, the Idaho Department of Health and Welfare shall be informed of the situation. All such investigations shall be documented by Law Enforcement in a police report.

A violation of this ordinance shall be a misdemeanor, punishable as provided for in Idaho Code 18-113, Idaho Code 20-516 and Teton County Code. For the avoidance of doubt, no arrest may be made for a violation of this ordinance.