

Idaho Magistrate Judges Association

Senate Judiciary Committee

January 28, 2015

AOC – Judge Barry Wood (Introduction)

District 4 – Judge Michael Oths (Who we are and where we come from)

District 1 – Judge Debra Heise (Child Protection)

District 2 – Judge Kent Merica (Family Court Services)

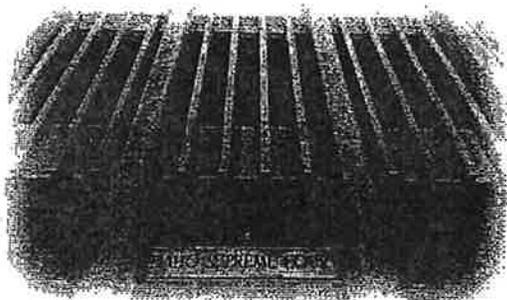
District 3 – Judge Dayo Onanubosi (Juvenile Courts)

District 5 – Judge Rick Bollar (Domestic Violence)

District 6 – Judge Rick Carnaroli (Criminal Courts)

District 7 – Judge Ryan Boyer (Problem Solving Courts)

Idaho State Judiciary



Presentation by Magistrate Judges to the
SENATE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE
JANUARY 28, 2015



INTEGRITY

FAIRNESS

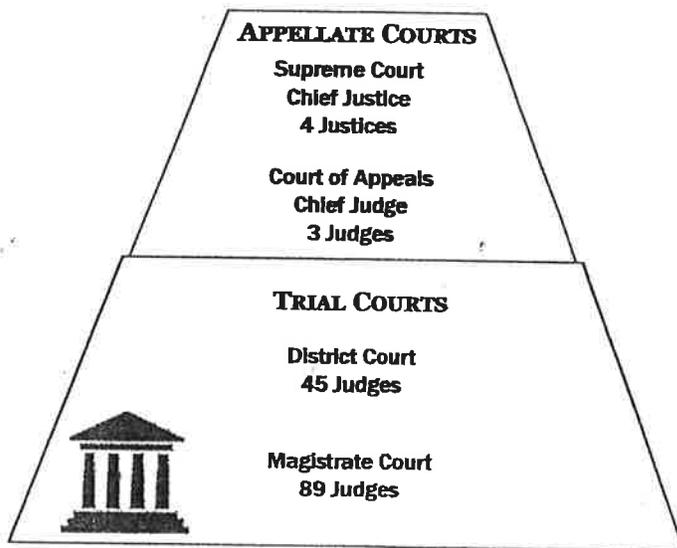
INDEPENDENCE

RESPECT

EXCELLENCE

INNOVATION

Overview of the Idaho Judiciary



District 4 – Michael Oths (Who we are and where we come from)

2014 - 378,000 total filings in Idaho, 95% in Magistrate Court

- **2014 – 193,000 filings (excluding infractions), 91% in Magistrate Court**

- **Magistrates handle:**

- **Felony initial proceedings**
- **Misdemeanors**
- **Child Protection**
- **Juvenile**
- **Divorce / Custody**
- **Guardianships / Conservatorships**
- **Probate**
- **Small Claims**
- **Civil Cases**

- **Demographics:**

- **89 Magistrates, at least one in each county**
 - ◆ **74 men; 15 women**
 - ◆ **Median age is 56 – about half are in their 50s**
 - ◆ **Median age at time of appointment is 43**
 - ◆ **Median is 8 years on bench**
- **Prior Experience**
 - ◆ **46 came from private practice**
 - ◆ **26 came from county prosecutor office**
 - ◆ **16 “other”**

- **Magistrate Commissions, *Idaho Code* § 1-2201, *et. seq.***

- **Disciplinary Complaints by Idaho Judicial Council**

IDAHO MAGISTRATES, AS OF DECEMBER 2014

Name	D	County	Name	D	County
Pat McFadden	1	Benewah	Kevin Swain	4	Ada
Deb Heise	1	Bonner	Mike Reardon	4	Ada
Lori Muelenberg	1	Bonner	William Harrigfeld	4	Ada
Justin Julian	1	Boundary	Joanne Kibodeaux	4	Ada
Barry Watson	1	Kootenai	Lynnette McHenry	4	Ada
Rob Caldwell	1	Kootenai	John Hawley	4	Ada
Scott Wayman	1	Kootenai	Roger Cockerille	4	Boise
Clark Peterson	1	Kootenai	David Epis	4	Elmore
James Stow	1	Kootenai	George Hicks	4	Elmore
Anna Eckhart	1	Kootenai	Lamont Berecz	4	Valley
Daniel McGee	1	Shoshone	Ted Israel	5	Blaine
Randy Robinson	2	Clearwater	Daniel Dolan	5	Camas
Jeff Payne	2	Idaho	Blaine Cannon	5	Cassia
John Judge	2	Latah	Mick Hodges	5	Cassia
Stephen Calhoun	2	Lewis	Casey Robinson	5	Gooding
Gregory Kalbfleisch	2	Nez Perce	Tom Borreson	5	Jerome
Kent Merica	2	Nez Perce	Mark Ingram	5	Lincoln
Michelle Evans	2	Nez Perce	Rick Bollar	5	Minidoka
John Meienhofer	3	Adams	Roger Harris	5	Twin Falls
Jayne Sullivan	3	Canyon	Calvin Campbell	5	Twin Falls
J.R. Schiller	3	Canyon	Tom Kershaw	5	Twin Falls
Gary DeMeyer	3	Canyon	Bryan Murray	6	Bannock
Debra Orr	3	Canyon	Rick Carnaroli	6	Bannock
Dayo Onanubosi	3	Canyon	Tom Clark	6	Bannock
Jerold Lee	3	Canyon	Scott Axline	6	Bannock
Frank Kotyk	3	Canyon	Steve Thomsen	6	Bannock
Randall Kline	3	Canyon	Todd Garbet	6	Bear Lake
Tyler Smith	3	Gem	David Kress	6	Caribou
Dan Grober	3	Owyhee	Eric Hunn	6	Franklin
Brian Lee	3	Payette	David Evans	6	Oneida
Robert Jackson	3	Payette	Paul Laggis	6	Power
Gregory Frates	3	Washington	Ryan Boyer	7	Bingham
Russell Comstock	4	Ada	Scott Hansen	7	Bingham
Cathleen M-Irby	4	Ada	Mark Riddoch	7	Bonneville
Tom Watkins	4	Ada	Michelle Mallard	7	Bonneville
Laurie Fortier	4	Ada	Steve Gardner	7	Bonneville
Carolyn Minder	4	Ada	Ralph Savage	7	Butte
James Cawthon	4	Ada	Penny Stanford	7	Clark
Christopher Bieter	4	Ada	Chuck Roos	7	Custer
Andrew Ellis	4	Ada	Gilman Gardner	7	Fremont
Theresa Gardunia	4	Ada	Robert Crowley	7	Jefferson
Diane Walker	4	Ada	Stephen Clark	7	Lemhi
David Manweiler	4	Ada	Mark Rammell	7	Madison
Michael Oths	4	Ada	Jason Walker	7	Teton
Dan Steckel	4	Ada			

DISTRICT 1—Debra Heise (Child Protection)

- **Idaho Child Protective Act, *Idaho Code 16-1601*** states that it is “the policy of the state of Idaho” to “establish a legal framework [for] judicial processing ...of child abuse, abandonment and neglect cases....”
- In 2012, Idaho’s child welfare system ranked No. 1 in the nation by Foundation for Government Accountability.
- The anatomy of a Child Protective Act case and Title VI-E compliance requirements.
- **In state fiscal year 2014:**
 - 8,005 child safety referrals were investigated by the Idaho Dept. of Health and Welfare, 67% of which were classified as neglect, 26% as physical abuse, and 7% as sexual abuse.
 - 15% of the 8,005 cases investigated by the Department were substantiated, and 735 Child Protective Act petitions were filed.
 - 1,181 children entered foster care in 2014 and 1,259 exited foster care.
 - 2,481—total number of children in foster care in Idaho in 2014
- **Guardian ad Litem (GAL) Programs**, also known as Court Appointed Special Advocates (CASA), exist in each of the 7 judicial districts.
- GAL volunteers contributed **91,375 hours** to children in CPA cases in SFY2014, roughly the equivalent of 46 full time positions.
- GAL programs—successful public/private partnership



Child Protection

Keeping Idaho's Children Safe, Healthy, and Home

Report to Governor
C.L. "Butch" Otter
and the 1st Regular
Session of the 63rd
Idaho Legislature

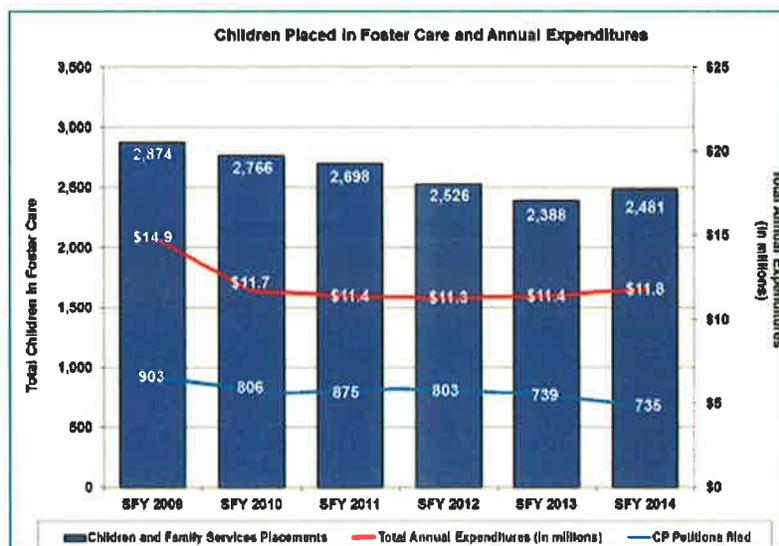
*There can be no keener revelation of a society's soul
than the way in which it treats its children.* ~ Nelson Mandela

For the past fifteen years, Idaho courts have worked diligently to strengthen and enhance the role of the courts in Idaho's child protection process and thereby improve outcomes for some of Idaho's most vulnerable children and families.

OUTCOMES FOR IDAHO'S CHILDREN & FAMILIES REMAIN STABLE

In FY2014, the courts and the Idaho Department of Health and Welfare (IDHW) continued their long and strong history of working collaboratively for the benefit of Idaho children and families. One of the results of this collaboration is that outcomes for Idaho children and families remained stable in FY2014.

- Number of Child Protection Cases.** The number of child protection petitions filed in FY2014 remained stable, with a very slight decrease in the number of cases filed when compared with FY2013 (739 petitions filed in FY2013 and 735 filed in FY2014), but a notable decline of 9% when compared to the five-year high in FY2010.
- Number of Children in Foster Care.** In FY2014, the number of Idaho children in out-of-home care increased slightly, by 3.7%, when compared to FY2013. Despite the slight increase in the number of children in care, FY2014 continues a downward trend in the number of children in care, with a decline of 11% when compared to the five-year high in FY2010.
- Cost of Out-of-Home Care.** Mirroring the slight increase in the number of Idaho children in out-of-home care, the cost of foster care in FY2014 increased by 3% when compared to FY2013, but declined by 7% when compared to the five-year high in FY2010.



The courts and the Idaho Department of Health and Welfare remain committed to keeping Idaho children safely at home and to place them in out-of-home care only when there is no way for a child to be safe at home. When placement in out-of-home care is unavoidable, efforts are made to safely reunify the family within twelve months whenever possible.

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451 W. State St.
PO Box 83720
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ENHANCED SERVICES AND SUPPORT AVAILABLE TO IDAHO FAMILIES CHALLENGED BY SUBSTANCE ABUSE AND TRAUMA AND/OR MENTAL HEALTH ISSUES

Idaho families faced with both a child protection case and a substance use disorder are among Idaho's highest risk and highest need families. Child protection cases involving a substance use disorder are complex and challenging. Idaho's four child protection drug courts (CPDCs), one each in Nez Perce, Twin Falls, Bannock, and Bonneville counties, provide enhanced treatment, services, and support to families that have an open child protection case. To qualify, families must meet the drug court eligibility requirements (high risk/high need) and voluntarily agree to participate. Enhanced services and support may include assistance with transportation, housing, child care, employment, and medical/dental care not covered by other funding sources.

In FY2014, Idaho's four CPDCs:

- served a total of 77 parents and 100 children;
- graduated 13 participants;
- reunified 41 children with their families; and
- welcomed 2 substance free babies.

For those Idaho families with an open child protection case, a substance use disorder, a history of trauma and/or a co-occurring mental health diagnosis, enhanced trauma informed treatment and services are available in the Twin Falls and Bannock County child protection drug courts. The enhanced treatment and services are funded by a three-year, \$550,000 federal grant awarded to the Idaho Supreme Court in FY2014.

The courts and IDHW are exploring opportunities to provide enhanced treatment and services to families who have an open child protection case and a substance use disorder but who do not meet the eligibility requirements for, or decline participation in a CPDC. IDHW, in collaboration with the courts and other key stakeholders, applied for and was awarded one of five "Access to Recovery" grants (ATR-IV) in late FY2014. IDHW will manage the ATR-IV grant. Although the details of available funding, treatment and services offered under the ATR-IV grant are not yet finalized, it is certain that families with an open child protection case and a substance use disorder are one of three at-risk populations that will be served by the ATR-IV grant.

IDAHO'S GUARDIAN AD LITEM PROGRAMS: PROTECTING PRECIOUS RESOURCES

Idaho's seven guardian ad litem programs (GAL or CASA programs) exemplify a successful public/private partnership that greatly benefits Idaho children and families. The Idaho GAL programs are funded by an appropriation from the Idaho Legislature (approximately two-thirds of total funding) and from community donors (approximately one-third of total funding). GAL volunteers worked incredibly hard in FY2014, contributing 91,375 hours, roughly the equivalent of 46 full-time positions, to advocate for Idaho's abused, abandoned, and neglected children.

Idaho Code § 16-1614 provides that in Child Protection Act cases, the court shall appoint a guardian ad litem (GAL) for any child under 12 years old and may appoint a GAL for children 12 years or older. In FY2014, Idaho judges appointed a GAL to advocate on behalf of 292 children¹, of which 222 (76%) benefitted from the steady, positive influence, and compassionate advocacy of a GAL volunteer. The remaining 70 children (24%) were monitored by CASA staff, but did not have the long-term support and child-focused advocacy of a volunteer GAL. Despite the ongoing support of the Legislature and the citizens of Idaho, additional funding is needed to ensure that Idaho's GAL programs can meet their statutory mandate.

Much has been accomplished to improve outcomes for Idaho's most fragile families and children in the past year. Much remains to be done.

Nothing you do for children is ever wasted. ~~ Garrison Keillor

12-16-14

¹ This number represents children for whom a GAL was appointed during FY2014. It does not include children for whom a GAL was appointed in previous years that continued to be unserved by a volunteer during FY2014. Idaho's CASA programs report that a total of 427 children for whom a GAL was appointed were unserved by a GAL volunteer at some point during FY2014.

For further information, contact Senior Judge Barry Wood
Email: bwood@idcourts.net /// Phone: 208-334-2246

District 2 – Kent Merica (Family Court Services)

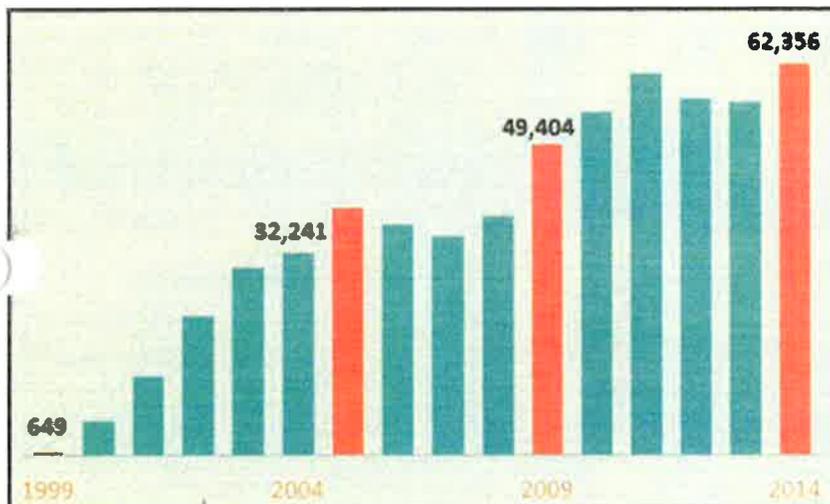
Domestic Relations Cases Include:

- Divorce
 - Child Custody
 - Custody Modification
 - Child Support
 - Paternity
 - Civil Protection Orders
 - Guardianship
 - Adoption
- Just Under 20,000 new filings in 2014
 - Over 5,000 reopenings of existing cases
 - About half the cases involve people representing themselves
 - Statewide Court Assistance Offices
 - Over 60,000 requests for civil litigation forms, about $\frac{3}{4}$ of which were family law
 - Family Court Coordinators
 - New *Family Law Rules of Procedure*

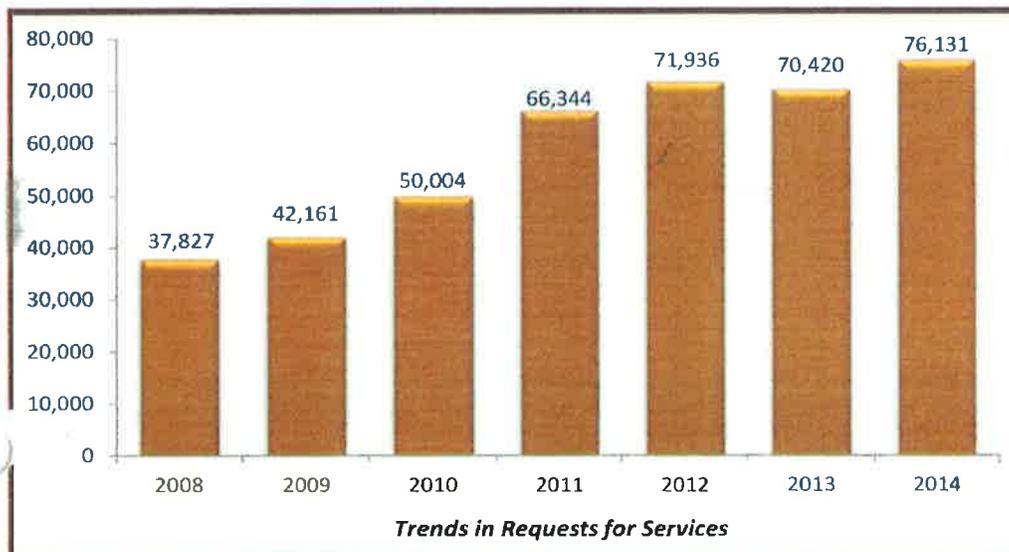
Civil Filings, Reopenings, and Totals for Family Law Cases (CYs 13 Attachment 6

Case Category	2013			2014		
	Filings	Reopenings	Total	Filings	Reopenings	Total
Domestic Relations	1,024	3,457	4,481	1,087	3,061	4,148
Divorce w/ Children	4,137	328	4,465	3,906	742	4,648
Divorce w/o Children	4,310	82	4,392	4,187	125	4,312
Child Support	4,268	855	5,123	3,970	1,023	4,993
Domestic Violence	4,160	118	4,278	4,361	110	4,471
Adoption, Termination, Both	866	21	887	994	22	1,016
Guardianship, Conservatorship, Both--Minor	642	69	711	698	80	778
Guardianship, Conservatorship, Both--Adult	642	294	936	660	245	905
Totals	20,049	5,224	25,273	19,863	5,408	25,271

Court Assistance Office Contacts



Family Court Services



District 3 – Dayo Onanubosi (Juvenile Courts)

Attachment 7

- **Southwest Juvenile Justice Center**
- **In-House Prosecutor and Public Defense delivery system**
- **Juvenile Problem-Solving Court, with emphasis on drug dependency**
- **The number of juveniles committed to IDJC is at an all-time low**
- **Cooperation amongst:**
 - **Courts**
 - **Probation Departments**
 - **School Districts**
 - **Law Enforcement**
 - **Region 3 Mental Health**

Leads to:

- ◆ **Attendance / Truancy Court**
- ◆ **Youth Court**
- ◆ **Diversion Program**
- ◆ **Restorative Justice**
- **Empowering Parents**

District 5 – Rick Bollar (Domestic Violence)

- **Domestic Violence Court**

Attachment 8

- **Pilot Program in Ada County, in 2002**

- **Key Developments:**

- ◆ **2009 passage of *Idaho Code* § 32-1408(3)**
- ◆ **Funding for Domestic Violence Court Coordinators**

- **Goals:**

- ◆ **Victim Safety**
- ◆ **Offender Accountability**
- ◆ **Effective Case Management**
- ◆ **Coordination of Information**

- **Components of Domestic Violence Court**

- ◆ **DV cases**
- ◆ **Protection Order Cases**
- ◆ **Related Divorce, Custody, Child Support Cases**
- ◆ **Misdemeanor family violence cases**

- **Statewide Domestic Violence Court Coordinator – Amber Moe**

- ◆ **DV Courts and Coordinators in 6 of 7 judicial districts**
- ◆ **Policies and Guidelines**
 - **Fast-track criminal case disposition**
 - **Ongoing judicial review**
 - **Accountability**
 - **Single judge coordination**

- **National Recognition for Ada County DV Court**

- **Bonneville County High Intensity DV Court**

District 6 – Rick Carnaroli (Criminal Courts)

Attachment 9

- **On-call: Weekends**
 - **Warrants**
 - **3:00 a.m. calls**
 - **Involuntary holds / Commitment Hearings**
- **Arraignments**
- **Preliminary Hearings**
- **Pre-trial conference alternatives / innovations – the 6th District Project**
- **Jury Trials**
- **Sentencing / Probation Oversight**

- **What is a Problem-Solving Court?**
- **Idaho's Problem-Solving Courts**
 - **27 Felony Drug Courts**
 - **11 Adult Mental Health Courts**
 - **1 Juvenile Mental Health Courts**
 - **6 Misdemeanor/DUI Courts**
 - **6 DUI Courts**
 - **7 Juvenile Drug Courts**
 - **4 Veterans Courts**
- **Specialty Courts**
 - **Child Protection Courts**
 - **Domestic Violence Courts**
 - **Truancy Courts**
 - **Youth Courts**
- **Standards and Guidelines adopted by the Statewide Drug Court and Mental Health Court Coordinating Committee**
- **Is this Defendant Right for a Problem-Solving Court? The Level of Services Inventory ("LSI")**



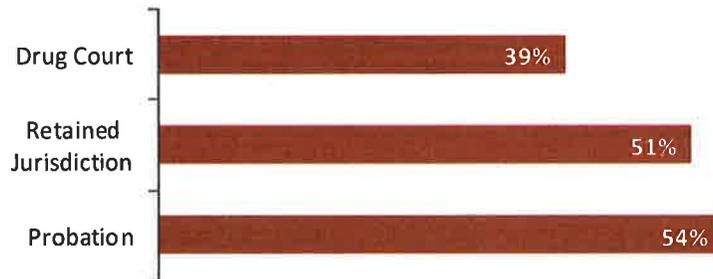
Report to Governor
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Problem-Solving Courts

Drug Courts Reduce Recidivism and Save Tax Dollars

A recent statewide outcome evaluation of Idaho's felony drug courts found that the combined rate of recidivism and program failure is significantly lower for offenders in felony drug courts than for offenders who were sentenced to probation or served a term under retained jurisdiction. This finding provides added evidence that Idaho's drug courts save tax dollars which otherwise would be spent for longer periods of incarceration. The full study can be found at www.isc.idaho.gov/solve-court/rd.

Combined Rates of Recidivism and Program Failure



16 YEARS OF PROBLEM-SOLVING COURTS IN IDAHO

Since Idaho's first two drug courts were established in 1998, the drug court model has expanded to provide a variety of sentencing alternatives for offenders with alcohol, drug and mental health problems and to improve community safety, reduce recidivism, and save taxpayers' dollars. More importantly drug courts have saved lives, prevented drug-affected births, and returned individuals to lives as productive citizens. After sixteen years of operation, Idaho now has 66 drug and mental health courts, operating under Standards and Guidelines adopted by the Statewide Drug Court and Mental Health Court Coordinating Committee. As of June 30, 2014, Idaho's 66 problem-solving courts include:

- » 27 Felony Drug Courts
- » 11 Adult Mental Health Courts
- » 1 Juvenile Mental Health Court
- » 6 Misdemeanor/DUI Courts
- » 6 DUI Courts
- » 7 Juvenile Drug Courts
- » 4 Veterans Courts

AN IMPORTANT MILESTONE FOR PROBLEM-SOLVING COURTS

Not only have drug and mental health courts served over 15,642 offenders since 1998, there have now been nearly 6,000 graduates with 578 graduates in FY2014. Of those served in drug court, 58% were felony offenders. If this sentencing alternative was not available to district court judges, these offenders would likely have been sentenced to the penitentiary, incurring costs in excess of \$20,000 per year per offender just for incarceration.

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VETERANS TREATMENT COURTS GAIN MOMENTUM

Men and women who honorably serve their country may return from combat service with mental health issues, substance use disorders and/or post-traumatic stress disorder or traumatic brain injuries. These problems may in turn lead to justice system involvement. In FY2014, 87 Idaho veterans participated in a veterans treatment court for a total of 181 veterans served since the courts started in FY2012. The creative partnerships these courts have established with four regional Veterans Administration Medical Centers and the Idaho Division of Veterans Services has significantly expanded the crucial resources necessary for these veteran participants to restore their lives and regain their honor. Veterans courts are now operating in Ada, Bannock, Canyon and Nez Perce counties and planning or needs analysis is underway in Bonneville, Kootenai and Twin Falls Counties.

IDAHO COUNTED AMONG NATIONAL LEADERS

The Bonneville County, 7th Judicial District Mental Health Court began in 2002, under the leadership of Judge Brent Moss. Since 2005 the Bonneville County mental health court has served as a national mental health court learning site by the Council of State Governments Justice Center. Jurisdictions across the country wanting to start a mental health court travel to Idaho Falls to visit the court and learn from its multidisciplinary team. Similarly, the Nez Perce County Felony Drug Court was selected to be a national drug court mentor court to assist other courts who will visit Lewiston and observe best practices and evidence-based operational procedures in action.

PROTECTING PRECIOUS RESOURCES: SUCCESS WITH FAMILIES / DRUG-FREE BABIES

Child protection drug courts seek to engage families to end the cycle of intergenerational trauma and antisocial attitudes, restore families and build productive individuals. Idaho's four child protection drug courts served 77 parents last year in Lewiston, Twin Falls, Pocatello and Idaho Falls. In addition, 22 babies were born to clean and sober women in Idaho drug and mental health courts this year, bringing the total to 323 drug-free births, since the beginning of Idaho's problem-solving courts. National estimates project that a baby born drug-free will save taxpayers as much as one million dollars in lifetime costs and the child will avoid many learning and behavioral challenges throughout their life.

DRUG COURT SUCCESS STORY

Staci M. is truly an inspiration. She graduated from the Kootenai County Drug Court program in October of 2007. Approximately a year after her graduation, she joined the drug court team and attended every session to offer peer support for several years until her work schedule conflicted with the sessions. Staci's insight helped the team to shape appropriate sanctions and incentives. She has achieved over eight years of sobriety and remains active in the recovery community. To top this, Staci completed the Coeur d'Alene Ironman Triathlon in June 2014.

Staci has come a long way since the methamphetamine addiction which brought her into the drug court. Pictures are worth 1000 words. The photos show Staci in her June 2006 booking photograph and today!



12-16-1

*For further information, contact Senior Judge Barry Wood
Email: bwood@idcourts.net /// Phone: 208-334-2246*