

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, January 18, 2016

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Nonini, Senators Davis, Johnson, Souza, Lee, Anthon, Burgoyne and Jordan

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** called the Senate Judiciary and Rules Committee (Committee) meeting to order at 1:30 p.m.

INTRODUCTIONS: **Chairman Lodge** introduced Committee Page Aleena Follett, and Committee Intern Kanoa Nol, which is a name change from the Agenda..

PRESENTATIONS: **Senior Judge Barry Wood** provided the Committee with an overview of the Idaho State Judiciary, established by Idaho Code, with seven Judicial Districts. **Judge Wood** explained that the Judiciary has two types of courts:
1) Appellate Courts consisting of the Supreme Court, with the Chief Justice and four justices; and the Court of Appeals, with the Chief Judge and three judges; and
2) Trial Courts consisting of the District Court with 45 judges, and the Magistrate Court with 91 judges (see Attachment 1).

Magistrate Court Judges who would be presenting were introduced by **Judge Wood**.

Judge Michael Oths, Magistrate Judge, 4th District, cited statistics relative to the number of filings in the Magistrate Court in 2015. He explained the type of cases the Magistrate Courts address and the demographics of the Magistrate Court. The Committee appreciated receiving a list of the Idaho Magistrates including their districts and counties (see Attachment 2).

Judge Anna Eckhart, Magistrate Judge, 1st District, presented a detailed analysis of the Idaho Child Protective Act (Act), emphasizing that "at all times the health and safety of the child shall be the primary concern." She provided an overview of the Act along with the statistics for cases involving child protection and procedures for administering the requirements of the Act. **Judge Eckhart** advised the Committee that in 2012, Idaho's child welfare system was ranked No. 1 in the nation by the Foundation for Government Accountability (see Attachment 1, page 3, and Attachment 3).

Judge Kent Merica, Magistrate Judge, 2nd District, presented information on Idaho Family Court services, which include domestic relations, divorce, property division, guardianships and conservatorships. He stated that most of the cases involve child custody decisions (see Attachment 4). He noted that the Court Assistance Office provides guidance to those who are involved in the court system for the first time and do not know what to do (see Attachment 5).

Judge Mark Ingram, Magistrate Judge, 5th District, discussed the Juvenile Court system. He observed that most youth perpetrate mischief that in prior generations was dealt with by parents; today these acts are considered unlawful and are dealt with by law enforcement and the courts. Most youth grow out of this behavior, but 8 to 10 percent do not. Through the cooperation of probation, corrections, child protection, the Department of Health and Welfare, and other child-centered agencies, the courts can consider the whole makeup of these youth and the environment in which they reside. **Judge Ingram** stated that the courts are continuing to gather data to determine which methods are working to meet the needs of the youth.

Judge Rick Bollar, Magistrate Judge, 5th District, pointed out that the Domestic Violence Courts were established by Idaho Code. They deal with anything in the Family Court that involves violence. The goals of this court system are to enhance victim safety and offender accountability, provide effective case management, and coordinate information for families with multiple cases. **Judge Bollar** described the process taken by the courts, the demographics and resources involved and several of their functions (see Attachment 1, page 7).

It was brought to the Committee's attention by **Judge Bollar** that Ada County's court has been named a Mentor Court for Domestic Violence Courts. He indicated that the Supreme Court oversees these courts.

Judge Michael Oths, in the absence of Judge Rick Carnaroli, returned to the podium and summarized the variety of issues dealt with by the Criminal Courts. These include felonies, misdemeanors, infractions, arraignments, preliminary hearings, jury trials, court trials, diversionary courts, sentencing and probation violation hearings. In addition to being responsible for such diverse assignments, these judges perform on-call duty on a 24-hour basis for issuance of urgent warrants, temporary holds for mental commitment hearings and jail emergencies (see Attachment 1, page 12).

Judge Oths also discussed the use of various diversionary courts such as Veterans' Court and Drug Court. These courts handle criminal actions that are the result of uncontrollable situations.

Judge Ryan Boyer, Magistrate Judge, 7th District, spoke about Problem Solving Courts, such as Youth Court and Drug Court (see Attachment 6). These courts have treatment teams to help identify the specific problems of violators and develop effective methods to address these problems. As recent brain research has shown, individuals have difficulty with problem solving and need a different approach for analyzing and solving problems. Training of staff to deal with these young people is ongoing.

Senator Davis indicated that the magistrate judges were not included in previous fair compensation decisions. He assured the judges that judicial compensation would be addressed this session.

Senator Jordan asked for clarification regarding the number of districts that have Court Appointed Special Advocates (CASA) and Domestic Violence Courts.

Judge Wood replied that six of the seven have Domestic Violence Courts and all districts have CASA.

Senator Lee expressed appreciation for the commitment made by the judges and their families.

Senator Lodge also expressed appreciation for the commitment made by the families who sometimes have to deal with tough situations. She complimented the judges for being versatile in their abilities.

Judge Wood reiterated his appreciation for the extraordinary amount of work the magistrate judges do and for always striving to provide a better service. He added that they deal with people in distress in the most professional way.

ADJOURNED: **Senator Lodge** adjourned the meeting at 2:47 p.m.

Senator Lodge
Chair

Carol Cornwall
Secretary