

TITLE 32
DOMESTIC RELATIONS

CHAPTER 13
PARENT RESPONSIBILITY ACT

32-1301. CITIES AND COUNTIES MAY ENACT AND ENFORCE ORDINANCES FOR FAILURE TO SUPERVISE A CHILD. (1) Any county or city may by ordinance establish and enforce the offense of failure to supervise a child as provided in this section.

(2) The ordinance may provide that a person who is the parent, lawful guardian with legal and physical custody or other person, except a foster parent, lawfully charged with the care or custody of a child under sixteen (16) years of age commits the offense of failure to supervise a child if the child:

(a) Commits an act bringing the child within the purview of the juvenile corrections act, [chapter 5, title 20](#), Idaho Code, or commits a crime for which the child is required to be tried as an adult, or for which jurisdiction under the juvenile corrections act is subject to waiver pursuant to [chapter 5, title 20](#), Idaho Code; or

(b) Fails to attend school or is not comparably instructed, as provided in section [33-202](#), Idaho Code; or

(c) Violates a curfew law of the county or city enacting the ordinance authorized under this section.

(3) (a) A person shall not be subject to prosecution under an ordinance containing the provisions of subsection (2) (a) of this section if the person:

(i) Is the victim of the act bringing the child within the purview of the provisions of [chapter 5, title 20](#), Idaho Code; or

(ii) Reported the act of the child to the local law enforcement agency, the juvenile court, the department of health and welfare or other appropriate authority as provided in the ordinance;

(b) A person shall not be subject to prosecution under an ordinance containing the provisions of subsection (2) (a), (b) or (c) of this section if the person shows to the satisfaction of the court that the person took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(4) Except as provided in subsection (5) of this section, the ordinance may provide that in a prosecution for failure to supervise a child the court may order the person to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of sections [19-5304](#) and [19-5305](#), Idaho Code, provided that the restitution ordered to be paid shall not exceed twenty-five hundred dollars (\$2,500).

(5) The ordinance may provide that when a child commits any of the acts set forth in subsection (2) of this section, the parent, lawful guardian with legal and physical custody or other person lawfully charged with the care or custody of the child may be charged, by citation or summons, with the offense of failure to supervise a child, unless the person with lawful custody is a foster parent. Upon a first offense, the officer may serve a copy of the ordinance upon the parent, lawful guardian with legal and physical custody or other person, other than a foster parent, as a warning of the penalties. This service shall be documented by the officer.

(6) An ordinance enacted pursuant to this section shall provide that if a person is found guilty or pleads guilty to the offense of failure to supervise a child, the person shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000). The ordinance may provide that, in lieu of imposing a fine, the court, with the consent of the person, may order the person to complete parenting classes or undertake other treatment or counseling, as approved by the court, and upon the person's completion of the classes, treatment or counseling to the satisfaction of the court, the court may discharge the person or if the person fails to complete the program to the satisfaction of the court, the court may impose the penalty provided in this section. The ordinance may provide that any person violating the orders of the court entered under the ordinance shall be subject to contempt proceedings in accordance with [chapter 6, title 7](#), Idaho Code, in addition to any other penalties authorized pursuant to this section.

(7) The ordinance may provide that the juvenile court has jurisdiction over a first offense of failing to supervise a child and that any subsequent offense shall be subject to the jurisdiction of the magistrate's division of the district court, or may provide that any offense of failing to supervise the child shall be subject to the jurisdiction of the juvenile court or to the jurisdiction of the magistrate's division of the district court.

(8) Conviction of a person under an ordinance enacted under the authority of this section shall not preclude any other action or proceedings against the person which may be undertaken pursuant to the provisions of [chapter 5, title 20](#), Idaho Code, or other provisions of law.

[32-1301, added 1996, ch. 359, sec. 1, p. 1207; am. 1997, ch. 264, sec. 1, p. 754; am. 2012, ch. 257, sec. 8, p. 715.]