

**ADA COUNTY  
MISDEMEANOR  
DOMESTIC  
VIOLENCE  
COURT**

**PARTICIPANT  
HANDBOOK**

**FOURTH JUDICIAL DISTRICT  
MAGISTRATE COURT**

**Ada County Courthouse  
200 W. Front Street  
Boise, ID 83702**

**December 2008 Edition**

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Welcome to the Ada County Misdemeanor Domestic Violence (DV) Court Program. This Handbook is designed to answer questions, address concerns, and provide overall information about the Ada County Misdemeanor DV Court Program. As a participant, you will be expected to follow the DV Court Judge's instructions and comply with all of the terms and conditions of probation. This Handbook will detail what is expected of you as a DV Court participant and review general program information.

## **PROGRAM DESCRIPTION**

The Ada County DV Court Program is judicially monitored. The Ada County prosecutor screens cases into DV court and the case will remain in the DV court. Family law petitions which involve the defendant may also be heard by the DV Judge who will also function as the civil judge for the family. A domestic violence case coordinator assists with the identification of co-occurring cases and provides technical, mental health related expertise to probation.

Participants may receive credit for any time served prior to sentencing. The judge may impose discretionary jail at sentencing that can be used at a *later time* should court sanctions become appropriate. Participants will not be required to pay a fine in most cases. However, participants are required to pay for treatment costs, court costs and supervision fees. If participants have financial difficulties that make it impossible to fulfill these financial obligations, the probation officer should be contacted immediately.

DV Court requires court appearances before a DV Court judge on a regular basis after sentencing. The participant's progress will be monitored by a probation officer and will be reported to the DV Court judge at review hearings conducted throughout the probationary period. The Program length will typically not be less than twelve months and could extend to two years. In order to participate in this program, you must attend all treatment required by the DV Court judge or your probation officer.

Generally, a domestic violence evaluation is required prior to the Court ordering a defendant to complete a certain amount of domestic violence treatment. The evaluation requirement may be waived by the Court, however, when the Court orders a defendant directly into a treatment program. Court approval must be sought when there is a deviation from the generally accepted requirement of a 52-week program, which must be completed within 15 months.

Following arrest, you may be screened into the DV Court program. If you choose to have an attorney, a deputy public defender or a private attorney will advise you and discuss the DV Court program with you. The arraignment judge will set the appropriate bond. You will be required to follow all of the terms of bond or release, which will include, in most cases, a no contact order with the victim. The no contact order can be addressed again at the next appearance in DV Court where a motion has been filed and notice of the hearing has been given to all parties and to the victim. The Court will evaluate multiple factors to determine the appropriateness of modifying or terminating the no contact order. Factors taken into consideration include, but are not limited to, the defendant's history of violence and past criminal record, circumstances surrounding the events that led to the current charge, the victim's participation in the safety planning workshop, and the current assessed level of risk for future violence.

At your initial appearance, you will receive a date to appear in DV Court within the following week. The next appearance after arraignment is designated as a "pretrial conference." You must be present in person for every court proceeding, unless you have been excused from appearing at a particular hearing by specific order of the court. Your attorney may not appear for you. Please make your attorney aware that filing a letter of appearance and/or a request for trial setting does not excuse you or them from appearing at any scheduled hearing. Failure to personally appear at a scheduled hearing will result in the forfeiture of any posted bond and the issuance of a warrant for your arrest. If you received a summons requiring your appearance in court on a date certain, you will be given a date to appear in front of the DV Court judge. Prior to entering a plea, you (if you choose to represent yourself) or your attorney (if you choose to have an attorney) will be provided with the discovery in the case. An Ada County magistrate judge assigned to DV Court will oversee your progress and will have full jurisdiction over the entire process.

The goal of the DV Court is to have cases resolved by way of plea or jury trial within six weeks of initial appearance. [*Please see the Ada County Misdemeanor Domestic Violence Court Offer in the "Attachments" section on page 7, for a general outline of the terms and conditions of probation if you choose to plead guilty pursuant to a DV Court offer.*] At the pretrial conference, the DV judge will either allow a brief continuance for an additional pretrial conference or the matter will be set for trial. The State will extend an offer specific to your case

at a pretrial conference. If you accept the offer, the Court will sentence you. If you reject the offer, the case will be set for trial and the State may revoke the offer.

You will be required to sign up for supervised misdemeanor probation either at the sentencing hearing with a probation officer present at the sentencing or within 24 hours after being sentenced. Following sentencing, the participant will be required to complete a Domestic Violence Inventory (DVI) questionnaire. The questionnaire typically takes approximately thirty minutes to complete. The DVI will assess a variety of areas including truthfulness, substance abuse, control, violence and stress management. The truthfulness scale identifies denial, guardedness and problem minimization. Often times, test takers seeking to portray themselves in a falsely positive light will provide contradictory answers to similar questions and the DVI is designed to detect such occurrences. The DVI has been identified as being a reliable and valid assessment test for domestic violence offenders. The results of the DVI will assist probation in creating a case plan that most directly and effectively meets your needs. For example, the probation officer may determine that it is necessary to engage in a Domestic Battery Assessment. The Domestic Battery Assessment assesses potential risk for future violence and assists the probation officer, the DV Court case coordinator, and the Court in developing a case plan that is tailored to the participant's needs.

If a participant is having success in this program, the DV Court judge may reduce the frequency of review hearings that the participant is required to attend. In addition, if participants are successful, they may request early termination from supervised probation. Whether or not the DV Court judge will grant early termination depends directly upon the participant's progress and successful completion of this program. Successful completion of the Program **may** result in dismissal of the charge **if** the judge imposed a Withheld Judgment in your case. You will be subject to enhanced penalties for any subsequent violations of I.C.§18-918 (domestic violence code). If the DV Court judge imposed a Judgment of Conviction in your case you will also be subject to enhanced penalties for any subsequent violations of I.C.§18-918 (domestic violence code).

Your failure to follow the terms of probation or the orders of the DV Court judge may result in a probation violation being filed or in discretionary jail being imposed. If the State files a probation violation and the Court determines that you have violated your probation, the withheld judgment may be revoked, a judgment of conviction may be imposed and you can be sentenced

up to the maximum based upon your guilty plea to the charge. Even if the State does not file a probation violation, failure to follow either the terms of probation or the orders of the DV Court judge may result in discretionary jail as an intermediate sanction or the inability to have your withheld judgment dismissed.

## **FELONY REMANDS**

Because the Ada County Prosecutor's Office screens cases into DV Court, the Ada County Prosecutor's Office may determine that a remand to DV Court is appropriate after thorough reviewing and considering all facts in a felony case. A felony remand to DV Court will occur only after the Ada County Prosecutor's Office has screened the case into DV Court. The DV Court judges will not accept a remand from felony unless the Ada County Prosecutor's Office has screened and approved the case into DV Court and a guilty plea has been taken or there is an agreement that the defendant will plead guilty before the DV Court Judge.

## **DOMESTIC VIOLENCE COURT SUPERVISION**

The goal of DV Court is to help you successfully complete probation. As a DV Court participant, you will be required to appear in DV Court regularly. Your probation officer will provide the Court an oral or written progress report addressing your progress in meeting the terms and conditions of probation and your attendance and participation in DV treatment. At the review hearings, the judge may ask you questions about your progress and discuss any specific problems you have been experiencing.

If you are doing well, the judge will provide encouragement and may decide that you do not have to appear as often in DV Court. If you are not doing well, the judge will discuss this with you and determine what further action needs to be taken, which could include imposition of discretionary jail, requiring your attendance in other types of treatment programs, or requiring your appearance in DV Court more frequently. Failure to appear in DV Court on the date and time scheduled for **any** of the required court appearances will result in the issuance of a bench warrant and subsequent arrest. If you cannot be present for a scheduled court appearance, you must notify the Court **PRIOR TO** the court date to explain why you cannot appear.

# DOMESTIC VIOLENCE COURT RULES

As a DV Court participant, you will be required to abide by the following rules:

**1. Obey court orders, probation officer orders and treatment provider orders.**

Failure to comply with any of the above could result in additional treatment requirements, and/or enhanced penalties which could include but are not limited to: imposition of discretionary jail, lost opportunity to have a withheld judgment and/or a probation violation.

**2. Attend all ordered treatment sessions.**

This includes individual and group counseling, educational sessions, and any other sessions or treatment as directed by order of the court or probation. If you are unable to attend scheduled sessions, you must contact your treatment provider and your probation officer **PRIOR TO** the scheduled appointment.

**3. Be on time.**

You must be on time for court appearances, meetings with your probation officer and for treatment sessions. If you are late to these appointments, you may not be allowed to participate and will be considered non-compliant. You must contact the judge's clerk or your attorney if you are going to be late for court. You must contact your probation officer and your treatment provider if you are late for appointments other than court appearances.

**4. Do not make threats towards other participants or staff or behave in a violent manner.**

Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in discretionary jail, termination from the DV Court program, and/or a probation violation.

**5. Attend all scheduled DV Court sessions.**

You must attend all DV Court sessions as scheduled by the Judge. As a participant, you will be expected to dress appropriately for DV Court and all DV Court activities. Sunglasses or hats are not to be worn in Court. See Dress Code, page 10 of this Handbook.

**6. Abstain from use of alcohol and illicit drugs.**

This condition is fundamental to successful completion of the program.

**7. Maintain confidentiality of other DV Court participants.**

Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.

**8. Focus on treatment program.**

DV Court participants are not allowed to live together, work for each other, or become involved on a romantic or sexual basis with each other. These activities distract from the focus of treatment for both the participants involved and other participants in treatment.

## **MISDEMEANOR PROBATION DEPARTMENT FEES**

As a participant, you must pay Misdemeanor Probation Department fees currently set at \$ 50 per month, this amount was established by the Ada County Commissioners. All fees must be paid prior to final disposition of your case unless the Court orders otherwise.

## **SUPERVISED PROBATION PROCEDURES**

You will be required to complete domestic violence treatment, which may include obtaining a domestic violence evaluation. The DV Court judge will order a specific amount of domestic violence treatment and will order other terms and conditions of probation that you must follow in order to successfully complete this Program. *Please see the Ada County Misdemeanor Domestic Violence Court Offer in the “Attachments” section on page 7, for a general outline of the terms and conditions of probation if you choose to plead guilty pursuant to the DV Court offer.*

## **CONCLUSION**

The DV Court program has been established to assist you in achieving an end to domestic violence. The judge, probation officer and the treatment providers are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to ending domestic violence.

We hope this Handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns about DV Court, please feel free to contact your public defender or private attorney.

# Attachments

## ADA COUNTY MISDEMEANOR DOMESTIC VIOLENCE COURT OFFER

**Defendant's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Charge(s):** \_\_\_\_\_

Juvenile	Misdemeanor	Felony

1. \_\_\_\_\_ Plead to: \_\_\_\_\_
2. \_\_\_\_\_ Dismiss: \_\_\_\_\_
3. \_\_\_\_\_ Withheld Judgment **OR** \_\_\_\_\_ Judgment of Conviction
4. Probation:
  - \_\_\_\_\_ year(s)
  - Supervised
  - Unsupervised
5. Credit for time served in jail prior to sentencing
6. \_\_\_\_\_ No additional jail to serve **OR** \_\_\_\_\_/\_\_\_\_\_ ACJ (Work Release or SILD: Yes/No)
7. Up to 90 days discretionary jail
  - YES
  - NO
8. Domestic Violence Treatment
  - DV Evaluation
  - 52 weeks DV treatment (minimum)
9. Domestic Violence Treatment include parenting component
  - YES
  - NO
10. Restitution \$ \_\_\_\_\_
11. Fine
  - YES
  - NO
12. Public Defender Reimbursement

- YES
- NO

13. Pay court costs
14. Pay supervision costs
15. Comply with standard misdemeanor probation agreement
16. Maintain established residence and not move without permission of probation officer
17. No new crimes and report any contact with any LE agency to probation officer
18. Maintain steady employment or be enrolled full time in school
19. No consumption of alcohol
20. No consumption or ingestion of narcotics or drugs unless prescribed by a doctor
21. Submit to random breath, blood or urine tests
22. No possession of firearms or other weapons
23. Additional classes:
  - Parenting class
  - Obtain drug and/or alcohol evaluation and comply with evaluation
  - Obtain a mental health evaluation and comply with treatment
  - Other: \_\_\_\_\_
24. No Contact Order:
  - No Contact with the victim
  - No Contact with the victim and minor children
  - Defendant may not petition for amendment or revocation of NCO until approved by the probation officer and domestic violence treatment provider."
  - Other: \_\_\_\_\_
25. Comply with all court orders, including but not limited to child support orders.
26. Cooperate with all evaluations and assessments
27. Other : \_\_\_\_\_
28. The State reserves the right to withdraw this offer if Defendant obtains new charges; fails to appear at any of the scheduled hearings; or if Defendant has any prior offenses not noted above.
29. The undersigned Defendant hereby acknowledges and accepts the above terms of this offer pursuant to I.C.R. 11(d)(1)(C) with the understanding that the Court may at any time in a case of a violation of the terms of the probation cause the probationer to be returned to the Court for entry of judgment and imposition of sentence as prescribed by law.

**THIS PARAGRAPH APPLIES ONLY IF DEFENDANT RECEIVED A WITHHELD JUDGMENT:** Upon expiration of the probation period as hereinabove outlined, Defendant shall be discharged from probation and the charges against him be dismissed upon a proper showing of compliance with the Court's sentence and in accordance with I.C. § 19-2604, and so long as such dismissal is compatible with the public interest pursuant to I.C. § 19-2604.

**The undersigned Defendant understands that the State, by making this offer, does not agree to the Court setting aside the guilty plea upon the completion of the period of probation. The undersigned Defendant understands that he/she is subject to enhanced penalties for subsequent violations of I.C. § 18-918, notwithstanding the form of the judgment or withheld**

**judgment.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Attorney

If this offer is not accepted on or before \_\_\_\_\_ at \_\_\_\_\_ .m., it will be automatically revoked and it will not be offered again.

DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Prosecutor

Victim Notification  Yes  No \_\_\_\_\_

## **DRESS CODE**

DRESS CODE FOR ALL ADA COUNTY DV COURT PARTICIPANTS WHILE AT THE ADA COUNTY MISDEMEANOR PROBATION DEPARTMENT OR AT THE COURTHOUSE WHEN MAKING APPEARANCES IN FRONT OF THE DV COURT JUDGE

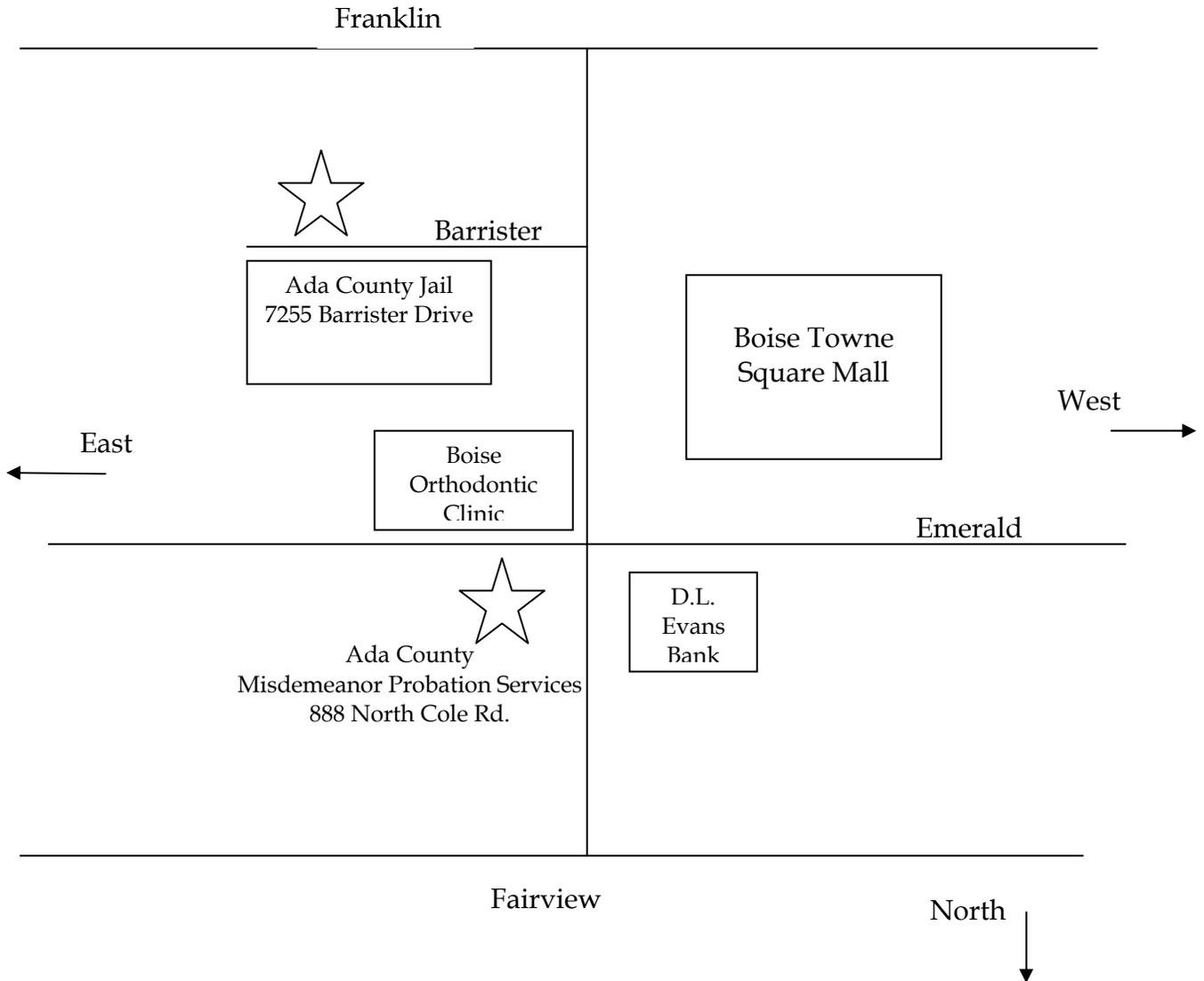
- **Absolutely no article of clothing will be allowed bearing any alcohol or drug advertisement or message.**
- **No sexually explicit clothing is allowed (for example, big Johnson t-shirts).**
- **Shirts must be worn at all times.**
- **Shoes must be worn at all times.**
- **No backless shirts or spaghetti strap shirts will be allowed.**
- **Shorts and skirts must be the length that they would reach the tips of your fingers while your hands are straight down at your side.**
- **Pants must fit properly.**
- **Swimsuits are not allowed unless they are fully covered and worn under appropriate clothing.**
- **Tops of pants must meet bottoms of shirts (no bare skin).**

## **APPROPRIATE COURT CLOTHING**

**When you appear at court, you should be dressed in respectable attire. If you are coming to court directly from work and you are wearing old or battered clothing, you should bring a change of clothes with you and change in the court bathroom. Jeans that have holes in them, cut off jeans, short shorts, or tank tops will not be allowed in court. Hats or sunglasses are not appropriate in court and will not be allowed.**

**If you are dressed inappropriately, you may be asked to leave and your absence will be counted as unexcused.**

# Map to Ada County Misdemeanor Probation Department and Ada County Jail



# **DOMESTIC VIOLENCE COURT ADDRESSES AND PHONE NUMBERS**

**ADA COUNTY MISDEMEANOR PROBATION DEPARTMENT (208) 327-1757  
888 N. Cole Road  
Boise, Idaho 83704**

**ADA COUNTY PUBLIC DEFENDER'S OFFICE (208) 287-7400  
Courthouse, First Floor  
200 West Front Street  
Boise, Idaho 83702**

**ADA COUNTY JAIL – WORK RELEASE CENTER (208) 577-3460  
7255 Barrister Drive  
Boise, Idaho 83704**

**ADA COUNTY JAIL – GENERAL QUESTIONS (208) 577-3080  
7210 Barrister Drive  
Boise, Idaho 83704**

✓ **YOU MUST CONTACT THE ADA**  
**COUNTY MISDEMEANOR**  
**PROBATION DEPARTMENT**  
**WITHIN TWENTY FOUR (24) HOURS**  
**OF YOUR SENTENCING TO SIGN UP**  
**FOR PROBATION UNLESS YOU**  
**ALREADY SIGNED UP IN COURT AT**  
**YOUR SENTENCING.**

✓ **IF YOU HAVE BEEN SENTENCED TO**  
**SERVE JAIL TIME, YOU MUST**  
**CONTACT THE ADA COUNTY JAIL**  
**WITHIN 48 HOURS OF YOUR**  
**SENTENCING.**

# NOTES