

## EXHIBIT C

### **TERMS AND CONDITIONS OF PROBATION CONTRACT**

Any juvenile offenders and their parent(s)/guardian(s) placed on probation shall abide by the following terms and conditions. If the minor or parent(s)/guardian(s) violates any term of probation, he/she may be required to do any or all of the following:

1. Serve jail or detention time, home detention or electronic monitor (with fee payment).
2. Do 20 additional community service hours for each violation.
3. Attend additional classes.
4. Have probation time extended or raised to a higher level.
5. Pay for positive drug tests.

**If the parent(s)/guardian(s) of the minor allow, encourage, participate in, or do not report probation violations or violation of Exhibit "C" Order to the Juvenile Probation Officer, an Order to Show Cause hearing will be scheduled before the Juvenile Judge. At the Order to Show Cause hearing, the State has the burden to prove beyond a preponderance of the evidence that the parents/guardians have violated the terms of Probation. Possible sanctions for a contempt conviction include: a \$1,000.00 fine; up to five (5) days in jail for each violation; and /or additional classes or to be charged with the crime of contempt. See Idaho Code §§ 20-522; 18-1801.**

### **THE FOLLOWING TERMS AND CONDITIONS APPLY TO ALL PROBATIONERS:**

1. The Juvenile shall:
  - A. Maintain contact with your probation officer and obtain the officer's written consent to move or leave the State of Idaho. If your address changes, these rules apply to the new residence as well.
  - B. Avoid any contact with individuals not approved of by your probation officer and your parent(s)/guardian(s).
  - C. Abide by Probation's curfew which is to be no later than: Sunday-Thursday – 10:00 PM; Friday and Saturday – 11:30 PM.
  - D. Follow all the rules at home and school.
  - E. Attend school every day unless you have a physician's excuse. Truancies are reported to your probation officer and may constitute a new juvenile offense. Parent(s)/guardian(s) is responsible to work cooperatively with school officials, which includes attending parent/teacher conferences, and other meetings requested by teachers or school administration. Parent(s)/guardian(s) are expected to be actively engaged in the education of the juvenile. Your probation officer will have access to your report cards and attendance records.
  - F. Not go to any school or school event where you are not registered without permission of your probation officer. If you are found on such school grounds, you may be charged with trespassing.
  - G. Obey the law and not use or possess any illegal narcotics, paraphernalia, or prescription medication.
  - H. Not use or possess alcohol, any form of tobacco, pornography, sexually explicit or violent materials, including music, or any weapons, including BB guns, pocket knives, slingshots, and razor blades. You may not be at any place outside your home where any of these items are being used.
  - I. Have a parent or legal guardian with you at all times when you are in retail stores, and never enter any stores that have trespassed you. If you do enter such stores, you may be charged with trespassing. You may not enter any store property where an offense occurred.
  - J. Pay Juvenile Justice \$25.00 for each month you are on probation. Payments are due on the last day of the month.
  - K. Not spend any nights away from home unless accompanied by parent or guardian.
  - L. Probation must be aware of all permanent residents in the home and be notified of any other individuals in the home past midnight.
2. **Restitution:** If the court orders any restitution paid to the juvenile offender's victim and the juvenile and/or the parent(s)/guardian(s) object to the amount ordered, they may request a Restitution Hearing. The juvenile and/or the parent(s)/guardian(s) must provide the court written notice of their objection within twenty (20) days of the restitution order. A failure to do so makes the restitution order final. Parent(s)/guardian(s) are legally responsible for paying any restitution that the juvenile fails to pay. Restitution shall be paid to: Bannock County Courthouse, Bonds & Fines, 624 E. Center, Room 220, Pocatello, Idaho, 83201. If the court terminates probation or the juvenile or the parent(s)/guardian(s) fail to obey the restitution order, the court may convert the restitution order to a civil judgment for the unpaid balance against the juvenile and the parent(s)/guardian(s) who are designated in the restitution order.
3. **Home Detention:** The probation officer may require the juvenile offender to remain at home at all times unless he/she is at school and/or work. The probation officer may use an electronic monitor while the juvenile is on home detention. A daily fee for the monitor is charged.

4. **Community Service:** A juvenile offender must perform twenty (20) hours of community service for each offense. The probation officer has discretion to suspend hours as he/she deems appropriate. If in school, the juvenile shall perform twenty (20) hours per month. If not in school, the juvenile shall perform forty (40) hours per month. The juvenile and the parent(s)/guardian(s) shall pay \$.60 per hour for workmen's compensation coverage. The fee shall be paid to: Bannock County Courthouse, Bonds & Fines, 624 E. Center, Room 220, Pocatello, Idaho, 83201. If the fee is not paid, Bannock County may obtain a civil judgment against the juvenile and the parents/guardians.
5. **Classes:** A juvenile offender and the parents/guardians shall attend, participate in, and complete all ordered classes and programs at the scheduled date and time.
6. **Law Violations:** A juvenile offender and the parents/guardians shall not encourage, participate in, or commit any act that constitutes a violation of the laws of the United States, Idaho, or its cities. A juvenile and/or the parent(s)/guardian(s) who violate the law may be charged criminally for the violation. The probation officer may also file a probation violation and seeking contempt sanctions against the juvenile and/or the juvenile's parents.
7. **Warrantless Home Checks and Searches:** The juvenile and parent(s) or guardian(s) are ordered by the Court to maintain a crime-free home and property. The home and property must be free from illegal items including: drugs, prohibited intoxicating substances, weapons, pornography, stolen property, drug paraphernalia and gang paraphernalia. All of the home, outbuildings, property, vehicles, school lockers, and bags may be searched without a warrant. A juvenile offender and the parents/guardians shall submit to periodic unannounced and warrantless home checks and searches by probation officers at any time and without probable cause. During such home checks, a law enforcement officer may assist the probation officer for the probation officer's safety. No unapproved juveniles or adults may spend the night in the home. Probation officers, along with a law enforcement officer, may, at their discretion, search the juvenile's and the parents/guardians home, secured rooms, safes, grounds, outbuildings, vehicles, and/or school locker without obtaining a search warrant. The juvenile and the parents/guardians specifically *waive* their constitutional right to be free from such searches.
8. **Detention Costs:** A juvenile offender and the parents/guardians shall pay \$50.00 for each day the juvenile is in detention. Probation officers have discretion to decrease or waive this fee if the juvenile and the parents/guardians are complying with probation.
9. **Probation Officer's Discretion:** When necessary a probation officer may order the juvenile offender and/or the parents/guardians to complete any of the following:
  - A. Individual, group, or family counseling; B. Alcohol/drug evaluations and counseling; C. Random drug/alcohol testing within 24 hours of the probation officer's request; D. Victim Offender Mediation; E. Parent Orientation/Parent Project/Strengthening Families; F. Additional community service (juvenile only).

By signing below, I acknowledge that I have received a copy of Exhibit C, that I have read Exhibit C, that I understand all terms of probation, and that I will obey all probationary requirements.

JUVENILE	MOTHER/GUARDIAN	FATHER/GUARDIAN
Date	Date	Date
Signature	Signature	Signature
Address	Address	Address
City/State/Zip	City/State/Zip	City/State/Zip
Telephone	Telephone	Telephone
Birth Date		