

CHAPTER 11

PROSECUTION AND PUNISHMENT OF CRIMES PARENT RESPONSIBILITY

SECTION:

5-11-1:	<i>Legislative Authorization</i>
5-11-2:	<i>Responsible Party</i>
5-11-3:	<i>Payment of Restitution</i>
5-11-4:	<i>Charging of Person</i>
5-11-5:	<i>Penalty</i>
5-11-6:	<i>Concurrent Jurisdiction</i>
5-11-7:	<i>Other Prosecutions</i>

5-11-1: LEGISLATIVE AUTHORIZATION: This ordinance is adopted pursuant to the grant of authority permitted to counties, cities and municipalities by IC § 32-1301.

5-11-2: RESPONSIBLE PARTY: A person who is the parent, lawful guardian, 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 Idaho 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 §33-202, Idaho Code; or
- (c) Violates a curfew law of the City of Shelley.

EXCEPTIONS TO PARENT RESPONSIBILITY ORDINANCE: A person shall not be subject to prosecution under this ordinance if the person:

- (a) Is the victim of the act bringing the child within the purview or the provisions of Chapter 5, Title 20, Idaho Code; or
- (b) 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; or
- (c) 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.

5-11-3: **PAYMENT OF RESTITUTION:** The person responsible to supervise a child and found guilty of a violation of this ordinance may be ordered by the Court to pay to the victim restitution or to make whole any victim who suffers an economic loss as a result of the juvenile's conduct. However, the restitution so ordered shall not exceed \$2,500.00.

5-11-4: **CHARGING OF PERSON:** The person responsible for failing to supervise a child may be charged either by citation or summons with the offense of Failure To Supervise A Child.

5-11-5: **PENALTY:** A person who is found guilty or pleads guilty to an offense of Failure To Supervise A Child as set forth herein, shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000.00. 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. If a person sentenced pursuant to this Ordinance violates any of the orders of the Court entered in the matter, that person shall be subject to contempt of court proceedings in accordance with Chapter 6, Title 7, Idaho Code, in addition to any other penalties authorized pursuant to this Ordinance.

5-11-6: **CONCURRENT JURISDICTION:** Any person charged with violating this Ordinance may at the same time be subject to the jurisdiction of the juvenile courts in which the child in question is subject to the juvenile court jurisdiction.

5-11-7: **OTHER PROSECUTIONS:** Any person who is convicted of Failure To Supervise A Child pursuant to this Ordinance shall also be subject to and such conviction shall not preclude any other action or proceeding against that person which may be undertaken pursuant to the provisions of Chapter 5, Title 20, Idaho Code, or other provisions of law.

Title 5-11-3