

AN ORDINANCE PROVIDING FOR A PARENTAL RESPONSIBILITY ORDINANCE ESTABLISHING THE OFFENSE OF FAILURE TO SUPERVISE A CHILD, EXCEPTIONS THERETO, AND PENALTIES FOR VIOLATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF GOODING, STATE OF IDAHO:

**SECTION 1: TITLE; STRUCTURE; PURPOSE; AUTHORITY:**

1. **Short title:**  
This article shall be known as the Gooding County Parental Responsibility Ordinance.
2. **Structure:**  
Titles and subtitles of this ordinance are only used for organization and structure and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.
3. **Purpose:**  
The purpose of this article is as follows:
  - a. To provide for and further the health, safety and welfare of the public.
  - b. To protect juveniles health and welfare, which include their care, guidance and control.
  - c. To reduce instances of juvenile crime.
  - d. To encourage parents, guardians, or other persons except foster parents to properly supervise and control children under the age of sixteen (16) years of age who are in their care and custody.
  - e. To hold parents, guardians, or other persons except a foster parent who are lawfully charged with the care of custody of a child under sixteen (16) years of age for failing to supervise the child over whom they have responsibility.
4. **Authority:**  
This article is enacted pursuant to authority conferred by Article 12, Section 2, Idaho Constitution and Sections 31-714, 31-801, 31-828, and 32-1301 Idaho Code.

## **SECTION 2: DEFINITIONS:**

- Parent:** Any person who is the parent, lawful guardian or other person, except the foster parent lawfully charged with the care or custody of the child under sixteen (16) years of age.
- Child:** For purposes of this ordinance, a child is defined as a person under sixteen (16) years of age.

## **SECTION 3: FAILURE TO SUPERVISE A CHILD DECLARED UNLAWFUL:**

It is declared unlawful for a person who is the parent, lawful guardian or other person, except a foster parent, lawfully charged with the care or custody of a child under sixteen (16) years of age to fail to supervise that child. The parent commits the offense of failure to supervise a child if the child commits any of the following acts:

1. Commits any act bringing the child within the purview of a juvenile corrections act, Chapter 5, Title 20, Idaho Code; or
2. Commits a crime for which the child is to be tried as an adult; or
3. Commits an act for which jurisdiction of the juvenile corrections act is subject to waiver pursuant to Chapter 5, Title 20, Idaho Code; or
4. Fails to attend school or is not comparably instructed as provided in Section 33-202 Idaho Code; or
5. Violates the Gooding County curfew ordinance or the curfew laws of any city with Gooding County.

## **SECTION 4: EXCEPTIONS:**

1. A person shall not be subject to prosecution for violation of this ordinance if the person:
  - a. Is the victim of the act bringing the child within the purview of the provisions of Chapter 5, Title 20, Idaho Code; or
  - b. Reported the act of the child as soon as reasonably possible to a local law enforcement agency, juvenile court, or the Department of Health and Welfare.

2. A person shall not be subject to prosecution for violation of this ordinance 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.

#### **SECTION 5: VIOLATIONS:**

1. A violation of any of the provisions of this ordinance is a misdemeanor and any person who is found guilty or pleads guilty to a violation of this ordinance 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 to the satisfaction of the court, the court may discharge the person or if the person fails to complete the programs to the satisfaction of the court, the court may impose the penalty provided in this section.
2. Any person violating any order of the court entered under this 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.
3. Any person who is found guilty or pleads guilty to a violation of this ordinance may be ordered by the court to pay restitution 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 any restitution ordered to be paid by a parent under this ordinance shall not exceed \$2,500.00.
4. Upon a first offense, a law enforcement officer may, in their discretion, serve a copy of the ordinance upon the parent and explain to them the consequences of their conduct as a warning of the penalties contained in this ordinance. This service shall be documented by the officer.
5. A conviction of a person under this ordinance shall not preclude any other action or proceedings against the person which may be taken pursuant to the provisions of Chapter 5, Title 20 Idaho Code or other provisions of law.

#### **SECTION 6: SEVERABILITY CLAUSE:**

Should any provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional, unlawful or invalid, such decision shall only affect the noted provision and shall not affect the validity of the remainder of this ordinance.

#### **SECTION 7: EFFECTIVE DATE:**

This ordinance shall be and is hereby declared to be in full force and effect upon its passage, approval and publication, as provided by law, in one (1) issue of the Gooding County Leader.

THIS RESOLUTION PASSED AND ADOPTED by the GOODING COUNTY BOARD OF COMMISSIONERS on the 30<sup>th</sup> day of April, 1998.

ATTEST Helen P. Edwards  
Helen P. Edwards, Clerk

Win Henslee  
Win Henslee, Chairman

Michael Arkoosh  
Michael Arkoosh, Commissioner

Tom Faulkner  
Tom Faulkner, Commissioner

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