

AN ORDINANCE OF THE COUNTY OF GOODING, IDAHO, ESTABLISHING CONTROL OVER CHILDREN UNDER THE AGE OF EIGHTEEN (18) YEARS WHO HAVE RUN AWAY FROM HOME OR OTHERWISE ABSCONDED FROM PARENTAL CONTROL BY SUCH ATTEMPT; FAIL TO ATTEND SCHOOL AS PRESCRIBED BY COMPULSORY ATTENDANCE REQUIREMENTS OF THE STATE OF IDAHO; PROVIDING FOR NIGHT TIME CURFEW; PROVIDING FOR HOURS OF DAYTIME CURFEW; PROVIDING A PENALTY FOR VIOLATION; REPEALING ANY ORDINANCE AND ANY OTHER SECTIONS OF ORDINANCES IN CONFLICT WITH SAID ORDINANCE; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the constitution of the state of Idaho empowers counties to make and enforce all local police regulations as are not in conflict with the general laws; and

**WHEREAS**, the Board of Commissioners of Gooding County desires to establish laws to prevent or curtail minor children from running away from home; Failing to attend school as prescribed by state law; Or otherwise absconding from parental control; And establishing hours of curfew for minors under the age of eighteen (18) years, and

**WHEREAS**, the establishment of such laws is to provide order and to promote the safety and welfare of the residents of Gooding County, Idaho.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GOODING COUNTY, IDAHO:**

**SECTION 1. RUNAWAY OR INCORRIGIBILITY**

It shall be unlawful for any person under the age of eighteen years, living or found within the County of Gooding, to run away from his or her parent(s), legal guardian, or other legal custodian, or to be or remain a person who has run away from his or her parent(s), legal guardian, or other legal custodian, or commit any act or acts which render him or her to be incorrigible or otherwise place him or her beyond the control of his or her parent(s), legal guardian, or other legal custodian, provided however that such minor fleeing from physical abuse shall not be in violation when such abuse is immediately reported to law enforcement.

**SECTION 2. CURFEW HOURS, VIOLATIONS, AND EXCEPTIONS**

- A. NIGHT TIME CURFEW:** It shall be unlawful for any minor person under the age of eighteen (18) years to loiter, idle, wander, stroll, play or otherwise be upon the public streets, highways, roads, sidewalks, alleys, parks, playgrounds, or other public grounds, or public places, buildings, or other property generally open to public use, or vacant lots within the County of Gooding,

between the hours of 12:00 midnight and 5:00 a.m.

**B. EXCEPTIONS:**

A minor shall not be subject to curfew hours under the following conditions:

1. When accompanied by their parent, guardian or other adult person.
2. When engaged in legitimate employment for profit or going to or returning home from a legitimate employment activity without any detour or stops.
3. When engaged in the performance of an errand or duty at the direction of their parent, guardian, or other adult person having care and custody of the minor.
4. When attending an official school, religious, or other recreational activity supervised by adults and sponsored by the county, city, school district, recreational district, any other civic organization, religious organization or other similar entities that take responsibility for the minor for going to returning home from without any detour or stops, an official school, religious or other recreational activity supervised by adults and sponsored by one of the entities previously stated.
5. When involved in an emergency, which includes but is not limited to a fire, natural disaster, automobile accident or any situation requiring immediate action to protect personal injury or loss of life.
6. When emancipated by marriage or a minor who is in active military service.
7. When exercising First Amendment Rights protected by the United States Constitution such as the Free Exercise Religion, Freedom of Speech and the Right to Assemble.

**SECTION 3. COMPULSORY SCHOOL ATTENDANCE**

- A. SCHOOL ATTENDANCE AND TRUANCY:** It shall be unlawful for any person under the age of eighteen (18) years to fail to attend, or otherwise be truant from a public, private, or home school, when there is no legitimate reason for non attendance or absence. If the minor is not enrolled in any public, private, or home school, the minor shall be determined to be a student of the school district in which they would be served, as determined by their geographical location, address and/or school district boundaries. This section shall not preclude school sponsored educational activities performed outside of school properties.

**B. EXCEPTIONS:** Any person subject to this section shall not be in violation under any of the following circumstances, if he or she;

1. Has dropped out of, or otherwise quit school within the limits of state law.
2. Has been expelled from school.
3. Is absent under the direction of their parent, legal guardian, or other custodian for legitimate reasons.

#### **SECTION 4. RESPONSIBILITY OF PARENTS, OR OTHER PERSON(S)**

It shall be unlawful for the parents or legal guardian of a minor under the age of eighteen (18) years to knowingly permit such minor to be in violation of any section of this ordinance. It shall also be unlawful for any person by any act to knowingly encourage, aid, or otherwise facilitate the violation of any section of this ordinance by any person under the age of eighteen (18) years.

#### **SECTION 5. ENFORCEMENT**

- A. **Contacting Parents:** If a police officer reasonably believes that a juvenile is in violation of any of the provisions of this ordinance, the officer shall notify the juvenile that he/she is in violation of this ordinance, and shall require the juvenile to provide his/her name, address and telephone number and how to contact his or her parent or guardian.
- B. **Determining Age of Juvenile:** In determining the age of the juvenile, and in the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his/her best judgment in determining age.
- C. **Questioning of Juvenile/Parents:** The normal procedure shall then be to immediately notify the parent or guardian. If possible, the juvenile and/or parents or guardian shall then be questioned to ascertain relevant facts.
- D. **Release into Custody of Parent or Guardian:** When a parent or guardian immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be temporarily entrusted to an adult relative, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for the juvenile pending the

availability or arrival of a parent or guardian.

- E. Written Acknowledgment of Status Offense: Upon release of the juvenile to his/her parent, the juvenile and parent shall sign a written acknowledgment of the County's curfew, runaway, incorrigible, and truancy regulations which notice shall be presumptive evidence of knowledge of this Ordinance.
- F. Status Offenders: Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities, except in the case of runaways, when there is specific detention request from a foreign jurisdiction or hold the child pending transportation agreements.

#### **SECTION 6. PENALTIES AND TREATMENT**

- A. Status Offense: Any juvenile who violates any provision of this Ordinance shall be guilty of a status offense punishable by the provisions of, and according to, Title 20, Chapter 5 of the Juvenile Corrections Act.
- B. Violations by Parents or Guardian: Any parent or guardian who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor. Said parent or guardian may also be required to attend parenting classes.
- C. Misdemeanor: Upon a first offense of any of the provisions of this Ordinance by the juvenile or parent, the prosecuting attorney may request a preliminary inquiry from the Department of Juvenile Probation for screening and assessment according to the Department of Juvenile Probation's designated and authorized procedures.
- D. Repeat Offender: Any child who has been adjudicated for commission of two (2) status offenses within twelve (12) months may be charged, petitioned and adjudicated as a habitual status offender for the third status offense committed within that twelve (12) month period.

#### **SECTION 7. REPEAL OF CONFLICTING ORDINANCES, OR PARTS THEREOF, AND SEVERABILITY**

Ordinance Number 64, and any parts or provisions of any other ordinance conflicting with this ordinance, are hereby repealed. If any section, paragraph, clause, or provision of this ordinance shall be held invalid or unenforceable for

any reason, the invalidity, or inability to enforce such section, paragraph, clause or provision shall not affect, or render unenforceable any remaining sections, paragraphs, clauses or provisions of this ordinance.

**SECTION 8. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication.

APPROVED AND ADOPTED this 23<sup>rd</sup> day of January, 2006.

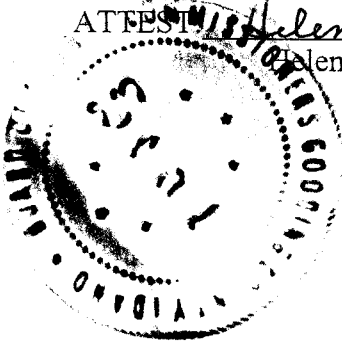
**BOARD OF GOODING COUNTY COMMISSIONERS**

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Carolyn Elexpuru, Chairman

By: Thomas Bingham  
Thomas, Bingham, Commissioner

By: Bob Morgado  
Bob Morgado, Commissioner

ATTEST: Helen Edwards  
Helen Edwards, Clerk



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