In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO)
JUVENILE RULE (I.J.R.) 40) ORDER
)

The Court having reviewed a recommendation from the Child Protection Committee and the Administrative Conference to amend one rule of the Idaho Juvenile Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Juvenile Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Rule 40 be, and the same is hereby, amended as follows:

I.J.R. 40. Notice of Further Proceedings Including Parents, Foster Parents and Others (C.P.A.)

Idaho Juvenile Rule 40. Notice of Further Proceedings Including Parents, Foster Parents and Others (C.P.A.)

(a) After the adjudicatory hearing, any person who is designated by the Department of Health and Welfare as the foster parent, as a preadoptive parent, or as a relative providing care for a child who is in the custody of the department, shall be provided with notice of, and have a right to be heard in, any further hearings to be held with respect to the child. This provision shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to the proceeding solely on the basis of such notice and right to be heard. The Department of Health and Welfare shall provide this notice and shall confirm to the court that the notice was given.

(b) After the adjudicatory hearing, a child <u>age</u> eight (8) ~~year of age~~ or older, shall be provided with notice of, and have a right to be heard, either in person or in writing, in any further hearings to be held with respect to the child. The Department of Health and Welfare shall provide this notice and shall confirm to the court that the notice was given. If the child chooses to be heard in writing, the writing shall be filed, copies provided to all parties and to the Department of Health and Welfare, whether or not a party, and considered by the court. <u>The court is not required to continue a hearing where notice is not given or where the child does not appear, but the court may continue the hearing at its</u>

discretion. This provision does not supersede the Idaho Rules of Evidence in any proceeding to which the Idaho Rules of Evidence apply.

(c) Children age twelve (12) and older are required to attend their 6-month review and permanency hearings in person or telephonically, unless the youth declines in writing prior to the hearing, declines through counsel, or the court finds good cause to excuse the youth from attending a 6-month review or permanency hearing.

(~~c~~d) Notice to any party of the time, date, and place of further proceedings after an initial appearance or service of summons may be given in open court, by written acknowledgment of receipt, or by mail to any party. Notice shall be sufficient if the clerk deposits the notice in the United States mail, postage prepaid, to the address provided by the party to the court or the address at which the party was initially served, and files a certificate of such service, or if notice is sent by registered or certified mail.

(~~d~~e) The notice of hearing shall conform to the following format:

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IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July, 2016.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Juvenile Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate.*

DATED this 10th day of December, 2015.

By Order of the Supreme Court

Jim Jones, Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the 12-7-15 entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court

STEPHEN W. KENYON Clerk

By: Chief Deputy