

# In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF IDAHO  
COURT ADMINISTRATIVE  
RULE (I.C.A.R.) 91

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## ORDER

The Court, having received a recommendation to amend the Idaho Court Administrative Rules, and being fully informed as to the recommendation,

NOW, THEREFORE, IT IS ORDERED that the Idaho Court Administrative Rules be amended as follows:

That a NEW Rule 91 be, and the same are hereby, ADOPTED as follows:

### **PART IX. Guardian Ad Litem Grant Program**

Idaho Court Administrative Rule 91. Guardian ad Litem Program Grant Administration

(a) **Who may apply.** Any eligible person, organization, corporation, or agency may apply for funds authorized under Title 16, Chapter 16, Idaho Code for the development and operation of a guardian ad litem (GAL) program. Applicants that have previously been awarded grant funding and have not met program requirements as set forth in the Idaho Supreme Court Policies and Procedures (Policies and Procedures) for GAL grant programs may not be considered for funding. Eligible applicants must:

(1) Comply with all program requirements set forth in Idaho Code §§ 16-1632 and 16-1633 and agree to;

(A) Establish, maintain, and coordinate a districtwide GAL program consistent with the requirements of the Child Protective Act and to the extent possible, has established a districtwide program to recruit GAL volunteers sufficient to provide services in each county of the judicial district.

(B) Provide necessary administrative and staffing services as may from time to time be required.

(C) Act as a volunteer coordinator and strive to provide every child under the age of 12 years, who has an open child protection case, a GAL volunteer throughout each stage of any child protective proceeding and strives to provide a GAL volunteer to children age 12 and over for whom the court has appointed a GAL.

(D) Establish a program for attorneys to represent GAL volunteers, whether or not appointed by the court in conjunction with the local, districtwide, and state bar associations.

(E) Develop uniform criteria to screen, select, train, and remove volunteer GALs.

(F) Establish a priority list (triage plan) for those proceedings under the Child Protective Act in which guardians ad litem shall be appointed in districts where there are insufficient numbers of guardians ad litem.

(G) Submit an annual report for the preceding fiscal year to the grant administrator for delivery to the legislature.

(H) Confirm that all criminal background checks are complete and up to date on all staff, board members and active GAL volunteers.

(I) Confirm that all program GAL volunteers perform all the duties as listed under I.C. § 16-1633.

(2) Comply with all program requirements set forth in Idaho Juvenile Rule 35;

(3) Have a written policy and process to ensure that any person in training to serve or who is serving as a GAL has completed a criminal records check prior to having access to program case files or children being served by the program;

(4) Have a written process to temporarily inactivate GAL volunteers or staff members whose criminal records checks have expired;

(5) Have in place a process for providing timely and accurate data requested by the AOC;

(6) Have a financial accounting system and records to accurately account for any funds awarded under the GAL Grant Program; and

(7) Have established internal control policies and procedures.

(b) **Grant Application Forms.** The grant solicitation is posted on the Idaho Supreme Court website annually with detailed instructions on how to submit an application. All grant applications must be submitted on the most current approved form within the timelines provided in the Policies and Procedures.

(c) **Guardian ad Litem Grant Review Board; Members.** Members of the Guardian ad Litem Grant Review Board (Board) will be appointed by the Idaho Supreme Court for a three-year term. The Board will consist of nine (9) voting and three (3) non-voting members with experience and training in the child welfare system. The board shall be staffed by the GAL grant specialist and attended by a member of the AOC's finance department.

(1) Membership shall consist of two (2) members each from subsections A and B, and five (5) members from a combination of subsections C through H:

(A) 2 Representative(s) selected upon nomination from the Idaho Legislature;

(B) 2 Representative(s) selected upon nomination from the Governor's office;

(C) Representative(s) from the Idaho Casey Family Programs;

(D) Representative(s) from a federally recognized Idaho Indian Tribe;

(E) Attorney(s) who represents parties in Child Protective Act cases;

(F) Former foster youth;

(G) Current or former foster parent(s); or

(H) Parent(s) with lived experience in the child welfare system.

(2) A magistrate judge, a guardian ad litem volunteer, and a person with a strong financial background will serve as non-voting members of the Board.

(3) The principal staff functions of the Board will be located with the AOC.

(d) **Powers and Duties of the Grant Review Board.** The Board will:

(1) Review the grant applications and attachments; and,

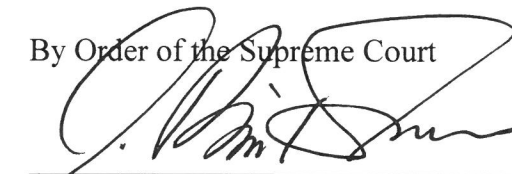
(2) Issue a recommendation to the Idaho Supreme Court for approval or denial of grant applications. The Board may request and/or use additional information prior to reaching a decision.

IT IS FURTHER ORDERED, that the adoption of new Rule 91 shall be effective January 1, 2022.

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*.

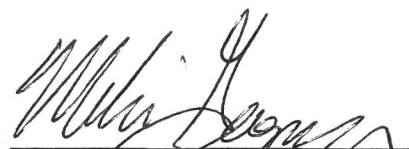
DATED this 3<sup>rd</sup> day of November, 2021.

By Order of the Supreme Court



G. Richard Bevan, Chief Justice

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order Re: Admin Rule entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court November 3, 2021  
Melanie Gagnepain, Clerk

