

December 1, 2020

The Honorable Brad Little
Governor of the State of Idaho
Boise, Idaho 83702
STATEHOUSE MAIL

Re: Defects in the Laws

Dear Governor Little:

Under article V, section 25 of the Idaho Constitution, on or before December 1st of each year, the Supreme Court shall submit to the Governor, for transmission to the Legislature, such defects and omissions in the laws as the Court may find to exist.

In keeping with this constitutional provision, I submit the following defects in the law found by the Court or submitted to the Court by the trial bench, along with suggested changes to remedy the defects

1. **Recommend changing the hearing time period for proceedings regarding the appointment of temporary guardians for persons with a developmental disability to fourteen (14) days (I.C. § 66-404A).**

I.C. § 66-404A(3)(b) sets a ten (10) day timeframe for hearings regarding the appropriateness of the appointment of a temporary guardian for a person with a developmental disability. In order to bring these hearings in line with the Court's efforts to set procedural time periods in seven (7) day increments, the hearing deadline for these cases should be amended from ten (10) to fourteen (14) days.

2. **Recommend changing the time limit for continuances of hearings regarding the commitment of mentally ill persons to seven (7) days (I.C. § 66-329).**

I.C. § 66-329(6) limits the continuance of hearings regarding the commitment of mentally ill persons to five (5) days. In order to bring the procedural timing of these cases in line with the

Court's efforts to set time periods in seven (7) day increments, the limit on continuances of these commitment hearings should be amended from five (5) to seven (7) days.

Sincerely,

A handwritten signature in black ink that reads "Roger Burdick". The signature is written in a cursive style with a prominent initial "R" and a distinct "B".

Roger Burdick,
Chief Justice

cc: President Pro Tem
Speaker of the House
Administrative Director of the Courts