

In the Supreme Court of the State of Idaho

IN RE: ADOPTION OF IDAHO
COURT ADMINISTRATIVE
RULE (I.C.A.R.) 100

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ORDER

The Court, having received information regarding the need for a consistent procedure in Idaho's courts, does adopt the following Idaho Court Administrative Rule, and the Court being fully informed;

IT IS ORDERED that Idaho Court Administrative Rule 100 is ADOPTED as follows:

PART X. Procedural Rules for Commitments to the Director of the Department of Health and Welfare

Idaho Court Administrative Rule 100. Hospitalization of Mentally Ill, Detention Without a Hearing.

(a) Notice to Court of Detention and Placement at a Facility. Whenever a person is taken into custody or detained by a peace officer or medical staff member without a court order pursuant to Idaho Code section 66-326(1) or Idaho Code section 16-2413, the evidence supporting the claim that: (i) the person is gravely disabled due to mental illness or imminent danger, as provided in section 66-326, or (ii) that an emergency exists with respect to the child, as provided in section 16-2414, must be electronically filed with the court by the prosecuting attorney within twenty-four (24) hours of the time the person was placed in custody or detained.

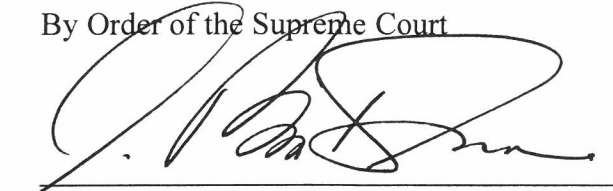
(b) Examination and Report. If the court issues a temporary custody order requiring the person to be held in a facility and requiring an examination of the person by a designated examiner, the designated examiner's findings must be reported to the prosecuting attorney within twenty-four (24) hours of the examination. Upon receipt of the designated examiner's findings, the prosecuting attorney shall, as soon as reasonably practicable but in no event no later than 24 hours following receipt, file such findings with the court.

IT IS FURTHER ORDERED, that the adoption of this rule is effective May 1, 2023.

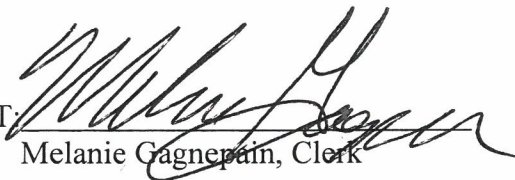
IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 30th day of March 2023.

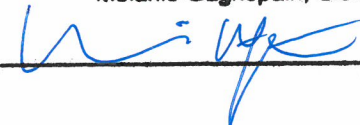
By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

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 entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 3-30-23
Melanie Gagnepain, Clerk

By  Deputy