

I.J.R. 37. Right to Counsel (C.P.A.)

Idaho Juvenile Rule 37. Right to Counsel (C.P.A.)

(a) For a child under the age of twelve (12) years, the court shall appoint a guardian ad litem for the child or children and shall appoint counsel to represent the guardian ad litem, unless the guardian ad litem is already represented by counsel. The court may appoint separate counsel for the child or children under the age of twelve (12) years in appropriate cases. The court may consider the nature of the case, the child's age, maturity, intellectual ability, ability to direct the activities of counsel and other factors relevant to the appropriateness of appointing counsel for the child.

(b) If there is no qualified guardian ad litem program or qualified guardian ad litem available, the court shall appoint counsel for the child as provided in I.C. § 16-1614.

(c) The parent(s), guardian, or legal custodian has the right to be represented by counsel in all proceedings before the court. The court shall appoint counsel to represent the parent(s), guardian, or legal custodian if it finds that they are financially unable to pay for such legal services, unless representation is competently and intelligently waived.

(d) Notice of the right to be represented by counsel, and at public expense where financial inability exists on the part of the parent(s), guardian, or legal custodian, should be given at the earliest possible time. Notice shall be given in the summons, and at the outset of any hearing in which the parent(s), guardian, or legal custodian is making a first appearance before the court.

(Revised Rule 37 - adopted August 21, 2006; amended April 23, 2015, effective July 1, 2015.)

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