



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 (C.P.A.)

(a) Notice to Foster Parents, Preadoptive Parents, and Relatives Providing Care.

(1) **Notice and Right to Heard.** After the adjudicatory hearing, the following persons designated by the Idaho Department of Health and Welfare (department) to provide care for the child must be provided notice of, and a right to be heard, in hearings concerning the child:

(A) foster parent;

(B) preadoptive parent; or

(C) relative providing care for the child.

(2) **Non-parties.** A foster parent, preadoptive parent, or relative providing care for the child is not a party to the proceeding.

(3) **Notice responsibility.** The department must provide this notice and must confirm to the court that the notice was given.

(b) **Participation by Child 8 and Over.** After the adjudicatory hearing, a child age 8 or older, must be provided with notice of, and have a right to be heard, in person or in writing, in hearings concerning the child.

(1) **Participation in Writing.** If the child chooses to be heard in writing:



- (A) the writing must be filed;
- (B) a copy provided to each party;
- (C) a copy provided to the department, whether or not a party; and
- (D) the writing must be considered by the court.

(2) **Hearing.**

- (A) The court may continue a hearing if notice is not given or the child does not appear.
- (B) This rule does not replace the Idaho Rules of Evidence in a proceeding where those rules apply.

(3) **Notice Responsibility.** The department must provide this notice and confirm to the court that the notice was given.

(c) **Participation by Youth 12 and Over.** Youth age 12 and older must attend their review and permanency hearings in person or telephonically, unless:

- (1) the youth declines in writing before the hearing;
- (2) the youth declines through counsel; or
- (3) the court finds good cause to excuse the youth from attending.

(d) **Notice.** Notice of the time, date, and place of further proceedings after an initial appearance or service of summons may be given:



(1) in open court, by written acknowledgment of receipt; or

(2) by mail. Notice is acceptable if:

(A) the clerk deposits the notice in the United States mail, postage prepaid, to the address provided by the party to the court or mails it to the person's last known address, or the address at which the person was initially served, and files a certificate of such service, or

(B) the notice is sent by registered or certified mail.

(e) **Form.** The notice of hearing must conform to the format found in Appendix A of these rules.

(Revised Rule 40 - adopted August 21, 2006; amended December 5, 2007; amended April 27, 2012, effective July 1, 2012; amended December 10, 2015, effective July 1, 2016; amended September 11, 2024, effective September 11, 2024; amended June 30, 2025, effective July 1, 2025.)

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