



I.J.R. 48. Termination of Parent Child Relationship (C.P.A.)

Idaho Juvenile Rule 48. Termination of Parent Child Relationship (C.P.A.)

(a) **Petition for Termination.** A petition for termination of the parent child relationship may be filed after entry of a decree finding that the child is within the jurisdiction of the court under the Child Protective Act (C.P.A.) as governed by I.C. § 16-1624 and Idaho Code, title 16, chapter 20.

(b) **Where Filed.** The petition to terminate parental rights must be filed in the same case as the C.P.A. proceeding, for purposes of judicial administration. Appointments of attorneys and guardians ad litem in the C.P.A. proceeding must remain in effect for termination proceedings, unless the court orders otherwise.

(c) **Judicial Assignment.** The termination proceeding must be assigned to the same magistrate as the C.P.A. proceeding and such magistrate shall retain responsibility for the case until its conclusion. A different magistrate may only be assigned when:

(1) the presiding judge no longer holds the same judicial office; or

(2) other extraordinary circumstances exist, such as the judge's disqualification, death, illness, or disability.

(d) **Service.** The petitioner must serve process as required by Idaho Code, title 16, chapter 20 concerning termination of parental rights.

(e) **Idaho Rules of Evidence.** The petitioner in a termination proceeding must meet its burden of proof through evidence admissible under the Idaho Rules of Evidence. The court record in the C.P.A. proceeding may not be used to meet the petitioner's burden of proof in the termination proceeding, unless:

(1) the part offered is admissible under the Idaho Rules of Evidence; or



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(2) the parties stipulate to its admission.

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