

I.A.R. 44.1. Expedited Review For Appeals Brought Pursuant to I.C. 18-609A.

Idaho Appellate Rule 44.1. Expedited Review For Appeals Brought Pursuant to I.C. 18-609A.

This rule governs procedures for an expedited review of an appeal brought pursuant to I.C. § 18-609A from an order of the district court denying a minor's petition for judicial bypass of parental consent.

(a) Notice of appeal.

(1) An appeal from any order denying a petition filed pursuant to I.C. § 18-609A (6) shall be made only by physically filing a notice of appeal with the clerk of the district court within five days, excluding weekends and holidays, from the date of issuance of the order. This filing may be made by facsimile machine process.

(2) If the district court denies a petition filed under I.C. § 18-609A, the district court must serve on the minor a copy of the order denying relief with the date and time endorsed, along with a "Notice of Appeal" form. The notice of appeal form shall include a request for the record and audio recording of the proceedings and notice to the clerk that the record and audio recording are to be immediately forwarded to the Idaho Supreme Court for filing. The district court shall advise the minor that the minor has five days, excluding weekends and holidays, from the date of issuance of the order to file the notice of appeal.

(b) Transmittal of record. Upon the filing of the notice of appeal, the clerk of the district court shall immediately fax to the Supreme Court a copy of the notice of appeal and a copy of the district court order denying the petition, along with any other documents or exhibits filed in the case. Arrangements shall also be made for the audio recording of the hearing to be sent to the Supreme Court or for the Court to otherwise listen to the audio recording. A complete copy of the record in the case shall also be made immediately available to the minor and/or her counsel, including a copy of or access to the audio recording of the hearing. Absolutely no extension of time will be granted by the Supreme Court.

(c) Fees. No filing or other fees shall be charged for appeals brought pursuant to this section.

(d) Briefing. Briefing is not required but may be submitted prior to the hearing. Formal briefing requirements do not have to be met.

(e) Assignment. All appeals filed pursuant to I.C. § 18-609A shall be assigned to the Supreme Court.

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(f) Hearing. When the notice of appeal is filed pursuant to I.C. § 18-609A, the clerk of the Supreme Court shall set the appeal for hearing within 48 hours of the filing of the notice of appeal, excluding weekends and holidays.

(g) Decision. The Supreme Court, acting through a majority of the justices participating in the hearing, shall issue its decision at the conclusion of the hearing. If the Court fails to issue a ruling at the conclusion of the hearing then the petition will be deemed granted. No application for rehearing shall be filed.

(h) Confidentiality. All proceedings in this appeal shall be conducted in a manner that will preserve the anonymity of the minor, and the identity of the minor involved and all records pertaining to the appeal shall be kept confidential.

(i) Representation. The attorney appointed to represent the minor at the hearing before the district court shall continue on appeal unless other counsel is substituted. Any document or notice required to be served upon the minor shall be served on counsel.

(j) Guardian ad litem. If a guardian ad litem was appointed for the district court hearing, then that person shall continue on appeal.

(Adopted September 18, 2000; amended November 20, 2001, effective November 20, 2001; REPEALED March 19, 2007; NEW I.A.txt 44.1 adopted March 19, 2007, effective March 19, 2007.)

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