

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE IDAHO  
JUVENILE RULES (C.P.A.)

ORDER

The Court, having reviewed a recommendation from the Child Protection Committee to amend the Idaho Juvenile Rules, and the Court being fully informed;

IT IS ORDERED that the Idaho Juvenile Rules (I.J.R.) are amended as follows:

1. That Rule 40 is amended as follows:

## **Idaho Juvenile Rule 40. Notice of Further Proceedings ~~Including Parents, Foster Parents and Others~~ (C.P.A.)**

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

(1) **Notice and Right to Heard.** After the adjudicatory hearing, ~~any person who is 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 ~~a the child:~~ as the

(A) foster parent, ~~as a~~;

(B) preadoptive parent, ~~;~~ or as a

(C) relative providing care for ~~a the child who is in the custody of the department,~~ ; shall be provided with notice of, and have a right to be heard in, any further hearings ~~to be held with respect to the child.~~

(2) **Non-parties.** This provision shall not be construed to require that any A foster parent, preadoptive parent, or relative providing care for the child ~~is not be made~~ a party to the proceeding ~~solely on the basis of such notice and right to be heard.~~

(3) **Notice Responsibility.** The Department of Health and Welfare ~~department~~ shall must provide this notice and ~~shall~~ must confirm to the court that the notice was given.

(b) **Participation by Child 8 and Over.** After the adjudicatory hearing, a child age ~~eight (8)~~ or older, ~~shall~~ must be provided with notice of, and have a right to be heard, ~~either in person or in writing, in any further hearings to be held with respect to~~ concerning the child. ~~The Department~~

of Health and Welfare shall provide this notice and shall confirm to the court that the notice was given.

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

(A) the writing shall must be filed;

(B) a copy provided to ~~all~~ each parties;

(C) ~~and a copy provided to the Department of Health and Welfare, whether or not a party;~~ and

(D) the writing must be considered by the court.

(2) **Hearing.**

(A) The court ~~is not required to~~ may continue a hearing ~~where if~~ notice is not given or ~~where the child does not appear, but the court may continue the hearing at its discretion.~~

(B) This ~~provision rule~~ does not ~~supersede~~ replace the Idaho Rules of Evidence in any proceeding ~~to which the Idaho Rules of Evidence apply 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.** Children Youth age ~~twelve (12)~~ and older are required ~~to must~~ attend their ~~6-month~~ review and permanency hearings in person or telephonically, unless;

(1) the youth declines in writing ~~prior to~~ before the hearing;

(2) the youth declines through counsel; or

(3) the court finds good cause to excuse the youth from attending ~~a 6-month review or permanency hearing.~~

(d) **Notice.** Notice ~~to any party~~ 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 ~~to any party~~. Notice ~~shall be sufficient~~ 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 the address, or the address at which the partyerson was initially served, and files a certificate of such service, or

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

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

Click here [1] for form.

*(Move form to Appendix A)*

2. That Rule 45 is amended as follows:

#### **Idaho Juvenile Rule 45. Review Hearings (C.P.A.)**

(a) **Timing.** The court must hold a hearing to review the child's case and permanency plan no later than 6 months after the entry of the court's order taking jurisdiction, and every 2 months after.

(ab) **Review Hearings.** At review hearings, the court ~~shall~~ must review compliance with the case plan; ~~and/or the permanency plan (whichever is in place at the time of the hearing)~~ and the Idaho Department of Health and Welfare's (department's) progress of the department in achieving permanency for the child. The court may:

(1) modify the case plan or permanency plan ~~as appropriate;~~

(2) modify the disposition of the child (~~provided that where~~ if a child was placed under the protective supervision of the department, modification is subject to ~~the requirement of I.C. § section 16-1623, Idaho Code~~);

(3) determine whether the department has made reasonable efforts to finalize a permanency plan ~~for the child;~~ and in the case of a child who will not be returned to a parent, review the department's consideration of options for in-state and out-of-state placement of the child; or

(4) enter ~~further orders as necessary or appropriate~~ to ensure the progress of the case towards achieving permanency for the child.

(bc) **Continuance.** The court may continue a review hearing for a short period of time to give the parties time to respond to substantive issues raised for the first time at a review hearing. The court may enter temporary orders ~~as appropriate~~ pending the continued hearing.

(ed) **Combined Review and Annual Permanency Hearing.** ~~If the next a review hearing to be scheduled~~ is combined with the annual permanency hearing described at ~~section I.C. §§ 16-1620 or 16-1622, Idaho Code,~~ the court shall must order the department to prepare a written permanency plan. ~~The permanency plan to must~~ be filed with the court and served upon the parties at least ~~five (5) days prior to before~~ the hearing. For hearings required by I.C. § 16-1622(1)(a), the department and guardian ad litem must file reports to the court no later than 5 days prior to the hearing.

3. That Rule 48 is amended as follows:

### **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 At any time after the entry of a decree finding that the child is within the jurisdiction of the court under the Child Protective Act (C.P.A.) a petition for termination of the parent child relationship may be filed in accordance with the as governed by provisions of I.C. § 16-1624 and Chapter 20, Title 16, of the Idaho Code~~ Idaho Code, title 16, chapter 20.

(b) **Where Filed.** The petition to terminate parental rights shall ~~must~~ be filed in the same case as the ~~proceeding under the Child Protective Act C.P.A. proceeding,~~ for purposes of judicial administration ~~only. All aAppointments of attorneys and guardians ad litem in the proceeding under the Child Protective Act shall C.P.A. proceeding must remain in effect for purposes of termination proceedings on the petition to terminate, unless otherwise ordered by the court orders otherwise.~~

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

(1) the ~~presiding judge who presided over the case~~ no longer holds the same judicial office ~~that the judge held at case initiation; or~~

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

(d) **Service.** The petitioner must serve process ~~in accordance with as required by the statute governing termination of parental rights, set forth at Chapter 20, Title 16, Idaho Code~~ Idaho Code, title 16, chapter 20 concerning termination of parental rights.

(e) **Idaho Rules of Evidence.** ~~At trial on the petition to terminate parental rights, t~~The petitioner in a termination proceeding must meet its burden of proof through evidence admissible pursuant to under the Idaho Rules of Evidence; no part of the court's record in the proceeding under the Child Protective Act The court record in the C.P.A. proceeding may not be used for purposes of

to meeting the petitioner's burden of proof in the trial on the petition to terminate parental rights termination proceeding, unless:

(1) the part offered is admissible under the Idaho Rules of Evidence;<sup>1</sup> or

(2) ~~unless~~ the parties stipulate to its admission.

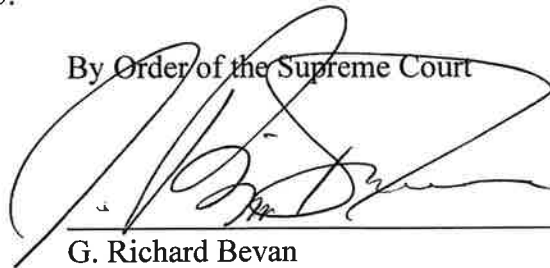
IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2025.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Juvenile Rules.

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 30<sup>th</sup> day of June, 2025.

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 10-30-25  
Melanie Gagnepain, Clerk

By  Deputy