

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE)
IDAHO JUVENILE RULES)
_____)

ORDER

The Court, having received a recommendation to amend the Idaho Juvenile Rules (C.P.A.), and being fully informed as to the recommendation,

NOW, THEREFORE, IT IS ORDERED that the Idaho Juvenile Rules be amended as follows:

Idaho Juvenile Rule 6. Admit/Deny Hearing - Nature of Proceeding - Notice - Explanation of Rights - Plea - Setting of Evidentiary hearing (J.C.A.)

(1) Once a case is assigned to a magistrate at the admit/deny hearing, the magistrate retains responsibility for the case until case closure and all subsequent cases involving the same juvenile will be assigned to the same magistrate. A different magistrate shall only be assigned when: (1) the 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.

Idaho Juvenile Rule 39. Shelter care hearing.

(b) The court shall schedule a shelter care hearing whenever a child or alleged offender is removed from the home as described in I.J.R. 31(a), (b), and (d), or upon the written motion or petition of the petitioner with or without prior removal of a child or alleged offender. Once a Child Protective Act case is assigned to a magistrate, the magistrate retains responsibility for the case until its conclusion. A different magistrate shall only be assigned when: (1) the 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.

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

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

(b) The petition to terminate parental rights shall be filed in the same case as the proceeding under the Child Protective Act, for purposes of judicial administration only. All appointments of attorneys and guardians ad litem in the proceeding under the Child Protective Act shall remain in effect for purposes of proceedings on the petition to terminate, unless otherwise ordered by the court.

(c) The petition to terminate parental rights shall be assigned to the same magistrate as the proceeding under the Child Protective Act and such magistrate shall retain responsibility for the case until its conclusion. A different magistrate shall only be assigned when: (1) the 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) The petitioner must serve process in accordance with the statute governing termination of parental rights, set forth at Chapter 20, Title 16, Idaho Code.

(e) At trial on the petition to terminate parental rights, the petitioner must meet its burden of proof through evidence admissible pursuant to the Idaho Rules of Evidence; no part of the court's record in the proceeding under the Child Protective Act may be used for purposes of meeting the petitioner's burden of proof in the trial on the petition to terminate parental rights, unless the part offered is admissible under the Idaho Rules of Evidence, or unless the parties stipulate to its admission.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective January 1, 2021.

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 the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 5 day of November, 2020.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST:



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 Amend. TV entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court November 5, 2020
Melanie Gagnepain, Clerk

By  Deputy