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I.J.R. 49. Right of Appeal (C.P.A.)

Idaho Juvenile Rule 49. Right of Appeal (C.P.A.)

(a) An aggrieved party may appeal to the district court those orders of the court in a C.P.A. action specified in I.C. § 16-1625. A party may also seek a permissive appeal to the Supreme Court pursuant to Idaho Appellate Rule. 12.1.

(b) During the pendency of an appeal of a C.P.A. proceeding, or of an order, decree or judgment terminating parental rights, from the magistrate's division to the district court, and any further appeal to the Supreme Court, the magistrate shall continue to conduct review hearings and annual permanency hearings pursuant to I.C. § 16-1622 and to enter orders thereon, unless otherwise ordered by the district judge or the Supreme Court. If the district judge or the Supreme Court orders that the magistrate judge shall not conduct the review hearings and annual permanency hearings, then the district judge or the Supreme Court will conduct the review hearings and annual permanency hearings.

(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.

(Adopted August 21, 2006; amended March 19, 2009, effective July 1, 2009; amended November 5, 2020, effective January 1, 2021.)

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