

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 464

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING SECTION 16-1608, IDAHO CODE, TO  
PROVIDE FOR CONSULTATION WITH THE DEPARTMENT OF HEALTH AND WELFARE IN  
THE EMERGENCY REMOVAL OF A CHILD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16-1608, Idaho Code, be, and the same is hereby  
amended to read as follows:

16-1608. EMERGENCY REMOVAL.

(1) (a) A child may be taken into shelter care by a peace officer without  
an order issued pursuant to subsection (4) of section 16-1611 or section  
16-1619, Idaho Code, only where the child is endangered in his surround-  
ings and prompt removal is necessary to prevent serious physical or men-  
tal injury to the child or where the child is an abandoned child pursuant  
to the provisions of chapter 82, title 39, Idaho Code. A peace officer  
or an individual representing the law enforcement agency must consult  
with the department prior to taking a child into shelter care pursuant  
to the provisions of this section.

(b) An alleged offender may be removed from the home of the victim of  
abuse or neglect by a peace officer without an order, issued pursuant  
to subsection (5) of section 16-1611, Idaho Code, only where the child  
is endangered and prompt removal of an alleged offender is necessary to  
prevent serious physical or mental injury to the child.

(2) When a child is taken into shelter care under subsection (1) of this  
section, he may be held for a maximum of forty-eight (48) hours, excluding  
Saturdays, Sundays and holidays, unless a shelter care hearing has been held  
pursuant to section 16-1615, Idaho Code, and the court orders an adjudica-  
tory hearing.

(3) When an alleged offender is removed from the home under subsection  
(1) (b) of this section, a motion based on a sworn affidavit by the department  
must be filed simultaneously with the petition and the court shall determine  
at a shelter care hearing, held within a maximum of twenty-four (24) hours,  
excluding Saturdays, Sundays and holidays, whether the relief sought shall  
be granted, pending an adjudicatory hearing. Notice of such hearing shall be  
served upon the alleged offender at the time of removal or other protective  
relief.