

IN THE SENATE

SENATE BILL NO. 1215

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1622, IDAHO CODE,
TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 16-1622, Idaho Code, be, and the same is hereby
amended to read as follows:

16-1622. REVIEW HEARINGS -- ANNUAL PERMANENCY HEARINGS. (1) Review
hearing.

(a) A hearing for review of the child's case and permanency plan shall
be held no later than six (6) months after entry of the court's order
taking jurisdiction under this act and every six (6) months thereafter.
The purpose of the review hearing is to determine:

(i) The safety of the child;

(ii) The continuing necessity for and appropriateness of the
placement;

(iii) The extent of compliance with the case plan;

(iv) The extent of progress that has been made toward alleviating
or mitigating the causes necessitating placement in foster care;
and

(v) When reasonable, to project a likely date by which the child
may be safely returned to and maintained in the home or placed in
another permanent placement.

(b) A motion for revocation or modification of an order issued un-
der section 16-1619, Idaho Code, may be filed by the department or any
party; provided that no motion may be filed by the respondents under
this section within three (3) months of a prior hearing on care and
placement of the child. Notice of a motion for review of a child's case
shall be provided to the parents and other legal guardians, the prose-
cuting attorney or deputy attorney general, guardian ad litem, attorney
for the child, the department and foster parents.

(c) If the motion filed under paragraph (b) of this subsection alleges
that the child's best interests are no longer served by carrying out the
order issued under section 16-1619, Idaho Code, or that the department
or other authorized agency has failed to provide adequate care for the
child, the court shall hold a hearing on the motion.

(d) The department or authorized agency may move the court at any time
to vacate any order placing a child in its custody or under its protec-
tive supervision.

(2) Permanency plan and hearing.

(a) The permanency plan shall include a permanency goal. The per-
manency goal may be one (1) of the following: continued efforts at
reunification, in the absence of a judicial determination of aggra-

1 vated circumstances; or termination of parental rights and adoption,
2 guardianship or another planned permanent living arrangement. Every
3 permanency plan shall include the information set forth in section
4 16-1621(3)(a), Idaho Code. If the permanency plan has reunification
5 as a permanency goal, the plan shall include information set forth
6 in section 16-1621(3)(~~b~~c), Idaho Code. If the permanency plan has a
7 permanency goal other than reunification, the plan shall include the
8 information set forth in section 16-1621(3)(~~e~~d), Idaho Code. The court
9 may approve a permanency plan which includes a primary goal and a con-
10 current goal.

11 (b) A permanency hearing shall be held no later than twelve (12) months
12 from the date the child is removed from the home or the date of the
13 court's order taking jurisdiction under this chapter, whichever occurs
14 first, and at least every twelve (12) months thereafter, so long as the
15 court has jurisdiction over the child. The court shall approve, reject
16 or modify the permanency plan of the department and review progress in
17 accomplishing the permanency goal. A permanency hearing may be held
18 at any time and may be combined with the review hearing required under
19 subsection (1) of this section.

20 (c) The court shall make written case-specific findings whether the
21 department made reasonable efforts to finalize the primary permanency
22 goal in effect for the child. Lack of reasonable efforts to reunify may
23 be a basis for an order approving a permanency plan with a permanency
24 goal of reunification.

25 (d) Where the permanency goal is not reunification, the hearing shall
26 include a review of the department's consideration of options for
27 in-state and out-of-state placement of the child. In the case of a
28 child in an out-of-state placement, the court shall determine whether
29 the out-of-state placement continues to be appropriate and in the best
30 interest of the child.

31 (e) In the case of a child who has attained the age of sixteen (16)
32 years, the hearing shall include a determination of the services needed
33 to assist the child to make the transition from foster care to indepen-
34 dent living.

35 (f) The court may approve a primary permanency goal of another planned
36 permanent living arrangement only upon written, case-specific findings
37 that there are compelling reasons why a more permanent goal is not in the
38 best interests of the child.

39 (g) If the child has been in the temporary or legal custody of the de-
40 partment for fifteen (15) of the most recent twenty-two (22) months, the
41 department shall file, prior to the last day of the fifteenth month, a
42 petition to terminate parental rights, unless the court finds that:

43 (i) The child is placed permanently with a relative;

44 (ii) There are compelling reasons why termination of parental
45 rights is not in the best interests of the child; or

46 (iii) The department has failed to provide reasonable efforts to
47 reunify the child with his family.

48 (h) The court may authorize the department to suspend further efforts
49 to reunify the child with the child's parent, pending further order of

1 the court, when a permanency plan is approved by the court and the perma-
2 nency plan does not include a permanency goal of reunification.