

IN THE SENATE

SENATE BILL NO. 1035

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CONGREGATE CARE; AMENDING SECTION 16-1619B, IDAHO CODE, TO REVISE PROVISIONS REGARDING PLACEMENT OF CHILDREN IN CONGREGATE CARE SETTINGS AND TO PROVIDE FOR REGULAR COMPREHENSIVE REVIEW OF PLACEMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 16-1619B, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619B. PLACEMENT OF CHILD IN CONGREGATE CARE SETTINGS -- REGULAR COMPREHENSIVE REVIEW OF PLACEMENT. (1) Where legal custody of a child is vested in the department and the department places the child in a short-term rental, temporary shelter care, or congregate care setting, the department shall file a notice of such placement with the court within seven (7) days of the placement. The notice shall identify the type of placement and the date of the placement.

(2) No child twelve (12) years of age or younger shall be placed in a short-term rental, temporary shelter care, or congregate care setting unless the director of the department has granted express written approval of such placement. Written approval may be given by the director only when:

(a) The child is three (3) years of age or older; the child is a part of a sibling group placed in the same short-term rental, temporary shelter care, or congregate care setting; and at least one (1) of the members of the sibling group is thirteen (13) years of age or older;

(b) The child is six (6) years of age or older and has been taken into shelter care through the emergency removal process pursuant to section 16-1608, Idaho Code; or

(c) The child's teenage mother is placed in the same short-term rental, temporary shelter, or congregate care setting.

(3) Children who do not meet the eligibility requirements set forth in section 16-1619A, Idaho Code, shall not be placed in a qualified residential treatment program or a short-term rental, temporary shelter care, or congregate care setting for more than two (2) weeks, except for documented emergency circumstances. ~~The director of the department must approve the placement of all children residing in such settings for more than two (2) weeks and shall approve the continued placement of the child in such settings at least every two (2) weeks.~~

(4) The director of the department shall undertake a comprehensive review of the placement of each child who is in the legal custody of the department, which shall be conducted on the following schedule:

(a) For any child placed in a short-term rental or other facility that is not licensed by the state of Idaho or another entity with the lawful authority to grant a license to provide care to children, the review

1 shall be completed fourteen (14) days after placement and every four-
2 teen (14) days thereafter; and

3 (b) For any child placed in a facility that is licensed by the state of
4 Idaho or another entity with the lawful authority to grant a license to
5 provide care to children, the review shall be completed ninety (90) days
6 after placement and every ninety (90) days thereafter. For the purposes
7 of this subsection, licensed facilities include but are not limited to
8 qualified residential treatment programs and licensed children's in-
9 stitutions as defined by section 39-1202, Idaho Code.

10 (5) Each review pursuant to subsection (4) of this section shall in-
11 clude an assessment of the following:

12 (a) The safety of the child in the facility;

13 (b) The child's treatment needs and the facility's capacity to treat
14 those needs;

15 (c) The child's treatment plan and the child's progress on that treat-
16 ment plan;

17 (d) The child's discharge plan and progress made toward discharge plan-
18 ning; and

19 (e) Whether a less restrictive placement could be safely made.

20 (6) Where a review pursuant to subsection (4) of this section shows that
21 a placement is appropriate, the director shall approve that placement. If
22 such review shows that the placement is not appropriate, the director shall
23 take steps to end that placement within fourteen (14) days.

24 (7) The provisions of subsections (4), (5), and (6) of this section
25 shall not apply to a child placed in:

26 (a) A foster home or relative foster home;

27 (b) The home of a parent, guardian, or custodian; or

28 (c) A correctional facility, as that term is defined in section
29 18-101A, Idaho Code.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2025.