

IN THE SENATE

SENATE BILL NO. 1032

BY BOCK

AN ACT

1 RELATING TO FOSTER CARE; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE A
2 DEFINITION; AMENDING SECTION 16-1604, IDAHO CODE, TO PROVIDE AN EXCEP-
3 TION; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE FOR ADDITIONAL
4 DEPARTMENT OF HEALTH AND WELFARE LEGAL CUSTODY OF A CHILD UNDER SPEC-
5 IFIED CONDITIONS AND PROCEDURE; AMENDING SECTION 16-1629, IDAHO CODE,
6 TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DEPARTMENT; AND AMENDING
7 SECTION 39-1202, IDAHO CODE, TO REVISE A DEFINITION.
8

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

10 SECTION 1. That Section 16-1602, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 16-1602. DEFINITIONS. For purposes of this chapter:

13 (1) "Abused" means any case in which a child has been the victim of:

14 (a) Conduct or omission resulting in skin bruising, bleeding, malnu-
15 trition, burns, fracture of any bone, subdural hematoma, soft tissue
16 swelling, failure to thrive or death, and such condition or death is not
17 justifiably explained, or where the history given concerning such con-
18 dition or death is at variance with the degree or type of such condition
19 or death, or the circumstances indicate that such condition or death may
20 not be the product of an accidental occurrence; or

21 (b) Sexual conduct, including rape, molestation, incest, prostitu-
22 tion, obscene or pornographic photographing, filming or depiction for
23 commercial purposes, or other similar forms of sexual exploitation
24 harming or threatening the child's health or welfare or mental injury to
25 the child.

26 (2) "Abandoned" means the failure of the parent to maintain a normal
27 parental relationship with his child including, but not limited to, reason-
28 able support or regular personal contact. Failure to maintain this rela-
29 tionship without just cause for a period of one (1) year shall constitute
30 prima facie evidence of abandonment.

31 (3) "Adaptive equipment" means any piece of equipment or any item that
32 is used to increase, maintain or improve the parenting capabilities of a par-
33 ent with a disability.

34 (4) "Adjudicatory hearing" means a hearing to determine:

35 (a) Whether the child comes under the jurisdiction of the court pur-
36 suant to the provisions of this chapter;

37 (b) Whether continuation of the child in the home would be contrary to
38 the child's welfare and whether the best interest of the child requires
39 protective supervision or vesting legal custody of the child in an au-
40 thorized agency;

41 (c) Whether aggravated circumstances as defined in section 16-1619,
42 Idaho Code, exist.

1 (5) "Authorized agency" means the department, a local agency, a person,
 2 an organization, corporation, benevolent society or association licensed
 3 or approved by the department or the court to receive children for control,
 4 care, maintenance or placement.

5 (6) "Case plan hearing" means a hearing to:

6 (a) Review, approve, modify or reject the case plan; and

7 (b) Review reasonable efforts being made to rehabilitate the family;
 8 and

9 (c) Review reasonable efforts being made to reunify the children with a
 10 parent or guardian.

11 (7) "Child" means an individual who is under the age of eighteen (18)
 12 years. "Child" also includes a person under the age of twenty (20) years in
 13 foster care who is:

14 (a) Completing secondary education or a program leading to an equiva-
 15 lent credential;

16 (b) Enrolled in an institution that provides postsecondary or voca-
 17 tional education;

18 (c) Participating in a program or activity designed to promote, or re-
 19 move barriers to, employment;

20 (d) Employed for at least eighty (80) hours per month; or

21 (e) Incapable of doing any of the activities described in paragraphs
 22 (a) through (d) of this subsection due to a medical condition, which
 23 incapability is supported by regularly updated information in the case
 24 plan of the child.

25 (8) "Circumstances of the child" includes, but is not limited to, the
 26 joint legal custody or joint physical custody of the child.

27 (9) "Commit" means to transfer legal and physical custody.

28 (10) "Concurrent planning" means a planning model that prepares for and
 29 implements different outcomes at the same time.

30 (11) "Court" means district court or magistrate's division thereof, or
 31 if the context requires, a magistrate or judge thereof.

32 (12) "Custodian" means a person, other than a parent or legal guardian,
 33 to whom legal or joint legal custody of the child has been given by court or-
 34 der.

35 (13) "Department" means the department of health and welfare and its au-
 36 thorized representatives.

37 (14) "Disability" means, with respect to an individual, any mental or
 38 physical impairment which substantially limits one (1) or more major life
 39 activity of the individual including, but not limited to, self-care, man-
 40 ual tasks, walking, seeing, hearing, speaking, learning or working, or a
 41 record of such an impairment, or being regarded as having such an impairment.
 42 Disability shall not include transvestism, transsexualism, pedophilia,
 43 exhibitionism, voyeurism, other sexual behavior disorders, or substance use
 44 disorders, compulsive gambling, kleptomania or pyromania. Sexual prefer-
 45 ence or orientation is not considered an impairment or disability. Whether
 46 an impairment substantially limits a major life activity shall be determined
 47 without consideration of the effect of corrective or mitigating measures
 48 used to reduce the effects of the impairment.

49 (15) "Family or household member" shall have the same meaning as in sec-
 50 tion 39-6303(6), Idaho Code.

1 (16) "Foster care" means twenty-four (24) hour substitute parental care
2 for children placed away from their parents or guardians by persons who may
3 or may not be related to the children and for whom the state agency has place-
4 ment and care responsibility.

5 (17) "Grant administrator" means the supreme court or any organization
6 or agency as may be designated by the supreme court in accordance with such
7 procedures as may be adopted by the supreme court. The grant administrator
8 shall administer funds from the guardian ad litem account in accordance with
9 the provisions of this chapter.

10 (18) "Guardian ad litem" means a person appointed by the court pursuant
11 to a guardian ad litem volunteer program to act as special advocate for a
12 child under this chapter.

13 (19) "Guardian ad litem coordinator" means a person or entity receiving
14 moneys from the grant administrator for the purpose of carrying out any of
15 the duties set forth in section 16-1632, Idaho Code.

16 (20) "Guardian ad litem program" means the program to recruit, train and
17 coordinate volunteer persons to serve as guardians ad litem for abused, ne-
18 glected or abandoned children.

19 (21) "Homeless," as used in this chapter, shall mean that the child is
20 without adequate shelter or other living facilities, and the lack of such
21 shelter or other living facilities poses a threat to the health, safety or
22 well-being of the child.

23 (22) "Law enforcement agency" means a city police department, the pros-
24 ecuting attorney of any county, state law enforcement officers, or the of-
25 fice of a sheriff of any county.

26 (23) "Legal custody" means a relationship created by court order, which
27 vests in a custodian the following rights and responsibilities:

28 (a) To have physical custody and control of the child, and to determine
29 where and with whom the child shall live.

30 (b) To supply the child with food, clothing, shelter and incidental ne-
31 cessities.

32 (c) To provide the child with care, education and discipline.

33 (d) To authorize ordinary medical, dental, psychiatric, psychologi-
34 cal, or other remedial care and treatment for the child, including care
35 and treatment in a facility with a program of services for children; and
36 to authorize surgery if the surgery is deemed by two (2) physicians li-
37 censed to practice in this state to be necessary for the child.

38 (e) Where the parents share legal custody, the custodian may be vested
39 with the custody previously held by either or both parents.

40 (24) "Mental injury" means a substantial impairment in the intellectual
41 or psychological ability of a child to function within a normal range of per-
42 formance and/or behavior, for short or long terms.

43 (25) "Neglected" means a child:

44 (a) Who is without proper parental care and control, or subsistence,
45 medical or other care or control necessary for his well-being because of
46 the conduct or omission of his parents, guardian or other custodian or
47 their neglect or refusal to provide them; however, no child whose parent
48 or guardian chooses for such child treatment by prayers through spiri-
49 tual means alone in lieu of medical treatment shall be deemed for that
50 reason alone to be neglected or lack parental care necessary for his

1 health and well-being, but this subsection shall not prevent the court
2 from acting pursuant to section 16-1627, Idaho Code; or

3 (b) Whose parents, guardian or other custodian are unable to discharge
4 their responsibilities to and for the child and, as a result of such
5 inability, the child lacks the parental care necessary for his health,
6 safety or well-being; or

7 (c) Who has been placed for care or adoption in violation of law; or

8 (d) Who is without proper education because of the failure to comply
9 with section 33-202, Idaho Code.

10 (26) "Permanency hearing" means a hearing to review, approve, reject or
11 modify the permanency plan of the department, and review reasonable efforts
12 in accomplishing the permanency plan.

13 (27) "Permanency plan" means a plan for a continuous residence and main-
14 tenance of nurturing relationships during the child's minority.

15 (28) "Protective order" means an order created by the court granting re-
16 lief as delineated in section 39-6306, Idaho Code, and shall be for a period
17 not to exceed three (3) months unless otherwise stated herein. Failure to
18 comply with the order shall be a misdemeanor.

19 (29) "Protective supervision" means a legal status created by court or-
20 der in neglect and abuse cases whereby the child is permitted to remain in his
21 home under supervision by the department.

22 (30) "Relative" means a child's grandparent, great grandparent, aunt,
23 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first
24 cousin, sibling and half-sibling.

25 (31) "Residual parental rights and responsibilities" means those
26 rights and responsibilities remaining with the parents after the transfer of
27 legal custody including, but not necessarily limited to, the right of visi-
28 tation, the right to consent to adoption, the right to determine religious
29 affiliation, the right to family counseling when beneficial, and the respon-
30 sibility for support.

31 (32) "Shelter care" means places designated by the department for tem-
32 porary care of children pending court disposition or placement.

33 (33) "Supportive services," as used in this chapter, shall mean ser-
34 vices which assist parents with a disability to compensate for those aspects
35 of their disability which affect their ability to care for their child and
36 which will enable them to discharge their parental responsibilities. The
37 term includes specialized or adapted training, evaluations or assistance
38 with effectively using adaptive equipment and accommodations which allow
39 parents with a disability to benefit from other services including, but not
40 limited to, Braille texts or sign language interpreters.

41 SECTION 2. That Section 16-1604, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 16-1604. RETENTION OF JURISDICTION. (1) Except as provided for in sec-
44 tion 16-1619(7), Idaho Code, jurisdiction obtained by the court under this
45 chapter shall be retained until the child's eighteenth birthday, unless ter-
46 minated prior thereto. Jurisdiction of the court shall not be terminated by
47 an order of termination of parental rights if guardianship and/or custody of
48 the child is placed with the department of health and welfare.

1 (2) The parties have an ongoing duty to inquire concerning, and inform
2 the court as soon as possible about, any other pending actions or current
3 orders involving the child. In the event there are conflicting orders from
4 Idaho courts concerning the child, the child protection order is control-
5 ling.

6 SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDA-
9 TION. (1) When a petition has been filed, the court shall set an adjudicatory
10 hearing to be held no later than thirty (30) days after the filing of the
11 petition.

12 (2) A pretrial conference shall be held outside the presence of the
13 court within three (3) to five (5) days before the adjudicatory hearing.
14 Investigative reports required under section 16-1616, Idaho Code, shall be
15 delivered to the court with copies to each of the parents and other legal cus-
16 todians, guardian ad litem and attorney for the child prior to the pretrial
17 conference.

18 (3) At the adjudicatory hearing, parents or guardians with disabil-
19 ities shall have the right to introduce admissible evidence regarding how
20 use of adaptive equipment or supportive services may enable the parent or
21 guardian to carry out the responsibilities of parenting the child by ad-
22 dressing the reason for the removal of the child.

23 (4) If a preponderance of the evidence at the adjudicatory hearing
24 shows that the child comes within the court's jurisdiction under this chap-
25 ter upon the grounds set forth in section 16-1603, Idaho Code, the court
26 shall so decree and in its decree shall make a finding on the record of the
27 facts and conclusions of law upon which it exercises jurisdiction over the
28 child.

29 (5) Upon entering its decree the court shall consider any information
30 relevant to the disposition of the child but in any event shall:

31 (a) Place the child under protective supervision in his own home for an
32 indeterminate period not to exceed the child's eighteenth birthday; or

33 (b) Vest legal custody in the department or other authorized agency
34 subject to residual parental rights and subject to full judicial review
35 by the court of all matters relating to the custody of the child by the
36 department or other authorized agency.

37 (6) If the court vests legal custody in the department or other autho-
38 rized agency, the court shall make detailed written findings based on facts
39 in the record, that, in addition to the findings required in subsection (4)
40 of this section, continuation of residence in the home would be contrary to
41 the welfare of the child and that vesting legal custody with the department
42 or other authorized agency would be in the best interests of the child. In
43 addition the court shall make detailed written findings based on facts in the
44 record as to whether the department made reasonable efforts to prevent the
45 placement of the child in foster care, including findings, when appropriate,
46 that:

47 (a) Reasonable efforts were made but were not successful in eliminating
48 the need for foster care placement of the child;

1 (b) The department made reasonable efforts to prevent removal but was
2 not able to safely provide preventive services;

3 (c) Reasonable efforts to temporarily place the child with related per-
4 sons were made but were not successful; or

5 (d) Reasonable efforts were not required as the parent had subjected
6 the child to aggravated circumstances as determined by the court in-
7 cluding, but not limited to: abandonment; torture; chronic abuse;
8 sexual abuse; committed murder; committed voluntary manslaughter of
9 another child; aided or abetted, attempted, conspired or solicited to
10 commit such a murder or voluntary manslaughter; committed a battery or
11 an injury to a child that results in serious or great bodily injury to
12 a child; or the parental rights of the parent to a sibling of the child
13 have been terminated involuntarily and that as a result, a hearing to
14 determine the permanent future plan for this child will be held within
15 thirty (30) days of this determination.

16 (7) A decree vesting legal custody in the department shall be binding
17 upon the department and may continue until the child's eighteenth birthday.
18 If the court finds that the child is in need of aid, the court, upon petition
19 by the department, the child's guardian ad litem or the child, filed not more
20 than three (3) months prior to the child's eighteenth birthday, may continue
21 the department's legal custody of the child for up to two (2) years following
22 the child's eighteenth birthday, provided that:

23 (a) Such additional legal custody is in the best interest of the child;
24 and

25 (b) The child consents to such continuation. The consent of the child
26 may be withdrawn at any time after the child's eighteenth birthday.

27 (8) A decree vesting legal custody in an authorized agency other than
28 the department shall be for a period of time not to exceed the child's eigh-
29 teenth birthday, and on such other terms as the court shall state in its de-
30 cree to be in the best interests of the child and which the court finds to be
31 acceptable to such authorized agency.

32 (9) In order to preserve the unity of the family system and to ensure the
33 best interests of the child whether issuing an order of protective supervi-
34 sion or an order of legal custody, the court may consider extending or initi-
35 ating a protective order as part of the decree. The protective order shall be
36 determined as in the best interests of the child and upon a showing of contin-
37 uing danger to the child. The conditions and terms of the protective order
38 shall be clearly stated in the decree.

39 (10) If the court does not find that the child comes within the jurisdic-
40 tion of this chapter pursuant to subsection (4) of this section it shall dis-
41 miss the petition.

42 SECTION 4. That Section 16-1629, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 16-1629. POWERS AND DUTIES OF THE DEPARTMENT. The department, working
45 in conjunction with the court and other public and private agencies and per-
46 sons, shall have the primary responsibility to implement the purpose of this
47 chapter. To this end, the department is empowered and shall have the duty to
48 do all things reasonably necessary to carry out the purpose of this chapter,
49 including, but not limited to, the following:

1 (1) The department shall administer treatment programs for the protec-
2 tion and care of neglected, abused and abandoned children, and in so doing
3 may place in foster care, shelter care, or other diagnostic, treatment, or
4 care centers or facilities, children of whom it has been given custody. The
5 department is to be governed by the standards found in chapter 12, title 39,
6 Idaho Code.

7 (2) On December 1, the department shall make an annual statistical
8 report to the governor covering the preceding fiscal year showing the num-
9 ber and status of persons in its custody and including such other data as
10 will provide sufficient facts for sound planning in the conservation of
11 children and youth. All officials and employees of the state and of every
12 county and city shall furnish the department, upon request, such information
13 within their knowledge and control as the department deems necessary. Lo-
14 cal agencies shall report in such uniform format as may be required by the
15 department.

16 (3) The department shall be required to maintain a central registry for
17 the reporting of child neglect, abuse and abandonment information. Provided
18 however, that the department shall not retain any information for this pur-
19 pose relating to a child, or parent of a child, abandoned pursuant to chapter
20 82, title 39, Idaho Code.

21 (4) The department shall make periodic evaluation of all persons in its
22 custody or under its supervision for the purpose of determining whether ex-
23 isting orders and dispositions in individual cases shall be modified or con-
24 tinued in force. Evaluations may be made as frequently as the department
25 considers desirable and shall be made with respect to every person at inter-
26 vals not exceeding six (6) months. Reports of evaluation made pursuant to
27 this section shall be filed with the court which vested custody of the per-
28 son with the department. Reports of evaluation shall be provided to persons
29 having full or partial legal or physical custody of a child. Failure of the
30 department to evaluate a person or to reevaluate him within six (6) months of
31 a previous examination shall not of itself entitle the person to a change in
32 disposition but shall entitle him, his parent, guardian or custodian or his
33 counsel to petition the court pursuant to section 16-1622, Idaho Code.

34 (5) In a consultive capacity, the department shall assist communities
35 in the development of constructive programs for the protection, prevention
36 and care of children and youth.

37 (6) The department shall keep written records of investigations, eval-
38 uations, prognoses and all orders concerning disposition or treatment of
39 every person over whom it has legal custody. Department records shall be
40 subject to disclosure according to chapter 3, title 9, Idaho Code, unless
41 otherwise ordered by the court, the person consents to the disclosure,
42 or disclosure is necessary for the delivery of services to the person.
43 Notwithstanding the provisions restricting disclosure or the exemptions
44 from disclosure provided in chapter 3, title 9, Idaho Code, all records per-
45 taining to investigations, the rehabilitation of youth, the protection of
46 children, evaluation, treatment and/or disposition records pertaining to
47 the statutory responsibilities of the department shall be disclosed to any
48 duly elected state official carrying out his official functions.

49 (7) The department shall establish appropriate administrative proce-
50 dures for the processing of complaints of child neglect, abuse and abandon-

1 ment received and for the implementation of the protection, treatment and
2 care of children formally or informally placed in the custody of the depart-
3 ment under this chapter including, but not limited to:

4 (a) Department employees whose job duties are related to the child pro-
5 tective services system under this chapter shall first be trained as to
6 their obligations under this chapter regarding the protection of chil-
7 dren whose health and safety may be endangered. The curriculum shall
8 include information regarding their legal duties, how to conduct their
9 work in conformity with the requirements of this chapter, information
10 regarding applicable federal and state laws with regard to the rights
11 of the child, parent and others who may be under investigation under the
12 child protective services system, and the applicable legal and consti-
13 tutional parameters within which they are to conduct their work.

14 (b) Department employees whose job duties are related to the child pro-
15 tective services system shall advise the individual of the complaints
16 or allegations made against the individual at the time of the initial
17 contact, consistent with protecting the identity of the referent.

18 (8) The department having been granted legal custody of a child, sub-
19 ject to the judicial review provisions of this subsection, shall have the
20 right to determine where and with whom the child shall live, provided that
21 the child shall not be placed outside the state without the court's consent.
22 Provided however, that the court shall retain jurisdiction over the child,
23 which jurisdiction shall be entered on any order or petition granting legal
24 custody to the department, and the court shall have jurisdiction over all
25 matters relating to the child. The department shall not place the child in
26 the home from which the court ordered the child removed without first obtain-
27 ing the approval of the court.

28 (9) The department shall give to the court any information concerning
29 the child that the court may at any time require, but in any event shall
30 report the progress of the child under its custody at intervals of not to
31 exceed six (6) months. The department shall file with the court at least
32 five (5) days prior to the permanency hearing either under section 16-1622,
33 Idaho Code, or, in the case of a finding of aggravated circumstances, section
34 16-1620, Idaho Code, the permanency plan and recommendations of the depart-
35 ment. There shall be a rebuttable presumption that if a child is placed in
36 the custody of the department and was also placed in out of the home care for
37 a period not less than fifteen (15) out of the last twenty-two (22) months
38 from the date the child entered shelter care, the department shall initiate a
39 petition for termination of parental rights. This presumption may be rebut-
40 ted by a finding of the court that the filing of a petition for termination of
41 parental rights would not be in the best interest of the child or reasonable
42 efforts have not been provided to reunite the child with his family, or the
43 child is placed permanently with a relative.

44 (10) The department shall establish appropriate administrative proce-
45 dures for the conduct of administrative reviews and hearings as required by
46 federal statute for all children committed to the department and placed in
47 out of the home care.

48 (11) At any time the department is considering a placement pursuant to
49 this chapter, the department shall make a reasonable effort to place the
50 child in the least restrictive environment to the child and in so doing shall

1 consider, consistent with the best interest and special needs of the child,
2 placement priority of the child in the following order:

3 (a) A fit and willing relative.

4 (b) A fit and willing nonrelative with a significant relationship with
5 the child.

6 (c) Foster parents and other persons licensed in accordance with chap-
7 ter 12, title 39, Idaho Code.

8 (12) The department is authorized to provide services to children who
9 are continuing in the state's legal custody, pursuant to section 16-1619(7),
10 Idaho Code, to assist the child in transitioning to adulthood. The depart-
11 ment is authorized to seek federal funding and comply with the requirements
12 of federal programs developed for this purpose.

13 SECTION 5. That Section 39-1202, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 39-1202. DEFINITIONS. For the purposes of this chapter:

16 (1) "Board" means the Idaho board of health and welfare.

17 (2) "Child care" means that care, control, supervision or maintenance
18 of children for twenty-four (24) hours a day which is provided as an alterna-
19 tive to parental care.

20 (3) "Child" means an individual less than eighteen (18) years of age who
21 is not enrolled in an institution of higher education. "Child" also includes
22 a person under the age of twenty (20) years in foster care who is:

23 (a) Completing secondary education or a program leading to an equiva-
24 alent credential;

25 (b) Enrolled in an institution that provides postsecondary or voca-
26 tional education;

27 (c) Participating in a program or activity designed to promote, or re-
28 move barriers to, employment;

29 (d) Employed for at least eighty (80) hours per month; or

30 (e) Incapable of doing any of the activities described in paragraphs
31 (a) through (d) of this subsection due to a medical condition, which
32 incapability is supported by regularly updated information in the case
33 plan of the child.

34 (4) "Children's agency" means a person who operates a business for the
35 placement of children in foster homes or for adoption in a permanent home
36 and who does not provide child care as part of that business. Children's
37 agency does not include a licensed attorney or physician assisting or pro-
38 viding natural and adoptive parents with legal services or medical services
39 necessary to initiate and complete adoptive placements.

40 (5) "Children's camp" means a program of child care at a location away
41 from the child's home which is primarily recreational and includes the
42 overnight accommodation of the child and is not intended to provide treat-
43 ment, therapy or rehabilitation for the child.

44 (6) "Children's institution" means a person who operates a residential
45 facility for children not related to that person if that person is an indi-
46 vidual, for the purpose of providing child care. Children's institutions
47 include, but are not limited to, foster homes, maternity homes, children's
48 therapeutic outdoor programs, or any facilities providing treatment, ther-
49 apy or rehabilitation for children. Children's institutions do not include:

1 (a) facilities which provide only daycare as defined in chapter 11, title 39,
2 Idaho Code; (b) facilities and agencies including hospitals, skilled nurs-
3 ing facilities, intermediate care facilities, and intermediate care facili-
4 ties for people with intellectual disabilities licensed pursuant to chapter
5 13, title 39, Idaho Code; (c) day schools; (d) individuals acting in an ad-
6 visory capacity, counseling a child in a religious context, and providing no
7 child care associated with the advice; (e) the occasional or irregular care
8 of a neighbor's, relative's or friend's child or children by a person not or-
9 dinarily engaged in child care.

10 (7) "Children's residential care facility" means a children's institu-
11 tion, excluding:

- 12 (a) Foster homes;
- 13 (b) Residential schools;
- 14 (c) Children's camps.

15 No facility expressly excluded from the definition of a children's institu-
16 tion is included within the definition of a children's residential care fa-
17 cility.

18 (8) "Children's therapeutic outdoor program" is a program which is de-
19 signed to provide behavioral, substance abuse, or mental health services to
20 minors in an outdoor setting. This does not include children's camps, church
21 camps, or other outdoor programs primarily designed to be educational or
22 recreational, such as Boy Scouts, Girl Scouts, 4-H or sports camps.

23 (9) "Continued care" means the ongoing placement of an individual in a
24 foster home, children's residential care facility, or transitional living
25 placement who reaches the age of eighteen (18) years but is less than twenty-
26 one (21) years of age.

27 (10) "Day school" means a public, private, parochial or secular facil-
28 ity offering an educational program in which the children leave the facility
29 each day at the conclusion of the academic, vocational or school supervised
30 activities.

31 (11) "Department" means the state department of health and welfare.

32 (12) "Director" means the director of the department of health and wel-
33 fare.

34 (13) "Foster care" means child care by a person not related to the child,
35 in lieu of parental care, in a foster home.

36 (14) "Foster home" means a home which accepts, for any period of time,
37 with or without compensation, one (1) or more children who are not related
38 to the foster parent as members of the household for the purpose of providing
39 substitute parental care.

40 (15) "Group care" means foster care of a number of children for whom
41 child care in a family setting is not available or appropriate, in a dormi-
42 tory or cottage type setting, characterized by activities and discipline of
43 a more regimented and less formal nature than found in a family setting.

44 (16) "Juvenile detention" is as defined in section 20-502(6), Idaho
45 Code, of the juvenile corrections act.

46 (17) "Juvenile detention center" means a facility established pursuant
47 to sections 20-517 and 20-518, Idaho Code.

48 (18) "Person" includes any individual, group of individuals, associa-
49 tion, partnership, limited liability company or corporation.

1 (19) "Placement" means finding a suitable licensed foster home or suit-
2 able adoptive home for a child and completing the arrangements for a child to
3 be accepted into and adjusted to such home.

4 (20) "Relative" means a child's grandparent, great grandparent, aunt,
5 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first
6 cousin, sibling and half-sibling.

7 (21) "Representative" means an employee of the state department of
8 health and welfare.

9 (22) "Residential facility" means any facility where child care is pro-
10 vided, as defined in this section, and which provides day and night accommo-
11 dation.

12 (23) "Residential school" means a residential facility for children
13 which:

14 (a) Provides a planned, scheduled, regular, academic or vocational
15 school program for students in the elementary, middle or secondary
16 grades as defined in section 33-1001, Idaho Code; and

17 (b) Provides services substantially comparable to those provided in
18 nonresidential public schools where the primary purpose is the educa-
19 tion and academic pursuits of the students; and

20 (c) Does not seek, receive or enroll students for treatment of such spe-
21 cial needs as substance abuse, mental illness, emotional disturbance,
22 developmental disability or intellectual disability; and

23 (d) Is not:

24 (i) A college or university; or

25 (ii) A children's camp as defined in this section; or

26 (iii) A public or private day school in which the children leave
27 the facility each day at the conclusion of the academic, voca-
28 tional and school supervised activities.

29 (24) "Transitional living" means living arrangements and aftercare
30 services for children, or as continued care, to gain experience living on
31 their own in a supportive and supervised environment prior to emancipation.