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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

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1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL
3 TO APPOINT A COMMITTEE TO CONTINUE TO STUDY OF THE FOSTER CARE SYSTEM IN
4 IDAHO.

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, in 2016 the Idaho Legislature passed House Concurrent Resolu-
7 tion 59 that charged the Foster Care Study Committee with undertaking and
8 completing a study of the foster care system in Idaho and of the provisions
9 governing the conservatorship and guardianship of adults, minors and per-
10 sons with a developmental disability during the 2016 interim; and

11 WHEREAS, during the meetings of the Foster Care Study Committee, there
12 was a plethora of consistent testimony given from various parties, including
13 the Department of Health and Welfare, the courts, prosecutors, public de-
14 fenders and foster parents, that illustrated major concerns with the foster
15 care system in Idaho; and

16 WHEREAS, the concerns expressed during the meetings of the Foster Care
17 Study Committee included: the priority of placement for children in the
18 Department of Health and Welfare's custody; vagueness of certain defini-
19 tions in Idaho Code such as "neglect", "best interest", "fit and willing
20 relative" and "fit and willing nonrelative"; time frames for notifications
21 and investigative reports provided to parents; misalignment of statutes,
22 IDAPA rules and manuals used by the Department; the evidentiary burden used
23 in protection hearings; and ensuring that parents receive proper notice of
24 their rights and responsibilities when their child is taken into custody of
25 the Department; and

26 WHEREAS, the Office of Performance Evaluation released a report on
27 Idaho's foster care system in January 2016; and

28 WHEREAS, the 2016 Idaho Legislature passed House Bill 556 to enhance
29 court participation in the decision making process regarding adoption
30 choices and placement and outlines notice requirements for moving foster
31 children to new foster homes under certain circumstances; and

32 WHEREAS, the Foster Care Study Committee needs more time to review the
33 long-term implications of the changes made by House Bill 556, the recommen-
34 dations made by the Office of Performance Evaluation in its report and any
35 potential legislation that may result from such review.

36 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
37 sion of the Sixty-fourth Idaho Legislature, the House of Representatives and
38 the Senate concurring therein, that the Legislative Council is authorized to
39 appoint a committee to continue its study of the foster care system in Idaho,
40 and to make recommendations for changes to state statutes. The Legislative
41 Council shall determine the number of legislators and membership from each
42 house appointed to the committee and shall authorize the committee to re-

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1 ceive input, advice and assistance from interested and affected parties who
2 are not members of the Legislature.

3 BE IT FURTHER RESOLVED that nonlegislative members of the committee may
4 be appointed by the cochairs of the committee who are appointed by the Leg-
5 islative Council. Nonlegislative members of the committee shall not be re-
6 imbursed from legislative funds for per diem, mileage or other expenses and
7 shall not have voting privileges regarding the committee's recommendations
8 or proposed legislation.

9 BE IT FURTHER RESOLVED that the committee shall report its findings,
10 recommendations and proposed legislation, if any, to the Second Regular
11 Session of the Sixty-fourth Idaho Legislature.