

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 23, 2016

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW42

MEMBERS: Chairman Wills, Vice Chairman Dayley, Representatives Luker, McMillan, Perry, Sims, Malek, Trujillo, McDonald, Cheatham, Kerby, Nate, Scott, Gannon, McCrostie, Nye, Wintrow

**ABSENT/
EXCUSED:** Representative(s) Malek, Scott

GUESTS: Miren Unsworth, IDHW; Russ Barron, IDHW.

Chairman Wills called the meeting to order at 3:53 PM.

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the March 17, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Wintrow** made a motion to approve the minutes of the March 21, 2016 meeting. **Motion carried by voice vote.**

S 1253: **Miren Unsworth**, Deputy Administrator, Department of Health and Welfare, presented **S 1253**. Too often children and youth in the foster care system miss out on opportunities to be involved in extracurricular, enrichment, cultural or social activities because the current process for approving these activities can be time consuming and burdensome for the children and foster families tasked with caring for them. There is also a need to ensure appropriate immunity from liability for the foster parents who make day-to-day decisions regarding children placed in their care. Presently, there is no provision for immunity from liability in law for foster families.

The Preventing Sex Trafficking and Strengthening Families Act requires each state's child welfare program to establish "appropriate liability" standards for foster parents who wish to normalize foster children's lives by enrolling them in activities. Idaho currently has no state statutes outlining liability coverage for foster parents and child care institutions under contract with the Department of Health and Welfare whose services are paid for via title IV-B and IV-E funds of the Social Security Act. This legislation is meant to delegate limited authority to foster parents to provide enrollment consent for foster child activities which schools and other organizations may require, and for which foster parents may be reluctant to give without liability protection. This legislation does not change the status or rights of a biological parent or guardian, or the Idaho Department of Health and Welfare in its role as the legal custodian or guardian of a child. There is no anticipated fiscal impact associated with implementing this legislation.

In response to a question from the committee, **Ms. Unsworth** explained activities covered under this legislation could include signing a permission slip for a field trip, participation in sports, or attending a week long summer camp. Presently, foster parents do not make these decisions and must go through a case worker for permission to do so.

In response to a question from the committee, **Ms. Unsworth** stated nothing in this bill would conflict with **H 556**.

In response to a question from the committee, **Ms. Unsworth** explained there is the potential for a suit against a foster parent for consenting to the activity.

MOTION: **Rep. Trujillo** made a motion to send **S 1253** to the floor with a **DO PASS** recommendation.

In response to a question from the committee, **Ms. Unsworth** explained if a child was injured and a suit was filed, the Department of Health and Welfare has immunity but the foster parents are vulnerable. Their immunity is only in the application of the standard. If a decision is made outside of the standard, the foster parent would not have immunity from liability. Training will be provided for the foster families regarding which decisions are within the standard and which are not.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Perry** will sponsor the bill on the floor.

S 1420: **Sen. Davis** presented **S 1420**. This bill adjusts the annual salaries of magistrate judges and district judges beginning in FY 2017. Salaries for Supreme Court justices and Court of Appeals judges, including the Chief Justice of the Supreme Court and the Chief Justice of the Court of Appeals, are not affected. Every four years the Idaho Legislature sets the compensation for constitutional officers. The pool of applicants for the district judge positions is very small. The delta was increased between the magistrate judges and the district judges in an attempt to increase the pool of applicants for the district judge positions. Judges are not being paid comparatively to others in the region. The delta should be maintained between magistrate and district judges. In 2015, regardless of what state employees received, there was zero percent CEC for the courts. With this legislation the Supreme Court justices and Court of Appeals judges, including the Chief Justice of the Supreme Court and the Chief Justice of the Court of Appeals receive a zero percent CEC.

MOTION: **Rep. McDonald** made a motion to send **S 1420** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Moyle** will sponsor the bill on the floor

Rep. Gannon explained the Joint Publishing Committee recommendation is for the Idaho Legislature to pay for the current 100 requests for hardbound Session Law books. Current personal orders will be forwarded to Caxton for payment and processing. Each book will have a letter enclosed stating this will be the last year the Legislature will pay for the hardbound version and future year's hardbound orders will be taken and the payment processed by Caxton. The online Session Law Library will continue to have additional volumes added throughout the interim. The front page of the Session Laws will reflect the change in the publishing authority.

MOTION: **Rep. Gannon** made a motion to approve the recommendation of the Joint Publishing Committee.

Chairman Wills clarified this will remove the requirement for a concurrent resolution each year.

VOTE ON MOTION: **Motion carried by voice vote.**

Chairman Wills thanked **Matthew Hacker** for his service as a page, and **Katie Butcher** for her service as the committee secretary.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned 4:29 PM.

Representative Wills
Chair

Katie Butcher
Secretary