

1 shall not of itself entitle the person to a change in disposition but shall
2 entitle him, his parent, guardian or custodian or his counsel to petition the
3 court pursuant to section 16-1622, Idaho Code.

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

7 (6) The department shall keep written records of investigations, eval-
8 uations, prognoses and all orders concerning disposition or treatment of ev-
9 ery person over whom it has legal custody or under its protective supervi-
10 sion. Department records shall be subject to disclosure according to chap-
11 ter 1, title 74, Idaho Code, unless otherwise ordered by the court, the per-
12 son consents to the disclosure, or disclosure is necessary for the delivery
13 of services to the person. Notwithstanding the provisions restricting dis-
14 closure or the exemptions from disclosure provided in chapter 1, title 74,
15 Idaho Code, all records pertaining to investigations, the rehabilitation of
16 youth, the protection of children, evaluation, treatment and/or disposi-
17 tion records pertaining to the statutory responsibilities of the department
18 shall be disclosed to any duly elected state official carrying out his offi-
19 cial functions.

20 (7) The department shall establish appropriate administrative proce-
21 dures for the processing of complaints of child neglect, abuse and abandon-
22 ment received and for the implementation of the protection, treatment and
23 care of children formally or informally placed in the custody of the depart-
24 ment or under its protective supervision under this chapter including, but
25 not limited to:

26 (a) Department employees whose job duties are related to the child pro-
27 tective services system under this chapter shall first be trained as to
28 their obligations under this chapter regarding the protection of chil-
29 dren whose health and safety may be endangered. The curriculum shall
30 include information regarding their legal duties, how to conduct their
31 work in conformity with the requirements of this chapter, information
32 regarding applicable federal and state laws with regard to the rights
33 of the child, parent and others who may be under investigation under the
34 child protective services system, and the applicable legal and consti-
35 tutional parameters within which they are to conduct their work.

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

40 (8) The department having been granted legal custody of a child shall
41 have the right to determine where and with whom the child shall live, pro-
42 vided that the child shall not be placed outside the state without the
43 court's consent. The court shall retain jurisdiction over the child, which
44 jurisdiction shall be entered on any order or petition granting legal cus-
45 tody to the department, and the court shall have jurisdiction over all
46 matters relating to the child. The department shall not place the child in
47 the home from which the court ordered the child removed without first ob-
48 taining the approval of the court. Notwithstanding the provisions of this
49 subsection, all other determinations relating to where and with whom the

1 child shall live shall be subject to judicial review by the court and, when
2 contested by any party, judicial approval.

3 (9) The department shall give to the court any information concerning
4 the child that the court may at any time require, but in any event shall re-
5 port the progress of the child under its custody or under its protective su-
6 pervision at intervals of not to exceed six (6) months. The department shall
7 file with the court at least five (5) days prior to the permanency hearing ei-
8 ther under section 16-1622, Idaho Code, or, in the case of a finding of aggra-
9 vated circumstances, section 16-1620, Idaho Code, the permanency plan and
10 recommendations of the department.

11 (10) Where legal custody of a child is vested in the department, any
12 party or counsel for a child may, at or after the disposition phase of an
13 adjudicatory hearing, file and serve a written motion to contest matters
14 relating to the placement of the child by the department. The motion shall
15 state whether a hearing is requested and will be accompanied by a supporting
16 affidavit that sets forth the reasons why the court should not approve the
17 placement. The department shall file and serve a written response to the
18 motion within seven (7) days of the filing of the motion. The response shall
19 state whether a hearing is requested and be supported by an affidavit that
20 sets forth the reasons why the court should approve the placement. Any other
21 party, or counsel for the child, may also file and serve a written response
22 to the motion, within seven (7) days of the filing of the motion. The re-
23 sponse may be supported by an affidavit that may set forth the reasons why
24 the placement should or should not be approved. Copies of motions contesting
25 placement, responses and supporting affidavits shall be served on all par-
26 ties, the department and counsel for the child.

27 (11) Within fourteen (14) days of the filing of the motion, the court
28 shall either rule on the motion based on the affidavits, or schedule a hear-
29 ing on the motion. The hearing must be held not later than thirty days (30)
30 days from the date the motion was filed. If the court approves the placement,
31 the court shall enter an order denying the motion. If the court does not ap-
32 prove the placement, the court shall enter an order directing the department
33 to identify and implement an alternative placement in accordance with appli-
34 cable law.

35 (12) The department shall establish appropriate administrative proce-
36 dures for the conduct of administrative reviews and hearings as required by
37 federal statute for all children committed to the department and placed in
38 out of the home care.

39 (143) At any time the department is considering a placement pursuant
40 to this chapter, the department shall make a reasonable effort to place the
41 child in the least restrictive environment to the child and in so doing shall
42 consider, consistent with the best interest and special needs of the child,
43 placement priority of the child in the following order:

- 44 (a) A fit and willing relative.
- 45 (b) A fit and willing nonrelative with a significant relationship with
46 the child.
- 47 (c) Foster parents and other persons licensed in accordance with chap-
48 ter 12, title 39, Idaho Code, with a significant relationship with the
49 child.

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1 (d) Foster parents and other persons licensed in accordance with chap-
2 ter 12, title 39, Idaho Code.

3 (124) If the caseworker assigned to a foster care case recommends re-
4 moving the child from a foster home in which the child has been placed for
5 sixty (60) or more days, for placement in another foster home, then the case
6 worker's supervisor shall conduct a review of the foster care case and must
7 approve such recommendation before a change in foster home placement occurs.
8 The supervisor shall consider the best interests and special needs of the
9 child, including:

10 (a) The clearly stated reasons for the recommended change in placement;

11 (b) The number of times the child's placement has been changed since re-
12 moval from their home and the reasons for each change;

13 (c) Whether the child will change schools as a result of the change in
14 placement; and

15 (d) Whether the change in placement will separate or reunite siblings
16 or affect sibling visitation.

17 (135) If the supervisor determines that the recommended change in fos-
18 ter care placement is in the best interests of the child, then the department
19 may change the placement of the child; provided that, the department shall
20 give the foster parents written notice of the planned change at least seven
21 (7) days before the change in placement.

22 (146) If the caseworker determines that there is abuse or neglect or a
23 substantial risk of abuse or neglect in the foster home, then the department
24 may change the placement of the child without a supervisor's review; pro-
25 vided that, the department shall give the foster parents written notice of
26 the unplanned change within seven (7) days after the change in placement.

27 (157) In its written notice of a planned or unplanned change required
28 under this section, the department shall clearly state the reasons for the
29 change in placement of the child.