

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 19

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL  
TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FOSTER  
CARE SYSTEM IN IDAHO.

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

WHEREAS, House Concurrent Resolution 59, passed by the Second Regular  
Session of the Sixty-third Idaho Legislature, authorized the Legislative  
Council to appoint the Foster Care Study Committee in order to accomplish a  
thorough study of issues related to foster care and report its findings and  
make recommendations to the First Regular Session of the Sixty-fourth Idaho  
Legislature; and

WHEREAS, the Joint Legislative Oversight Committee of the Second Regu-  
lar Session of the Sixty-third Idaho Legislature enabled a study by the Of-  
fice of Performance Evaluations to review and report on Idaho's Child and  
Family Services, specifically foster care, within the Idaho Department of  
Health and Welfare; and

WHEREAS, the Foster Care Study Committee recommended to the First Regu-  
lar Session of the Sixty-fourth Idaho Legislature that an inquiry regarding  
visitation plans between children being taken into care and the biological  
parents should occur at the shelter care hearing wherein courts are encour-  
aged to keep the best interest of the child in mind at this hearing; and

WHEREAS, the committee also encouraged the Idaho Department of Health  
and Welfare to continue to review its internal practices and confirm that  
they align with Idaho statutes and IDAPA and do not rely on past practices,  
especially in regards to placement priorities; and

WHEREAS, the committee recommended that the Idaho Department of Health  
and Welfare should further review its processes regarding the determination  
and definition of the term "consider" in placement priority and advance in-  
ternal review and improvements to its processes and training manuals and ma-  
terials to ensure alignment with Idaho statutes and IDAPA; and

WHEREAS, the Idaho Department of Health and Welfare should be supported  
in its efforts to work collaboratively with Idaho courts, guardians ad litem  
and birth and foster parents, as well as other stakeholders in determining  
placement decisions; and

WHEREAS, the Idaho Department of Health and Welfare is encouraged to  
train its staff regarding judicial review, which allows for contested per-  
manent placement decisions to be denied by the court for any reason at the  
judge's discretion; and

WHEREAS, the Foster Care Study Committee recommends continuance of the  
examination by an interim committee of foster care issues, which were high-  
lighted by the 2017 report submitted by the Office of Performance Evalua-  
tions; and

1           WHEREAS, the 2017 report by the Office of Performance Evaluations un-  
2           derscores the need for such efforts by noting that a new systems approach  
3           should be undertaken by the Idaho Department of Health and Welfare working in  
4           collaboration with stakeholders and policymakers; and

5           WHEREAS, the Office of Performance Evaluations states that Child  
6           and Family Services should work with the Idaho Legislature to develop a  
7           multi-year plan; and

8           WHEREAS, the Office of Performance Evaluations has noted that its 2005  
9           report, which supplied recommendations regarding staffing, workload and  
10          caseload, did not receive a subsequent review by an interim committee, and  
11          the lack of follow-up has contributed to growing difficulties within the  
12          program.

13          NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-  
14          sion of the Sixty-fourth Idaho Legislature, the House of Representatives and  
15          the Senate concurring therein, that the Legislative Council is authorized to  
16          appoint a committee to undertake and complete a study of the foster care sys-  
17          tem in Idaho and to make recommendations for changes to state statutes. The  
18          Legislative Council shall determine the number of legislators and member-  
19          ship from each house appointed to the committee and shall authorize the com-  
20          mittee to receive input, advice and assistance from interested and affected  
21          parties who are not members of the Legislature.

22          BE IT FURTHER RESOLVED that nonlegislative members of the committee may  
23          be appointed by the cochairs of the committee who are appointed by the Leg-  
24          islative Council. Nonlegislative members of the advisory committee shall  
25          not be reimbursed from legislative funds for per diem, mileage or other ex-  
26          penses and shall not have voting privileges regarding the committee's recom-  
27          mendations or proposed legislation.

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