CHILD PROTECTION IN IDAHO

(Presentation by Hon. Anna Eckhart)

IDAHO CODE 16-1601

- The Child Protective Act
- Enacted by you, the Legislature, provides the legal framework for cases involving abused, neglected or abandoned children are processed through the judicial system.

IDAHO RECOGNIZED NATIONWIDE!

- In 2012, Idaho's child welfare system was ranked number 1 in the nation by the Foundation for Government Accountability
- This is a non-profit government oversight committee that judged all 50 states and the District of Columbia on 11 outcomes and 41 data measures, including:
  - How quickly they reacted to abuse allegations
  - Whether they made sure abused children were put in safe, permanent homes quickly.
  - Whether foster care settings were supportive, safe, home-like and stable.
  - Their work to reduce abuse and neglect

- In 2016, Debra Alsaker-Burke, our Idaho Statewide Child Protection Manager received the Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change
  - Created by the ABA Center on Children & the Law
  - Recognized Mark Hardin's 30 years of dedication to child protection and particularly in implementing the federal Adoption Assistance and Child Welfare Act of 1980 and conceptualizing 42 U.S.C. 629h which has provided millions of dollars to state court systems for improving their child protection cases

HOW DOES A CHILD PROTECTION CASE START?

- A law enforcement officer can shelter a child whose safety is at risk—meth labs or drugs/dangerous home, or during a criminal investigations.
- A judge can expand a juvenile correction proceeding into a child protection case
- Referral to either the Department of Health & Welfare or law enforcement. By statute, any physician, teacher, social worker, mental health professional—in fact any person—having reason to believe a child is abused, neglected or abandoned is required to report to either the Dept. of H & W, or law enforcement.

Anatomy of a Child Protection Case

- Once a case is filed, we are required to hold a hearing within 48 hours to determine whether reasonable grounds exist to support the allegations and whether the child should return home.
- We are then required to have a trial within 30 days, a Case Plan hearing 30 days after that, and then review hearings no less than every 6 months.
- At these hearings, we determine whether efforts should be directed toward reunification or permanent placement outside the home.
- We are required to make a finding whether the Department's efforts have been reasonable to avoid out-of-home placement at every hearing.

Anatomy, cont.

- I mention these requirements, particularly the time requirements, because federal funding (Title IV-E funds) for these children depends on Idaho judges complying with these requirements.
- Child Protection files are audited by the federal government. If we mess up, the kids lose funding.

GUARDIAN AD LITEM

- Our ability to do what's best for these children also depends on the Guardian ad Litem program.
- Each of the 7 judicial districts now has GAL – or what we sometimes call CASA—programs, comprised of citizen volunteers who go through specific training to serve as independent advocates for each child.
- In fiscal year 2016, GAL volunteers contributed 19612.5 hours, roughly the equivalent of 9 full-time positions, to advocate for Idaho's abused and neglected children.
- Funding for the training of these volunteers comes from you (2/3 of funding) and the remainder from community donors.

FISCAL YEAR 2016

- The Department of Health and Welfare received 22,346 referrals related to child safety.
- Of those referrals, 8,884 were assigned for a safety assessment
- Of those, investigations/assessments, 855 Child Protection cases were filed.
- Many investigations were resolved by the parents cooperating with the Department without judicial intervention.
- There were 7,591 hearings held with an overall timeliness compliance rate of 87%*.

The core of Child Protection

- TO ENSURE THAT EVERY CHILD THAT SHOULD BE IN CARE IS IN CARE, BUT NOT A SINGLE CHILD MORE; AND TO ENSURE THAT EVERY CHILD THAT IS IN CARE IS IN A SAFE NURTURING PLACEMENT THAT IS SUPPORTIVE OF THE PERMANENCY PLAN FOR THE CHILD.