AN ACT
RELATING TO ADOPTION; AMENDING SECTION 16-1504, IDAHO CODE, TO CLARIFY THE
CONSENT NECESSARY FOR THE ADOPTION OF AN ADULT AND TO MAKE TECHNICAL
CORRECTIONS; AMENDING SECTION 7-1107, IDAHO CODE, TO PROVIDE A CORRECT
CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
15-5-207, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
SECTION 16-1513, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2007, IDAHO CODE, TO
Provide a correct code reference; and Amending Section 16-2008, Idaho
Code, to provide a correct code reference and to make technical correc-
tions.

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

SECTION 1. That Section 16-1504, Idaho Code, be, and the same is hereby
amended to read as follows:

16-1504. NECESSARY CONSENT TO ADOPTION. (1) Consent to adoption of a
child is required from:
(a) The adoptee, if he is more than twelve (12) years of age, unless he
does not have the mental capacity to consent;
(b) Both parents or the surviving parent of an adoptee who was conceived
or born within a marriage, unless the adoptee is eighteen (18) years of
age or older;
(c) The mother of an adoptee born outside of marriage;
(d) Any biological parent who has been adjudicated to be the child's
biological father by a court of competent jurisdiction prior to the
mother's execution of consent;
(e) An unmarried biological father of an adoptee only if the require-
ments and conditions of subsection (2)(a) or (b) of this section have
been proven;
(f) Any legally appointed custodian or guardian of the adoptee;
(g) The guardian or conservator of an incapacitated adult, if one has
been appointed;
(h) The adoptee's spouse, if any;
(i) An unmarried biological father who has filed a voluntary acknowl-
edgment of paternity with the vital statistics unit of the department of
health and welfare pursuant to section 7-1106, Idaho Code; and
(j) The father of an illegitimate child who has adopted the child by
acknowledgment.
(2) Consent to adoption of an adult is required from:
(a) The adoptee, or the guardian or conservator of an incapacitated
adoptive, if a guardian or conservator has been appointed; and
(b) The adoptee's spouse, if any.
(3) In accordance with subsection (1) of this section, the consent of an unmarried biological father is necessary only if the father has strictly complied with all requirements of this section.

(a) (i) With regard to a child who is placed with adoptive parents more than six (6) months after birth, an unmarried biological father shall have developed a substantial relationship with the child, taken some measure of responsibility for the child and the child's future, and demonstrated a full commitment to the responsibilities of parenthood by financial support of the child, of a fair and reasonable sum and in accordance with the father's ability, when not prevented from doing so by the person or authorized agency having lawful custody of the child, and either:

1. Visiting the child at least monthly when physically and financially able to do so, and when not prevented from doing so by the person or authorized agency having lawful custody of the child; or

2. Having regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.

(ii) The subjective intent of an unmarried biological father, whether expressed or otherwise, unsupported by evidence of acts specified in this subsection shall not preclude a determination that the father failed to meet any one (1) or more of the requirements of this subsection.

(iii) An unmarried biological father who openly lived with the child for a period of six (6) months within the one (1) year period after the birth of the child and immediately preceding placement of the child with adoptive parents, and who openly held himself out to be the father of the child during that period, shall be deemed to have developed a substantial relationship with the child and to have otherwise met all of the requirements of this subsection.

(b) With regard to a child who is under six (6) months of age at the time he is placed with adoptive parents, an unmarried biological father shall have manifested a full commitment to his parental responsibilities by performing all of the acts described in this subsection and prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first. The father shall have strictly complied with all of the requirements of this subsection by:

1. Filing proceedings to establish paternity under section 7-1111, Idaho Code, and filing with that court a sworn affidavit stating that he is fully able and willing to have full custody of the child, setting forth his plans for the care of the child, and agreeing to a court order of child support and the payment of expenses incurred in connection with the mother's pregnancy and the child's birth;
(i) Filing a notice of the proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare pursuant to section 16-1513, Idaho Code; and

(ii) if he had actual knowledge of the pregnancy, paying a fair and reasonable amount of the expenses incurred in connection with the mother's pregnancy and the child's birth, in accordance with his means, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.

(44) An unmarried biological father whose consent is required under subsection (1) or (2) of this section may nevertheless lose his right to consent if the court determines, in accordance with the requirements and procedures of the termination of parent and child relationship act, sections 16-2001 through 16-2015, Idaho Code, that his rights should be terminated, based on the petition of any party as set forth in section 16-2004, Idaho Code.

(45) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that an unmarried biological father has consented to or waived his rights regarding a proposed adoption, the petitioner shall file with the court a certificate from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, stating that a diligent search has been made of the registry of notices from putative fathers, of a child born out of wedlock, and that the putative father involved has not filed notice of the proceedings to establish his paternity or if a filing is found, stating the name of the putative father and the time and date of filing. That certificate shall be filed with the court prior to the entrance of the final decree of adoption.

(46) An unmarried biological father who does not fully and strictly comply with each of the conditions provided in this section is deemed to have waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the adoption of the child, or for termination of parental rights and his consent to the adoption of the child is not required unless he proves, by clear and convincing evidence, all of the following:

(a) It was not possible for him, prior to the filing of a proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first, to:

(i) Commence proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code; and

(ii) File notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code;

(b) His failure to timely file notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and his failure to commence timely proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, was through no fault of his own; and
(c) He filed notice of the filing of proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and filed proceedings to establish his paternity of the child within ten (10) days after the birth of the child. Lack of knowledge of the pregnancy is not an acceptable reason for his failure to timely file notice of the commencement of proceedings or for his failure to commence timely proceedings.

(42) A minor parent has the power to consent to the adoption of his or her child. That consent is valid and has the same force and effect as a consent executed by an adult parent. A minor parent, having executed a consent, cannot revoke that consent upon reaching the age of majority or otherwise becoming emancipated.

(48) No consent shall be required of, nor notice given to, any person whose parental relationship to such child shall have been terminated in accordance with the provisions of either chapter 16 or 20, title 16, Idaho Code, or by a court of competent jurisdiction of a sister state under like proceedings, or in any other manner authorized by the laws of a sister state. Where a voluntary child placement agency licensed by the state in which it does business is authorized to place a child for adoption and to consent to such child's adoption under the laws of such state, the consent of such agency to the adoption of such child in a proceeding within the state of Idaho shall be valid and no further consents or notices shall be required.

(49) The legislature finds that an unmarried biological father who resides in another state may not, in every circumstance, be reasonably presumed to know of and strictly comply with the requirements of this chapter. Therefore, when all of the following requirements have been met, that unmarried biological father may contest an adoption prior to finalization of the decree of adoption and assert his interest in the child:

(a) The unmarried biological father resides and has resided in another state where the unmarried mother was also located or resided;
(b) The mother left that state without notifying or informing the unmarried biological father that she could be located in the state of Idaho;
(c) The unmarried biological father has, through every reasonable means, attempted to locate the mother but does not know or have reason to know that the mother is residing in the state of Idaho; and
(d) The unmarried biological father has complied with the most stringent and complete requirements of the state where the mother previously resided or was located in order to protect and preserve his parental interest and rights in the child in cases of adoption.

(50) An unmarried biological father may, under the provisions of section 7-1107, Idaho Code, file a proceeding to establish his paternity prior to the birth of the child; however, such paternity proceeding must be filed prior to the date of the filing of any proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first.
SECTION 2. That Section 7-1107, Idaho Code, be, and the same is hereby amended to read as follows:

7-1107. LIMITATION OF ACTION. (1) Except as provided in section 16-1504(2)(g), Idaho Code, a proceeding to establish paternity of the child under the provisions of this chapter may be instituted either before or after the birth of the child but must be instituted before the child reaches the age of majority as defined in section 32-101, Idaho Code.

(2) This section shall apply retroactively and is for the benefit of any dependent child, whether conceived or born before or after the effective date of this act and regardless of the past or current marital status of the parents.

SECTION 3. That Section 15-5-207, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-207. COURT APPOINTMENT OF GUARDIAN OF MINOR -- PROCEDURE. (1) Proceedings for the appointment of a guardian or co-guardians may be initiated by the following persons:

(a) Any relative of the minor;

(b) The minor if he is fourteen (14) or more years of age;

(c) Any person who comes within section 15-5-213(l), Idaho Code; or

(d) Any person interested in the welfare of the minor.

(2) Notice of the time and place of hearing of a petition under this section is to be given by the petitioner in the manner prescribed by section 15-1-401, Idaho Code, to:

(a) The minor, if he is fourteen (14) or more years of age;

(b) The person who has had the principal care and custody of the minor during the sixty (60) days preceding the date of the petition;

(c) Any person who comes within section 15-5-213(l), Idaho Code; and

(d) Any living parent of the minor; provided however, that the court may waive notice to a living parent of the minor who is, or is alleged to be, the father of the minor if:

(i) The father was never married to the mother of the minor and has failed to register his paternity as provided in section 16-1504(4)(g), Idaho Code; or

(ii) The court has been shown to its satisfaction circumstances that would allow the entry of an order of termination of parental rights pursuant to section 16-2005, Idaho Code, even though termination of parental rights is not being sought as to such father.

(3)(a) As an alternative to appointing one (1) guardian for a minor, the court may appoint no more than two (2) persons as co-guardians for a minor if the court finds:

(i) The appointment of co-guardians will best serve the interests of the minor; and

(ii) The persons to be appointed as co-guardians will work together cooperatively to serve the best interests of the minor.

(b) If the court appoints co-guardians, the court shall also determine whether the guardians:

(i) May act independently;
(ii) May act independently but must act jointly in specified matters; or
(iii) Must act jointly.

This determination by the court must be stated in the order of appointment and in the letters of guardianship.

(4) If the court finds, upon hearing, that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 15-5-204, Idaho Code, have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interest of the minor.

(5) Prior to the appointment of a guardian:

(a) The court may appoint a temporary guardian for the minor if it finds by a preponderance of evidence that:
   (i) A petition for guardianship under this section has been filed, but a guardian has not yet been appointed;
   (ii) The appointment is necessary to protect the minor's health, safety or welfare until the petition can be heard; and
   (iii) No other person appears to have the ability, authority and willingness to act.

(b) A temporary guardian may be appointed without notice or hearing if the minor is in the physical custody of the petitioner or proposed temporary guardian and the court finds from a statement made under oath that the minor may be immediately and substantially harmed before notice can be given or a hearing held.

(c) Notice of the appointment of a temporary guardian must be given to those designated in subsection (2) of this section within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court must hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person. In all cases, either a hearing on the temporary guardianship or on the petition for guardianship itself must be held within ninety (90) days of the filing of any petition for guardianship of a minor.

(d) The temporary guardian's authority may not exceed six (6) months unless extended for good cause. The powers of the temporary guardian shall be limited to those necessary to protect the immediate health, safety or welfare of the minor until a hearing may be held and must include the care and custody of the minor.

(e) A temporary guardian must make reports as the court requires.

(6) When a minor is under guardianship:

(a) The court may appoint a temporary guardian if it finds:
   (i) Substantial evidence that the previously appointed guardian is not performing the guardian's duties; and
   (ii) The appointment of a temporary guardian is necessary to protect the minor's health, safety or welfare.

(b) A temporary guardian may be appointed without notice or hearing if the court finds from a statement made under oath that the minor may be
immediately and substantially harmed before notice can be given or a
hearing held.

(c) Notice of the appointment of a temporary guardian must be given to
those designated in subsection (2) of this section within seventy-two
(72) hours after the appointment. The notice must inform interested
persons of the right to request a hearing. The court shall hold a hear-
ing on the appropriateness of the appointment within ten (10) days after
request by an interested person.

(d) The authority of a previously appointed guardian is suspended as
long as a temporary guardian has authority. The court must hold a hear-
ing before the expiration of the temporary guardian's authority and may
enter any appropriate order. The temporary guardian's authority may
not exceed six (6) months unless extended for good cause.

(e) A temporary guardian must make reports as the court requires.

(7) The court shall appoint an attorney to represent the minor if the
court determines that the minor possesses sufficient maturity to direct the
attorney. If the court finds that the minor is not mature enough to direct
an attorney, the court shall appoint a guardian ad litem for the minor. The
court may decline to appoint an attorney or guardian ad litem if it finds in
writing that such appointment is not necessary to serve the best interests of
the minor or if the Idaho department of health and welfare has legal custody
of the child.

(8) Letters of guardianship must indicate whether the guardian was ap-
pointed by will or by court order.

SECTION 4. That Section 16-1513, Idaho Code, be, and the same is hereby
amended to read as follows:

16-1513. REGISTRATION OF NOTICE AND FILING OF PATERNITY PROCEED-
INGS. (1) A person who is the father or claims to be the father of a child
born out of wedlock may claim rights pertaining to his paternity of the child
by commencing proceedings to establish paternity under section 7-1111,
Idaho Code, and by filing with the vital statistics unit of the department
of health and welfare notice of his filing of proceedings to establish his
paternity of the child born out of wedlock. The vital statistics unit of
the department of health and welfare shall provide forms for the purpose of
filing the notice of filing of paternity proceedings, and the forms shall
be made available through the vital statistics unit of the Idaho department
of health and welfare and in the office of the county clerk in every county
of this state. The forms shall include a written notification that filing
pursuant to this section shall not satisfy the requirements of chapter 82,
title 39, Idaho Code, and the notification shall also include the following
statements:

(a) A parent may make a claim of parental rights of an abandoned child,
abandoned pursuant to the provisions of chapter 82, title 39, Idaho
Code, as provided by section 39-8206, Idaho Code, by filing a notice of
claim of parental rights with the vital statistics unit of the depart-
ment of health and welfare on a form as prescribed and provided by the
vital statistics unit of the department of health and welfare;
(b) The vital statistics unit of the department of health and welfare
shall maintain a separate registry for claims to abandoned children,
abandoned pursuant to the provisions of chapter 82, title 39, Idaho
Code;
(c) The department shall provide forms for the purpose of filing a claim
of parental rights of an abandoned child, abandoned pursuant to the pro-
visions of chapter 82, title 39, Idaho Code, and the forms shall be made
available through the vital statistics unit of the Idaho department of
health and welfare and in the office of the county clerk in every county
of this state;
(d) To be valid, a claim of parental rights of an abandoned child, aban-
donied pursuant to the provisions of chapter 82, title 39, Idaho Code,
must be filed before an order terminating parental rights is entered by
the court. A parent that fails to file a claim of parental rights prior
to entry of an order terminating their parental rights is deemed to have
abandoned the child and waived and surrendered any right in relation to
the child, including the right to notice of any judicial proceeding in
connection with the termination of parental rights or adoption of the
child;
(e) Registration of notice of filing of paternity proceedings pursuant
to chapter 15, title 16, Idaho Code, shall not satisfy the requirements
of chapter 82, title 39, Idaho Code. To register a parental claim to
an abandoned child, abandoned pursuant to the provisions of chapter 82,
title 39, Idaho Code, an individual must file an abandoned child reg-
istry claim with the vital statistics unit of the department of health
and welfare and comply with all other provisions of chapter 82, title
39, Idaho Code, in the time and manner prescribed, in order to preserve
parental rights to the child.
When filing a notice of the filing of paternity proceedings, a person
who claims to be the father of a child born out of wedlock shall file with the
vital statistics unit of the department of health and welfare the completed
form prescribed by the vital statistics unit of the department of health
and welfare. Said form will be filled out completely, signed by the person
claiming paternity, and witnessed before a notary public.
(2) The notice of the filing of paternity proceedings may be filed prior
to the birth of the child, but must be filed prior to the date of the filing
of any proceeding to terminate the parental rights of the birth mother. The
notice of the filing of paternity proceedings shall be signed by the person
filing the notice and shall include his name and address, the name and last
address of the mother, and either the birth date of the child or the probable
month and year of the expected birth of the child. The vital statistics unit
of the department of health and welfare shall maintain a central registry for
this purpose that shall be subject to disclosure according to chapter 1, ti-
tle 74, Idaho Code. The department shall record the date and time the no-
tice of the filing of proceedings is filed with the department. The notice
shall be deemed to be duly filed with the department as of the date and time
recorded on the notice by the department.
(3) If the unmarried biological father does not know the county in which
the birth mother resides, he may initiate his action in any county, subject
to a change in venue.
(4) Except as provided in section 16-1504(56), Idaho Code, any father
of a child born out of wedlock who fails to file and register his notice of
the commencement of paternity proceedings pursuant to section 7-1111, Idaho Code, prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first, is deemed to have waived and surrendered any right in relation to the child and of any notice to proceedings for adoption of the child or for termination of parental rights of the birth mother. His consent to the adoption of the child shall not be required and he shall be barred from thereafter bringing or maintaining any action to establish his paternity of the child. Failure of such filing or registration shall constitute an abandonment of said child and shall constitute an irrevocable implied consent in any adoption or termination proceeding.

(5) The filing and registration of an unrevoked notice of the commencement of paternity proceedings by a putative father shall constitute prima facie evidence of the fact of his paternity in any contested proceeding under chapter 11, title 7, Idaho Code. The filing of a notice of the commencement of paternity proceedings shall not be a bar to an action for termination of his parental rights under chapter 20, title 16, Idaho Code.

(6) An unmarried biological father of a child born out of wedlock who has filed and registered a notice of the filing of paternity proceedings may at any time revoke notice of intent to claim paternity previously filed. Upon receipt of written revocation, the effect shall be as if no notice of the filing of paternity proceedings had been filed or registered.

(7) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that the putative father has consented to the adoption, a certificate shall be obtained from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, which certificate shall state that a diligent search has been made of the registry of notices from putative fathers, and that no filing has been found pertaining to the father of the child in question, or if a filing is found, stating the name of the putative father and the time and date of filing. That certificate shall be filed with the court prior to entry of a final decree of adoption.

(8) Identities of putative fathers can only be released pursuant to procedures contained in chapter 1, title 74, Idaho Code.

(9) To cover the cost of implementing and maintaining said central registry, the vital statistics unit of the department of health and welfare shall charge a filing fee of ten dollars ($10.00) at the time the putative father files his notice of his commencement of proceedings. The department shall also charge a reasonable fee to cover all costs incurred in a search of the Idaho putative father registry and for furnishing a certificate in accordance with the provisions of this section and section 16-1504, Idaho Code. It is the intent of the legislature that the fee shall cover all direct and indirect costs incurred pursuant to this section and section 16-1504, Idaho Code. The department shall annually review the fees and expenses incurred pursuant to administering the provisions of this section and section 16-1504, Idaho Code.

(10) Consistent with its authority denoted in the vital statistics act, section 39-242(c), Idaho Code, the board of health and welfare shall adopt,
amend and repeal rules for the purpose of carrying out the provisions of this section.

(11) The department shall produce and distribute, within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, a pamphlet or publication informing the public about the Idaho putative father registry, printed in English and Spanish. The pamphlet shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry. Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, such pamphlets or publications shall be made available for distribution to the public at all offices of the department of health and welfare. Upon request, the department shall also provide such pamphlets or publications to hospitals, libraries, medical clinics, schools, colleges, universities, providers of child-related services and children's agencies licensed in the state of Idaho or advertising services in the state of Idaho.

(12) Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, each county clerk, branch office of the department of motor vehicles, all offices of the department of health and welfare, hospitals and local health districts shall post in a conspicuous place a notice that informs the public about the purpose and operation of the Idaho putative father registry. The notice must include information regarding the following:

(a) Where to obtain a registration form;
(b) Where to register;
(c) The procedures to follow in order to file proceedings to establish paternity of a child born out of wedlock;
(d) The consequences of a voluntary acknowledgment of paternity; and
(e) The consequences of failure to acknowledge paternity.

(13) The department shall host on the department's web page a public service announcement (PSA) informing the public about the Idaho putative father registry, printed in English and Spanish. The PSA shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry.

(14) Failure to post a proper notice under the provisions of this section does not relieve a putative father of the obligation to file notice of the filing of proceedings to establish his paternity pursuant to this section or to commence proceedings to establish paternity pursuant to section 7-1111, Idaho Code, prior to the filing of any proceeding to terminate parental rights of the birth mother.

(15) A person who knowingly or intentionally falsely files or registers as a putative father is guilty of a misdemeanor.
SECTION 5. That Section 16-2007, Idaho Code, be, and the same is hereby amended to read as follows:

16-2007. NOTICE -- WAIVER -- GUARDIAN AD LITEM. (1) After a petition has been filed, the court shall set the time and place for hearing. The petitioner shall give notice to any person entitled to notice under section 16-1505, Idaho Code, the authorized agency having legal custody of the child and the guardian ad litem of the child and of a parent. The petitioner shall give notice to the Idaho department of health and welfare if the petition for termination was not filed in conjunction with a petition for adoption or by an adoption agency licensed by the state of Idaho.

(2) Notice shall be given by personal service on the parents or guardian. Where reasonable efforts to effect personal service have been unsuccessful or are impossible because the whereabouts of parties entitled to notice are not known or reasonably ascertainable, the court shall order service by registered or certified mail to the last known address of the person to be notified and by publication once a week for three (3) successive weeks in a newspaper or newspapers to be designated by the court as most likely to give notice to the person to be served. The hearing shall take place no sooner than ten (10) days after service of notice, or where service is by registered or certified mail and publication, the hearing shall take place no sooner than ten (10) days after the date of last publication.

(3) Notice and appearance may be waived by a parent in writing and witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person waiving notice and appearance resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE.... JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF....

In the Matter of the termination )
of the parental rights to )

........................ )

........................ )

(a) minor child(ren)

I (we), the undersigned, being the.... of...., do hereby waive my (our) right to notice and my (our) right to appear in any action seeking termination of my (our) parental rights. I (we) understand that by waiving notice and appearance my (our) parental right(s), to the said...., who was born......., unto...., may be completely and forever terminated, including all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said...., and I (we) do hereby expressly waive my (our) right(s) to notice of or appearance in any such action.

DATED:...., 20..

STATE OF IDAHO )

.................

COUNTY OF....  }ss.

11
On this... day of..., 20..., before me, the undersigned..., ....

(Judge or Magistrate) of the District Court of the.... Judicial District of the state of Idaho, in and for the county of..., personally appeared..., known to me (or proved to me on the oath of....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

........................................
(District Judge or Magistrate)

(4) The court shall accept a waiver of notice and appearance executed in another state if:

(a) It is witnessed by a magistrate or district judge of the state where signed; or

(b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed.

(5) When the termination of the parent and child relationship is sought and the parent is determined to be incompetent to participate in the proceeding, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. Except as provided in section 16-1504(56), Idaho Code, where a putative father has failed to timely commence proceedings to establish paternity under section 7-1111, Idaho Code, or has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section 16-1513, Idaho Code, with the vital statistics unit of the department of health and welfare, notice under this section is not required unless such putative father is one of those persons specifically set forth in section 16-1505(1), Idaho Code.

(6) If a parent fails to file a claim of parental rights pursuant to the provisions of chapter 82, title 39, Idaho Code, for a child left with a safe haven pursuant thereto, prior to entry of an order terminating their parental rights, that parent is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights.

SECTION 6. That Section 16-2008, Idaho Code, be, and the same is hereby amended to read as follows:

16-2008. INVESTIGATION PRIOR TO DISPOSITION. (1) If a petition for adoption is not filed in conjunction with a petition for termination, or the petition for termination was not filed by a children's adoption agency licensed by the state of Idaho upon the filing of a petition for termination, the court shall direct the department of health and welfare, bureau of child support services, to submit a written financial analysis report within thirty (30) days from date of notification, detailing the amount of any unreimbursed public assistance moneys paid by the state of Idaho on behalf of the
child. The financial analysis shall include recommendations regarding repayment of unreimbursed public assistance and provisions for future support for the child and the reasons therefor.

(2) Upon the filing of a petition, the court may direct, in all cases where written consent to termination has not been given as provided in this chapter, that an investigation be made by the department of health and welfare, division of family and community services, or a licensed children's adoption agency, and that a report in writing of such study be submitted to the court prior to the hearing, except that where the department of health and welfare or a licensed children's adoption agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the investigation made by such agency shall accompany the petition. The department of health and welfare or the licensed children's adoption agency shall have thirty (30) days from notification by the court during which it shall complete and submit its investigation unless an extension of time is granted by the court upon application by the agency. The court may order additional investigation as it deems necessary. The social study shall include the circumstances of the petition, the investigation, the present condition of the child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefor as to whether or not the parent and child relationship should be terminated. If the parent has a disability as defined in this chapter, the parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the parent of such right and shall consider all such information in any findings or recommendations. The social study shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this section shall be construed to create any new or additional obligations on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. Where the parent is a minor, if the report does not include a statement of contact with the parents of said minor, the reasons therefor shall be set forth. The purpose of the investigation is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

(3) Except as provided in section 16-1504(56), Idaho Code, no social study or investigation as provided for in subsection (2) of this section shall be directed by the court with respect to the putative father who has failed to timely commence proceedings to establish paternity under section 7-1111, Idaho Code, or who has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section 16-1513, Idaho Code, with the vital statistics unit of the department of health and welfare, unless such putative father is one of those persons specifically set forth in section 16-1505(1), Idaho Code.