

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 23, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney (Chaney), Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis (Burns)

**ABSENT/
EXCUSED:** Representative Amador

GUESTS: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Monks called the meeting to order at 1:31 p.m.

MOTION: **Rep. Marshall** made a motion to approve the minutes of the January 13, 2020 meeting. **Motion carried by voice vote.**

Chairman Monks introduced the panel on Child Protection Services.

Judge Bryan Murray, Magistrate Judge, Sixth Judicial District, presented an overview of the process and court proceedings that occur when a child protection referral is made. The Child Protection Act and Family First Act are the foundation for Idaho's child protection system. The Idaho Department of Health and Welfare (IDHW) oversees the welfare of families and children, with the ideal of family support coming from the community. He explained the mission of the system is to keep kids in safe, stable homes; to intercede when the health and safety of children is at apparent risk; and to balance the rights of children with the rights of parents. Under Federal law, there is a list of who must report suspected child neglect or abuse, but Idaho is a mandatory reporting state. About 23,000 cases are reported each year, but most do not result in a formal investigation. Children from 1,400 cases come into agency care. Judge Murray explained DUI, drug offenses, children wandering streets, sex abuse allegations, parents involving children in their crimes, substitute care takers and chronic neglect are all causes for which a police officer may remove children from a parent's custody. He stated there are a growing number of children born under the influence and officers will respond to the hospital to declare a child is in imminent danger. He explained Idaho is a positive example nationally for limiting appeals by sending cases directly to the Idaho Supreme Court so the question of permanency is not drawn out.

Roxanne Prinz, Deputy Administrator, Family and Community Services, Idaho Department of Health and Welfare, provided an overview of the role the department takes in child protection cases. She explained all reports are received at a centralized unit in Boise. Safety assessments are often done in coordination with law enforcement. She acknowledged the assessment can be confusing, and the department has developed materials explaining parents' rights in response to proposed legislation last year. She explained there are only three ways to remove a child: law enforcement can find a child in imminent danger, a social worker can file a petition which is decided by a judge, and some juvenile justice cases can be extended into child protection cases. The act of coming into care can be traumatizing, so the goal is to place children in the care of a family member and keep siblings together. Ongoing case management continues with a plan

that outlines the needs and services required for children and parents in order to support reunification.

Brent Ferguson, Deputy Prosecutor, Ada County, explained how the county prosecutors are involved in child protection cases. Prosecutors initiate cases by filing a petition with the courts and have 30 days to make a case for child protective custody. The role of prosecutors is somewhat passive until cases come up for permanency hearings 12 months later. If reunification isn't feasible, the focus turns to other options that are determined in the best interests of the children. Mr. Ferguson explained child protection case information cannot be used against parents in criminal cases.

Aaron Bazzoli, Chief Public Defender, Canyon County, described the child protection hearing process as messy and emotional. The court hearing can include attorneys for the parents, attorneys for the children, the prosecutors, guardian ad litem and judge. While the time frames and process seem reasonable and orderly, it's difficult for the children and parents. He explained that defense attorneys are the voice for parents, but attorneys only get the information provided in the case reports, which often doesn't arrive in a timely manner. Speeding up communication would be a process improvement. Canyon County case workers have 150 cases a year and many are open approximately two years. Mr. Bazzoli explained there are Federal dollars available to support social workers, but access requires state matching funds.

In answer to questions from the Committee the panel members reiterated that child removal is prompted by cause that shows a child's health or safety is in danger. A dirty home is not a sole reason for cause unless it is unsafe or considered unsanitary for human habitation. The child protection system uses nationally recognized safety and risk factors in the assessment of complaints. Charges of sexual abuse are carefully evaluated and IDHW relies on forensically trained interviewers. However, imminent safety is the primary focus rather than risk. In 2019 in Idaho, the average amount of time children in the system were separated from their parents was 8.5 months. The national average is 12 to 18 months. The child protection system is working on a process for handling juvenile justice cases that have probable underlying child protection issues. The panel members agreed that lack of access to affordable, stable housing was a barrier to reuniting families faster. They also stated better funding and training for guardian ad litem, increased mental health support for children and parents, and better support for rural communities were all important.

**DOCKET NO.
05-0000-1900:**

Monty Prow, Director, Idaho Department of Juvenile Correction, presented **Docket No. 05-0000-1900**. This is an omnibus reauthorization of existing rules and each were previously reviewed and approved by the Legislature. The rules were reviewed under the direction of the Red Tape Reduction Act. Rules that were outdated, redundant or unnecessary were eliminated. One chapter was eliminated and three others chapters were consolidated. Thirty-five pages of rules and 451 restrictions were removed, resulting in a 35 percent reduction in restrictions.

MOTION:

Rep. Wintrow made a motion to approve **Docket No. 05-0000-1900**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 3:40 p.m.

Representative Monks
Chair

Wendy Carver-Herbert
Secretary