MINUTES
Approved by the Committee
Child Custody & Domestic Relations Task Force
Friday, October 24, 2025
10:00 A.M. MT (9:00 AM PT)
Idaho State Capitol
Room EW42
Boise, Idaho

Legislative members in attendance: Cochairs Senator Tammy Nichols and Representative Heather Scott; Senators Carl Bjerke, Cindy Carlson, Josh Keyser, and James Ruchti (Zoom); Representatives Barbara Ehardt, Marco Erickson (Zoom) and John Gannon. Legilsative Services Office (LSO) staff: Elizabeth Bowen and Layce Silvey.

Others in attendance: Skip Liddle, Sarah Brown, Terry McLaughlin, Devin Miller, Maureen Braley, Alex Bottom, Kai Hyland

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website https://legislature.idaho.gov/sessioninfo/2025/interim/ and copies of those items are on file at LSO in the State Capitol. Recordings of the meeting may be available under the committee's listing on the website.

Introductory Remarks

At 10:04 a.m., Cochair Nichols called the meeting to order; a silent roll call was taken. Cochair Nichols read a statement explaining the task force's purpose: to address concerns of constituents with regard to child custody and domestic relations cases; to determine whether Idaho courts are applying the law as intended by the legislature; and to determine whether the task force should recommend changes to the law to provide more clarity to judges. Cochair Nichols clarified that the task force's purpose is not to undermine the integrity of the courts and requested that those presenting and testifying keep comments to procedural and process issues. Cochair Nichols explained that this was the last task force meeting offering public testimony. Cochair Nichols explained that the next meeting would be for task force discussion.

Court Appointed Special Advocates for Children, Guardian ad Litem Program

At 10:06 a.m., **Elisha Horrocks**, Executive Director of CASA Southwest Idaho, Third Judical District Guardian ad Litem Program, presented about the Court Appointed Special Advocate (CASA), Guardian ad Litem (GaLs) program. Ms. Horrocks explained that CASAs, also known as GaLs, are non-attorney volunteers appointed by the court in Child Protection Act cases to represent the best interest of the children and be the voice for the child in court. CASAs act as investigators reviewing educational, health, and counseling records. There are a number of individual CASA non-profits throughout the state running the CASA programs. The non-profits are funded partially by the state.

- Rep. Ehardt asked how CASAs are trained and what qualifications they have. Ms. Horrocks responded that the program offers 30 hours of training, which includes trauma-informed courses, and the program requires continuing education every year. The CASA volunteers shadow others in court and onsite interviews before being on their own. Volunteers must be 21 or older, pass a background check, and not have a conflict of interest. Rep. Ehardt asked what kind of decisions the staff or volunteers makes. Ms. Horrocks responded that the CASA volunteers make recommendations to the court regarding needs of the child, but they do not make decisions about the child. Rep. Ehardt asked if the volunteers understand what the law is with regards to parents rights to raise their child and if they are caught lying about facts are they let go. Ms. Horrocks responded that CASA volunteers have to follow Idaho's Child Protection Act and each volunteer has their own attorney. Ms. Horrocks responded that, if volunteers are not following the law,

they are terminated from volunteering. Rep. Ehardt asked if the CASA volunteers understand the Idaho Constitution and parents' rights. Ms. Horrocks responded that their volunteers are following the law and are not making any decisions. The CASA volunteers are only able to make recommendations and be a voice for the child. The Department of Health and Welfare (DHW) and the judge make the decisions.

- Cochair Scott asked if the terms "parental alienation" and "coersive control" are used in the CASA reports. Ms. Horrocks responded that those terms are not used in CASA reporting. CASA volunteers do not join a case until the child has already been removed from the home and it is an active Child Protection Act case. The goals for CASAs are the welfare and safety of children, and CASA volunteers understand the importance of children being home with their families as long as it's safe. Cochair Scott asked if judges always consider the CASA reports. Ms. Horrocks replied yes, but judges may not always follow the recommendations in the report. Cochair Scott asked if the CASA volunteers were trained in domestic violence. Ms. Horrocks responded that they partner with the Nampa Family Justice Center to offer training in domestic violence.
- Sen. Carlson asked how the CASA non-profits are funded by the state. Ms. Horrocks responded that they are funded through the Idaho Supreme Court.
- Sen. Bjerke asked about the type of access CASA volunteers have to records, and do they have more access than DHW social workers. Ms. Horrocks shared that the CASA volunteers are able to make unannounced site visits to family homes and foster family homes. Ms. Horrocks shared that CASA volunteers do not have more access to records than DHW. However, CASA volunteers can gather more information in cases because their focus is limited to fewer cases than the DHW social workers. Sen. Bjerke asked if there are child custody cases that do not receive a CASA volunteer. Ms. Horrocks explained that CASA volunteers are assigned Child Protections Cases of children under 12 years old.
- Sen. Nichols asked how CASA volunteers work with parents and how parents are monitored during child protection cases to ensure they follow their case plan. Ms. Horrocks responded that the parenting case plan is created by DHW, and DHW monitors if parents are following their case plan. CASA volunteers maintain communication with parents, but the CASA volunteers do not enforce the case plan. Case plans are written to address issues of neglect and safety and are tailored to remedy the issues that brought the child into care.
- Rep. Ehardt asked if Court Appointed Special Advocates are employees or volunteers. Ms. Horrocks responded that the non-profit has staff that support the CASA volunteers with their cases. Rep. Ehardt asked for clarification about the age of children who receive CASAs. Ms. Horrocks replied that children 12 and under receive a CASA and children 12 and older receive their own attorney.
- Cochair Scott asked for Ms. Horrocks's opinion regarding whether children should participate in court during child custody cases, and if so, what ages of children. Ms. Horrocks responded that personally she does not feel children 12 and under should be involved in the court system. Cochair Scott asked if Ms. Horrocks ever witnessed something in court that made her scratch her head. Ms. Horrocks responded that CASA volunteers tend to have more disagreements with DHW than the judge.
- Rep. Ehardt asked for clarification regarding which type of cases CASAs work. Ms. Horrocks responded that the CASAs are only assigned to open Child Protection Act cases and are not involved in family law cases. Ms. Horrocks explained that there is a different Guardian ad Litem program for divorce and child custody disputes, and those Guardians ad Litem charge fees for their services. Rep. Ehardt asked if Ms. Horrocks was aware of 2025 House Bill 159. Ms. Horrocks responded yes and has followed all of DHW's preventative measures to keep children in their homes.

- Rep. Gannon asked Ms. Horrocks if there are any legislative changes to further clarify statutes. Ms. Horrocks responded that when a parent does not get criminally charged with physical or sexual abuse, it makes the CASAs' jobs difficult to protect the children. Ms. Horrocks shared that DHW has removed certain training for foster parents. Rep. Gannon asked what type of legislative changes Ms. Horrocks would like to see. Ms. Horrocks responded that there are not many programs available to rehabilitate child sex offenders or abusers and prevent them from re-offending.

Complaint and Investigation Process: Social Workers

At 10:36 a.m., **John Price**, Bureau Chief, Executive Officer, Division of Occupational & Professional Licenses (DOPL) shared a presentation on the complaint and investigation process for licensed social workers by the Idaho Board of Social Work Examiners.

- Rep. Ehardt asked if DHW's child protection employees are licensed social workers. Mr. Price replied that DHW does employee licensed social workers, but he was not sure how many work in child protection.
- Cochair Scott asked if DOPL licenses social workers working in state government and the private sector. Mr. Price responded that they license both government social workers and private social workers. Mr. Price shared that DHW employs a large number of social workers. DHW social workers are assigned to families. Mr. Price shared that parent time evaluators appointed in child custody matters can be licensed social workers or licensed counselors. Cochair Scott asked if social workers have to attest that their reports are true and accurate. Mr. Price responded that social workers have to include their methodology and supporting information in their client notes. The Idaho Board of Social Work Examiners will take action against social workers who are not truthful or did not document information properly in their reporting. Cochair Scott asked if there is any follow up with the courts if discipline was taken against a social worker. Mr. Price shared that discipline of social workers can be publicly available, but they do not share the information directly with the court because the complaints are confidential. Cochair Scott asked if licensing discipline matters are ever adjudicated in the courts rather than through administrative channels. Mr. Price responded that they are handled administratively but can be appealed to be reviewed by the Idaho Supreme Court.
- Rep. Ehardt asked that if social workers falsify records, should their employment be terminated. Mr. Price responded that terminating employment would be up to their employer.

Complaint and Investigation Process: Attorneys

At 11:00 a.m., **Joe Pirtle**, Bar Counsel, shared a presentation about the Office of Bar Counsel's grievance and investigation process. The Idaho State Bar's authority is granted by the legislature. The Idaho State Bar is run by a board of commissioners and the Idaho Supreme Court has supervisory power overall, which is described in 3-408, Idaho Code. The Idaho State Bar includes Office of Bar Counsel. The procedure for complaints to Office of Bar Counsel are included in the Idaho Bar Commission Rules. The ethical rules an Idaho attorney must follow are included in the Idaho Rules of Professional Conduct. Anyone can file a grievance against an attorney. Grievance forms are available on the Idaho State Bar's website. If grievances do not include any ethical violations and only include dissatisfaction with the outcome of a case, the grievance is dismissed without further investigation. However, the majority of grievances are investigated. Bar investigators gather records and sometimes ask for the attorney's response. Attorneys are required to respond to requests for information by the Idaho State Bar. Discipline includes both private and public discipline. Private discipline typically includes less severe technical violations and attorneys who have no prior discipline. Office of can only impose private discipline. If the matter requires public discipline the board of commissioners reviews the case like a grand jury, and if approved for further proceedings, the matter is filed publicly with the Professional Conduct Board (PCB), a PCB panel, including two attorneys and one non-attorney member, reviews and hears the case like a trial.

- Rep. Ehardt asked where people can find the Idaho Bar Commission Rules and Idaho Rules of Professional Conduct. Mr. Pirtle responded that they are publicly available on the Idaho State Bar's website.
- Cochair Scott asked what percentages of grievances result in discipline. Mr. Pirtle responded that they have more private discipline than public discipline and out of the 400 grievances they might receive per year, around 20 of those result in private discipline and remain in the attorney's file. Mr. Pirtle shared that they have between 14 and 18 formal public discipline matters each year. Mr. Pirtle shared that, since 2022, nine attorneys who have family law related practices have been publicly disciplined by the Idaho State Bar and offered several examples. Cochair Scott asked if it is an ethical violation if an attorney and judge are related or friends. Mr. Pirtle responded that it depends, but the rule they would look at is Idaho Rules of Professional Conduct, Rule 1.7(a)(2) Conflict of Interest.
- Rep. Ehardt asked about attorneys' ethical obligations to tell the truth in court and not make false allegations for their client's benefit. Mr. Pirtle responded that the IRPC, Rule 3.3 requires candor toward the tribunal, which forbids attorneys to make knowingly false statements of fact to the court. Mr. Pirtle stated that attorneys sometimes defend their actions by claiming they are relying on information from their client. There is an obligation for attorneys to verify accuracy. Mr. Pirtle shared that IRPC Rule 8.4(c) Misconduct Involving Dishonesty is sometimes applied and offered an example. Rep. Ehardt shared how important it is to hold attorneys accountable if they mislead the courts against other parents in child custody matters and that more attorneys need to be disciplined if they engage in dishonest behavior in the courts.
- Sen. Bjerke asked, other than population increase, why is there an increase in complaints against lawyers. Mr. Pirtle responded he does not know why there is an increase, but it is a nationwide trend. Mr. Pirtle reflected that temperatures are higher and people tend to be angrier than in the past. Mr. Pirtle shared that his office relies heavily on the public to share information about attorney misconduct so that they have an opportunity to investigate and help protect the public.
- Rep. Gannon asked if Idaho Rules of Civil Procedure (IRCP), Rule 11 is ever used by judges. Mr. Pirtle responded that judges have broad discretion to impose sanctions against an attorney with IRCP Rule 11, but judges typically reserve it for egregious behavior. Mr. Pirtle explained that IRPC, Rule 3.1 is similar to IRPC, Rule 3.1. Mr. Pirtle went on to describe that when his office receives notice that an attorney was sanctioned by a judge for violating IRCP, Rule 11, that is used as evidence in the discipline case.
- Cochair Scott asked if there are any times where Bar Counsel sides with an attorney rather than the judge. Mr. Pirtle responded that there have been times that a judge submits a grievance against an attorney and the Office of Bar Counsel did not agree that an ethical rule was violated. Mr. Pirtle explained the Idaho State Bar's evidentiary burden is clear and convincing evidence which can be different than a judge's evidentiary burden. A judge may make a decision made on the preponderance of the evidence that does not meet the Idaho State Bar's clear and convincing standard. Cochair Scott asked what standard of evidence does an attorney need to have in order to make a claim of fact on behalf of their client in a court proceeding. Mr. Pirtle responded that attorneys are supposed to advocate for their client, but they are not allowed to put their head in the sand and ignore evidence when their client is not being truthful. Cochair Scott asked Mr. Pirtle his opinion of how the legislature can help prevent lawyers from lying to judges on behalf of their clients in child custody cases. Judges get to make judgment calls regarding a parent sharing a first-person account of what happened to them and decide which party they find credible.
- Rep. Ehardt asked how the legislature can stop the lies and false information in motions from being filed and considered by judges. Mr. Pirtle responded that judges need to enforce Rule 11 and alerting the Office of Bar Counsel of the violation. However, lawyers are advocates for their clients and the procedural way you get an issue in front of a judge is to file a motion. Mr.

Pirtle explained that there are rules judges can apply to prevent frivolous motions. Mr. Pirtle encouraged people to inform his office when these issues occur.

At 11:45 a.m., the task force recessed for lunch.

Family Court Reform

At 12:47 p.m., **Robert Garza**, advocate for parental rights and family court reform shared his recommendations regarding legislation to reform Idaho family courts. Mr. Garza spoke about Texas legislation he proposed that passed regarding time taken, time back, a three strikes rule to prevent a parent from keeping a child from their other parent, and justice delayed, justice denied.

- Rep. Ehardt asked how many states Mr. Garza is working with to pass legislation. Mr. Garza responded all of them. Mr. Garza shared his concern that family courts' evidentiary standard is preponderance of the evidence and not clear and convincing. Rep. Ehardt asked if other states are convening task forces in this area. Mr. Garza responded that Arizona is also meeting.
- Cochair Nichols asked what the top issues are nationally in family courts. Mr. Garza responded that interference in child custody is the main issue. Mr. Garza shared that cameras in the court room is a big issue, but the main ones are false allegations and parental alienation. Mr. Garza described the issue of proposed orders being written by the attorneys in the cases rather than the judges themselves.
- Cochair Scott asked what area is needing to be changed and reformed the most. Mr. Garza responded child custody interference through false allegations and parental alienation is rampant. Mr. Garza also mentioned temporary orders not being able to be appealed or amended, including findings of facts and conclusions of law when judges make decisions.

Public Testimony

At 1:02 p.m., Cochair Scott opened the meeting for public testimony.

- Jason Appelman testified about a family member's experience with a child custody matter. Cochair Nichols asked how long it took his family member to find legal representation, Mr. Appelman replied that it took a week to find the original attorney and several months to find the second attorney. Mr. Appelman shared that they also hired a private investigator. Rep. Ehardt asked how much money has been spent in the case. Mr. Appelman responded that they have spent $50,000.
- Kerri Durazo testified about her divorce and child custody matter. Ms. Durazo recommended disallowing brief focus assessments in child custody matters because it was unfairly weighted and biased against her. Ms. Durazo recommended that judges receive training in domestic violense and coercive control. Cochair Scott asked for clarification regarding the brief focus assessment. Ms. Durazo responded that the assessment includes each parent separately meeting a social worker at an office with their children. Ms. Durazo described the situation being uncomfortable for the children because they were being kept from her by her spouse prior to the meeting. Ms. Durazo explained that there was no follow-up or investigation to see the children at home with her.
- Brooke Linville testified about her child custody matter, domestic violence, child abuse, and the child protection system. Ms. Linville recommended that the committee consider Joan Meier's research from the National Family Violence Law Center. Ms. Linville shared her challenges protecting her children due to the children not being able to testify on their behalf in her custody case.
- Teresa Serre testified about a child protection case and false statements included in a DHW report and made by law enforcement.
- Robert Jones testified about child custody cases that community members have shared with him. Mr. Jones shared his concerns that abuse allegations are made as strategy to prevent the other parent from being awarded custody. Mr. Jones recommended that evidentiary standards be

changed to require a higher burden of proof. Mr. Jones recommended that every custody case should start 50-50 equal rights for both parents. Cochair Nichols asked if Mr. Jones has observed any consequences when a parent makes false allegations. Mr. Jones responded no and that is why it is a tool used by parents against the other parent to gain more time with the child.

- Paul Tucker testified about his child custody case and false allegations. Mr. Tucker spent $150,000 on the case and had to drop out of university to work and pay for his legal fees. Mr. Tucker's case went in front of 10 different judges and is being appealed to the Idaho Supreme Court. Mr. Tucker recommended mandatory sanctions for contempt and not following judges' orders.
- Monica Tucker testified about her husband's child custody battle and fighting false allegations. Rep. Ehardt requested information regarding false allegations.
- Andrea "Nicci" Adams testified about her child custody matter and intimidation by law enforcement. Rep. Ehardt requested Ms. Adams to share documents regarding her matter.
- Dr. Matthew Sara testified about his child custody matter and challenges gaining time with his children. Dr. Sara recommended that the law be amended so that any parents who receive less than equal custody be given reasons why they were not granted 50-50 custody and a clear plan on how to make improvements to gain back equal custody. Cochair Nichols asked if Dr. Sara appealed the courts decision in his case. Dr. Sara responded that his attorney advised him to wait two years and seek a custody modification, and spent over $200,000 on his case.
- Thomas Platt testified about his child custody matter, false allegations, and challenges with a parenting coordinator.
- Ian McDonald testified about his experience with child custody, child protection, and false allegations. Mr. McDonald testified in Nampa before the task force and offered updates in his case. Cochair Nichols asked Mr. McDonald what help he received from court services and Mr. McDonald responded that he was told he did not qualify for any assistance. Cochair Scott asked who made the false reports and Mr. McDonald responded that a DHW child protection caseworker and that his witnesses were not interviewed.
- Michael Nocito testified regarding his child custody matter. Mr. Nocito identified three main issues with family courts: the lack of accountability when parties commit perjury with false allegations, the lack of awareness regarding issues of parental alienation, and the weakness of Idaho's law on presumption of shared equal custody. Mr. Nocito shared how challenging it is to be in a high-conflict case, because even if one parent tries to cooperate, and co-parent with another parent, if the other parent is not cooperative it stays a high-conflict case.
- Tom Kofoed testified about extortion by the courts and shared an example of Georgia. Mr. Kofoed recommended that parents get together and file complaints against corrupt attorneys.
- Jasmine Victorious testifed about updates in her child custody and child protection matters. Ms. Victorious recommended that parties be allowed to bring up historical evidence of abuse. Ms. Victorious recommended to condense hearings to hear multiple pleadings together.
- Nicole Hyland testified about her husband's child custody matter. Ms. Highland shared concerns regarding her husband's former spouse marrying a registered sex offender yet maintaining custody over the children.
- Tyrie Strong shared recommendations with the task force: create clearer guidelines for judges to improve consistency, improve judicial accountability through a judicial review panel, create a clearer definition of best interest of children, disallow hearsay evidence with an exception for children's stories, and increase the standard of evidence. Ms. Strong stated that prosecutors do not prosecute perjury claims because they do not have enough staff. Rep. Ehardt asked if encouraging complaints to Bar Counsel if the attorney commits perjury is the answer since prosecutors are not charging it. Ms. Strong responded in some cases attorneys are not involved in the perjury, but perhaps a statutory change to allow judges themselves to hear perjury claims

in court similar to contempt would remedy the perjury issue. Ms. Strong share additional recommendations for equal access to justice.

- Crystal Ivy testified about her husband's child custody matter. Ms. Ivy recommended allowing historical evidence be considered by the judge.

Approve Minutes of August 28, 2025

Rep. Ehardt made a motion to approve the minutes of August 28, 2025 task force meeting. The motion was seconded by Sen. Bjerke. A voice vote was taken and the minutes were approved.

Committee Discussion

Cochair Scott shared that the next task force meeting will take place of November 10th, 2025, for a task force discussion. There will be no public testimony, but the meeting will be available for the public to view online. Rep. Ehardt shared that she hopes people understand how much time the task force members have spent on the issues they are reviewing. Rep. Ehardt shared that the legislature cannot make changes without the assistance of the judiciary, DHW, and the Attorney General's Office. Rep. Ehardt requested help from Idaho's judges to make changes to improve child custody outcomes for Idaho families. Rep. Gannon shared that he has draft legislation to address the imbalance of legal representation and attorney's fees.

Adjounrment

At 3:15 p.m., the task force meeting adjourned.