

REVISED

STATEMENT OF PURPOSE

RS31804C1 / S1021

I.C. 16-2005(5) allows for simultaneous adoption with termination of parental rights (TPR) in certain specified circumstances. Prior to 2020, this process was also used for non-simultaneous adoption of children in DHW's custody, until the Idaho Supreme Court decided in Matter of Doe I, 166 Idaho 759 (2020) that non-simultaneous adoption was not allowed for children in DHW's custody because it is not expressly stated in the statute. The result of this decision is children remain in DHW's custody longer with the state covering the costs of the child's care when there is person willing to adopt and parents would consent to the termination. This bill gets children to permanency faster and restores the status quo ante by allowing simultaneous adoption for the adoption of children in DHW's legal custody as occurred prior to 2020.

FISCAL NOTE

This bill will shorten the amount of time children are in DHW's custody and will result in a net savings for each child who can be simultaneously adopted more quickly.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).