

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 692

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CHILD PROTECTION HEARINGS; AMENDING SECTION 16-1613, IDAHO  
2 CODE, TO REVISE A PROVISION REGARDING ATTENDANCE AT HEARINGS; AMEND-  
3 ING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
4 16-1613A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ATTENDANCE AT  
5 HEARINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
6

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

8 SECTION 1. That Section 16-1613, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 16-1613. HEARINGS UNDER ~~THE CHILD PROTECTIVE ACT~~ THIS CHAPTER. (1)  
11 Proceedings under this chapter shall be dealt with by the court at hearings  
12 separate from those for adults and without a jury. The hearings shall be  
13 conducted in an informal manner and may be adjourned from time to time. ~~The~~  
14 ~~general public shall be excluded, and only such persons shall be admitted as~~  
15 ~~are found by the court to have a direct interest in the case. The child may~~  
16 ~~be excluded from hearings at any time at the discretion of the court.~~ If the  
17 parent or guardian is without counsel, the court shall inform them of their  
18 right to be represented by counsel and to appeal from any disposition or  
19 order of the court.

20 (2) When a child is summoned as a witness in any hearing under this ~~act~~  
21 chapter, notwithstanding any other statutory provision, parents, a coun-  
22 selor, a friend, or other person having a supportive relationship with the  
23 child shall, if available, be permitted to remain in the courtroom at the  
24 witness stand with the child during the child's testimony unless, in writ-  
25 ten findings made and entered, the court finds that the constitutional right  
26 of the child's parent(s), guardian(s) or other custodian(s) to a fair hear-  
27 ing will be unduly prejudiced.

28 (3) At any stage of a proceeding under this chapter, if the court de-  
29 termines that it is in the best interests of the child or society, the court  
30 may cause the proceeding to be expanded or altered to include full or partial  
31 consideration of the cause under ~~the juvenile corrections act~~ chapter 5, ti-  
32 tle 20, Idaho Code, without terminating the original proceeding under this  
33 chapter.

34 SECTION 2. That Chapter 16, Title 16, Idaho Code, be, and the same is  
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36 ignated as Section 16-1613A, Idaho Code, and to read as follows:

37 16-1613A. ATTENDANCE AT HEARINGS. (1) The court shall state on the  
38 record its reasoning for admitting or excluding non-parties from a hearing.  
39 Admittance to a hearing does not confer party status. Findings by the court

1 to either admit or exclude a person from a hearing shall not prevent the court  
2 from proceeding with the hearing or issuing any ruling, decision, or order.

3 (2) Children subject to this chapter have the right to participate in  
4 all proceedings, including the opportunity to personally attend every hear-  
5 ing. The court may waive the presence of a child in hearings if it is unsafe  
6 or inappropriate for the child to be at such hearing.

7 (3) The department, parents whose rights have not been terminated,  
8 guardians, legal custodians, tribal representatives, assigned guardians  
9 ad litem, the assigned prosecuting attorney or deputy attorney general and  
10 counsel for each of these entities, and any child subject to this chapter  
11 shall be permitted to attend every hearing unless the court finds them dis-  
12 ruptive to the hearing or engaging in improper conduct and makes a written  
13 record of that finding.

14 (4) There exists a rebuttable presumption that the following persons  
15 shall be admitted to hearings under this chapter:

16 (a) Any individual identified as support for a parent, guardian, legal  
17 custodian, or the child or who has knowledge or information relevant to  
18 the welfare and best interests of the child;

19 (b) Any relative, fictive kin, or other interested persons with whom  
20 the child is or may be placed as described in section 16-1629, Idaho  
21 Code;

22 (c) Foster parents;

23 (d) State legislators and any persons who have the right to confiden-  
24 tial information about the child necessary for the performance of their  
25 duties;

26 (e) Treatment and service providers; and

27 (f) Staff of the department, a guardian ad litem agency, a prosecuting  
28 attorney's office, the office of the attorney general, or the office of  
29 the state public defender where such persons would attend to supervise  
30 or support assigned staff or in furtherance of staff professional de-  
31 velopment on the processes set forth in this chapter.

32 (5) There exists a rebuttable presumption that all other persons shall  
33 not be admitted to hearings under this chapter.

34 (6) In determining the persons to be admitted or excluded from a hear-  
35 ing, the court shall consider the following factors:

36 (a) The best interests of the child;

37 (b) The wishes of the child as stated by the child's guardian ad litem or  
38 attorney;

39 (c) Whether any person's attendance would endanger the child's physi-  
40 cal or emotional well-being or the safety of any other person;

41 (d) Any agreement between the parties;

42 (e) Whether the person's attendance would cause specific material harm  
43 to a criminal investigation or prosecution; and

44 (f) Prior disruptions of court proceedings by a person in any case.

45 (7) This section shall not be construed to prohibit the exclusion of  
46 witnesses at a hearing where their exclusion is authorized by court rules.  
47 This section shall not be construed to limit which witnesses may be called to  
48 testify at a hearing.

1           SECTION 3. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2026.