

Child Protection Caseflow Management Plan for Idaho's Sixth District

May 20, 2015

Statement of Purpose

This caseflow management plan will be administered consistently with Idaho's Statewide Caseflow Management Plan.

The purpose of this plan is to ensure fair, just, and timely case resolution in the courts of the Sixth District by:

1. Preventing unnecessary delay in case processing.¹
2. Ensuring that each case receives individual time and attention proportional to need in order to ensure a just result in each case.
3. Promoting judicial leadership and instituting continuous court oversight over the progression of cases from filing to disposition.
4. Creating consistency and predictability for users of the court system.
5. Setting reasonable and mutually understood clear expectations for judges, litigants, the Bar, and the public.
6. Ensuring that judges, court clerks, and trial court administrators have consistent, meaningful case management information to inform their efforts.

Nothing in this plan should be construed to create a substantive right.

This plan is not intended as a comprehensive guide for implementing best practices in child protection cases. The Child Protection Bench cards and Child Protection Manual should also be referenced. These and other resources are located on the Idaho Supreme Court website at <http://www.isc.idaho.gov/child-protection/judges>

Section 1: Assignment of Judges in the Sixth District

All magistrate judges are assigned matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code. Additional matters may be assigned by the administrative district judge pursuant to Idaho Code 1-907. In addition, the Idaho Supreme Court may, by rule, specify additional categories to magistrate judges pursuant to Idaho Code 1-2210.

Backup judge coverage may be provided in instances of scheduling conflicts, judicial conferences, vacations, illness, etc., by assignment to either senior or sitting judges, as available. Assignments shall consider the specialized knowledge and experience required and the possibility to consult with the regularly assigned judge. Backup judges presiding over child protection cases should follow Juvenile Rules, statutes and local "custom" or "practices."

For child protection cases, cadres of specially trained senior judges exist and are maintained by the Administrative Office of the Court. Trial court administrators will use senior judges with child protection experience or training to provide backup coverage on child protection cases. A list of

¹ According to Article I, Section 18 of the Idaho Constitution,..."justice shall be administered without...delay." According to the American Bar Association's *Standards Relating to Court Delay Reduction*, delay is "any elapsed time other than reasonably required for pleadings, discovery, and court events."

senior judges who meet these requirements and have expressed an interest in hearing child protection cases and termination of parental rights trials is available at the Administrative Office of the Courts.

The administrative district judge in each judicial district is responsible for the overall assignment of judges and caseloads to ensure effective caseload management. Each administrative district judge considers carefully the number and types of judges available within the district, as well as the availability of senior judges. Other considerations include population density, distribution and mix of caseloads, number of counties, geography and driving distances, the feasibility and desirability of specialization of caseloads, and societal and workload trends. The administrative district judge and trial court administrator continually monitor the assignment of judges and the effective use of existing resources.

- 1. Judge Murray is available along with his clerk to assist with child protection cases. If a rural county chooses to have a case assigned to Judge Murray, please use the following procedure. This approach is one that might afford good training of parties involved until such time the process becomes more familiar and comfortable:*
 - a. Local judge shall hold the shelter care hearing;*
 - b. Order of Assignment from TCA;*
 - c. The deputy clerk in rural county will call Jessica, Judge Murray's deputy clerk for scheduling time frames;*
 - d. Judge Murray will take Jessica to the rural county to hold hearings;*
- 2. Judge Laggis is available to assist rural judges with CPA cases. If a rural county chooses to have Judge Laggis preside over a case:*
 - a. Order of Assignment from TCA;*
 - b. Call Judge Laggis' office to arrange hearing schedule;*
- 3. Because there are few CPA cases in some of the rural counties, a future option may include creating a traveling team made up of judge, deputy clerk, prosecutor and public defender in order to assure that cases are well managed and parties' needs are addressed well.*
 - a. Not so much a problem with judge, but we would need to consider how this would work with elected officials, attorneys who work for other counties.*
 - b. Because of the current caseload held by the DAG, he could not participate in this approach now, however, progress is being made to have a DAG represent the Department as a party in every CP case;*
 - c. The district will need to determine if having a CPA team is worth having each county contribute financially toward a team implementation.*

Section 2: Management of Child Protection Cases

Section 2.1: Timelines for Processing Child Protection Cases

**Please see Idaho Child Protective Act Flow Chart, Appendix B, Page 27 and Child Protective Act Case Timelines, Appendix C, Page 28.*

Delays in the processing of child protection cases can have dire consequences for children and families. Children may spend years of their childhood waiting to find permanency. If too much time is spent in foster care during a child's formative years, lifetime problems can be created. Time is of the essence in child protection cases. Courts should ensure timely decision-making at all stages of a child protection cases, from shelter care through permanency.

Idaho Court Administrative Rule 57 establishes time standards for case processing for individual case types. Per the rule, the time standards “are adopted as guidelines for judges, trial court administrators, lawyers, and litigants to assist them in determining the length of time it should take to conclude a case in the trial courts.” Time standards establish reasonable, mutual expectations for the courts, attorneys, and the public and can be an effective way of boosting public confidence in the Idaho courts. Pursuant to ICAR 57, time standards for child protection cases are “as provided in the timeframes established in the Idaho Juvenile Rules.”

When monitored regularly, time standards serve as a tool to assist courts with managing caseloads, preventing backlog, and assessing progress towards case processing goals. In short, they are a tool for ensuring that Idaho Courts are meeting their goal to provide timely case resolution as reflected in the Mission Statement of the Idaho Judiciary and as mandated in the Idaho Constitution. The identification and monitoring of processing times for key interim case events for each case type is an additional tool to assist with case management efforts, allowing for the identification of specific areas of delay in the case process.

Judges, clerical staff, and trial court administrators consistently monitor time standard reports each month and use the information to take action in particular cases and to adjust processes and reallocate resources to meet case processing goals.

In child protection cases, the following timelines must be met pursuant to Idaho statute and the Idaho Juvenile Rules:

Shelter Care Hearings:

The shelter care hearing must be held within 48 hours of the child(ren) being removed or within 24 hours of an alleged offender being removed, excluding weekends and holidays. I.C. §§ 16-1608(2) and (3) and 16-1614(4); I.J.R. 16(b) and 39(c), (d) and (f).

1. *The case worker will get contact information as soon as possible.*
 - a. *Place all contact information on the Petition;*
 - b. *‘Sealed’ information should be made available to various team members involved in the case.*
2. *Best practice – have a public defender available at Shelter Care Hearing because he/she helps set the foundation for all the following hearings. The public defender/attorney explains the child protection process and gives the family a basic idea of the requirements that is usually necessary for the case to end. When there is no attorney present at the first hearing, a good deal of ‘good’ time can be lost because families often languish in the system until an attorney can provide them with direction.*
 - a. *Rural counties often do not have enough attorneys to represent all the litigants in the case;*
 - b. *Bear Lake does not even have a public defender who lives in the county;*
3. *If no attorney is present at shelter care hearing, the judge will go through process with family;*
 - a. *The judge must conduct the shelter care hearing timely. Many parties struggle to hire or request public defenders prior to the shelter care hearing. If a parent is removed from the home it must be held within 24 hours and if the children are removed it must be held within 48 hours, not including weekends and holidays. Courts should seek to have public defenders available wherever possible.*

Dealing with attorney conflicts can complicate this process. Best practice is to have at least one public defender available to help with the process of shelter care, address attorney conflicts and determine qualification for public defender assistance. Since the Shelter care must be timely held and if shelter care is ordered at that time, the court should be willing to review shelter care placement as soon as legal representation can assist the parties and review the options of a “protective order” or placement “...in the temporary sole custody of a parent having joint legal or physical custody; ...” (See I.C. 16-1615).

- b. *At the time of the next hearing, there will be one attorney already on the docket with as many as necessary ‘on deck’. These attorneys are contacted by the court;*
 - c. *Judge Laggis orders the parties to call the public defender and court provides name and contact information of the public defender.*
4. *If a shelter care hearing has to be set in 48 hours and it is a Friday afternoon, prosecutor shall:*
 - a. *Call Judge Murray or Judge Laggis;*
 - b. *Call Bannock County Dispatch at 236-7111 to find out who is on-call judge and on-call prosecutor;*
 - i. *Judge Steve Thomsen is backup for Judge Murray for CPA/shelter care hearings;*

Pretrial Conference:

The pretrial conference must be held outside the presence of the court between three (3) and five (5) days before the adjudicatory hearing. I.C. §16-1619(2).

1. *Every effort must be made by all CPA team members (Safety assessor/caseworker/CASA) to encourage families to either hire representation or agree to representation. Hearings are more productive when the litigants are represented and have a voice.*
2. *Provide documentation that lists contact information of attorneys/public defenders for litigants;*
3. *The purpose of the pretrial is to encourage resolution of the issue of jurisdiction. If attorney works out the case during the pretrial, call the court to see if the Judge can immediately take care of the case.*
 - a. *If everyone is in agreement, put the hearing on the record.*
 - b. *It is difficult for the Department to get reports ready any sooner than five days before the Adjudicatory Hearing. The Department will provide what it has, as required, but may update if additional important information is obtained.*

Adjudicatory Hearing:

The adjudicatory hearing must be held no later than thirty (30) days after the filing of the petition in the child protection case, or the date the court orders a Juvenile Corrections Act case expanded to a child protection case, or service of the order of removal, whichever occurs latest. (IJR 39(k); *see also:* I.C. §16-1614(6), I.C. §16-1619(1), and IJR 41(b))

The following time standards for adjudicatory hearings have been approved by the Idaho Supreme Court for piloting and tracking beginning in 2015:

90% within 30 days

98% within 60 days
Measured from filing of petition to completion of hearing

1. *Shelter Care Hearing shall held within 48 hours, if children are removed or 24 hours if offender is removed, excluding weekends and holidays;*
2. *Other types of hearings may be scheduled between Shelter Care Hearing and Adjudicatory Hearing to ensure representation or to address other issues. These should be called status hearings and not pretrial conference nor Adjudicatory Hearing.*
3. *Adjudicatory hearings must be set no later than 30 days;*
 - a. *Do not set the Adjudicatory hearing much sooner than the 30 days because the Department cannot complete a comprehensive report much sooner than 30 days;*
 - i. *The Department should have the full, comprehensive report done five (5) days before the Adjudicatory hearing with copies given to the parties in order to obtain a meaningful Pretrial.*

Case Plan Hearing:

The case plan hearing must be held within thirty (30) days after the adjudicatory hearing or a child coming back into foster care after having been under protective supervision. I.C. §§ 16-1621(1) and 16-1623(5). Case planning hearings are not held if the court has found aggravated circumstances. I.C. § 16-1620.

1. *The Department's purposed case plan must be provided to the court and parties 5 days prior to the case plan hearing.*
2. *Case plan shall contain issues involving the safety of the children along with compliance requirements and the approximate date/time the compliance should be completed;*
 - a. *Including a timeline with completion date expectations assists the team in holding individuals accountable for compliance;*
 - b. *Including more broad issues in the case plan provides judges with a more holistic view of family and needs. The judge may be able use the information in ways to assist families in gaining additional resources needed to become successful;*
3. *All team members may request status hearings to assist in compliance throughout pendency of the case by contacting the deputy clerks;*
 - a. *Best practice includes setting the next court date prior to all parties leaving current hearing;*

Redisposition hearings:

Redisposition hearings occur when a child under protective supervision comes back into foster care. The hearing must be held within 48 hours of removal, excluding weekends and holidays. I.C. § 16-1623(3).

1. *Once the Department receives an order to remove the children from the home, a disposition must be set within 48 hours of removal, excluding weekends and holidays.*
2. *All parties shall receive notices of the disposition hearing and because of the hearing's quick setting, notice may best be effected through email or notification by phone.*

Review Hearings:

Review hearings must be held no later than six (6) months after entry of the court's order taking jurisdiction, generally at the Adjudicatory Hearing, and at least every six (6) months thereafter. I.C. 16-1622(1)(a).

1. *Review hearings shall be held within six months and every six months thereafter.*

- a. *Permanency and Termination hearings may be held at the Review hearing but the permanency hearing requires a separate computer entry by the deputy clerk;*
- b. *Permanency and/or termination hearings require reports so that case can move forward;*
- c. *Status hearings are different than review hearings. Status hearings may be requested at any time by any party.*
 - i. *The judge shall determine whether or not a report is needed for a status hearing.*

Permanency Hearings:

Permanency hearings must be held at any time, but no later than twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction, whichever occurs first, and every twelve (12) months thereafter. I.C. § 16-1622(2)(b). A permanency hearing must be held even in protective supervision cases. **If the court has found aggravated circumstances**, the first permanency hearing must be held within thirty (30) days of the finding. I.C. § 16-1620(1).

The Department's permanency and review report shall be delivered to the court and parties 5 days prior to the permanency hearing.

The following time standards for permanency hearings have been approved by the Idaho Supreme Court for piloting beginning in 2015:

First Permanency Hearing:

98% within 365 days

Measured from the date the child was removed from the home or the date the court took jurisdiction, whichever was first, to completion of hearing.

Subsequent Permanency Hearing:

98% within 365 days

Measured from the earlier of the date of the previous timely permanency hearing or the last date on which the previous permanency hearing would have been heard timely to the completion of the hearing. (I.C. §16-1622(2))

Timelines for Achieving Permanency Goals:

Timelines for permanency goals should be addressed at the case plan hearing:

Reunification:

If the court has not found aggravated circumstances, reunification should be accomplished within 12 months from the date of removal; provided, however, if it is in the child's best interest, the court may approve an extension of up to 3 months to finalize

reunification. I.J.R. 44(a)(1). **If the court has found aggravated circumstances, the Department is not obligated to make reasonable efforts to reunify the family.** (§16-1620)

Guardianship:

If the permanency goal is guardianship, it should be finalized within 13 months from the date of removal. I.J.R. 44(a)(2). **If the court has found aggravated circumstances,** guardianship should be finalized within 5 months from the date of the determination of aggravated circumstances. I.J.R. 44(b)(1). Any extension of time to finalize guardianship must be approved by the court.

Termination/Adoption:

If the permanency goal is termination of parental rights and adoption, the court shall order the Department to file a termination petition within 30 days of approval of the goal.

Termination must be finalized within 18 months and adoption within 24 months from the date of removal. I.J.R. 46. A termination petition is not required to be filed as stated above if the court finds that the child is placed permanently with a relative; there are compelling reasons why termination is not in the best interests of the child; or the Department has failed to provide reasonable efforts to reunify the child with his/her family. I.C. § 16-1622(2)(g). **If the court has found aggravated circumstances,** termination of parental rights should be finalized within 6 months and adoption within 12 months from approval of the permanency goal. I.J.R. 44(b)(2). Any extension of time to finalize termination and adoption must be approved by the court.

- 1. The Department/prosecutor/DAG to have petition ready within 30 days after the approval of the goal.*

In the case of a safe haven baby, shelter care and adjudicatory hearings are held as set forth above. No case plan hearing is held. The Department is required to petition for termination of parental rights as soon as practicable following the initial 30 day period from the date the child was delivered to the safe haven. I.C. § 39-8205.

Section 2.2: Overlay of Federal Law

In addition to the time standards and time lines as set out in Idaho statute and rule, child protection cases must be managed in compliance with several federal statutes. Failure to comply can result in unnecessary case delay or may negatively impact outcomes for children in care.

Reasonable Efforts Findings and IV-E funding. In order for an Idaho child who is placed in foster care to establish and maintain eligibility to receive federal IV-E foster care maintenance payments, the presiding judge must make specific findings at specific times in the child protection case. Failure to make the required findings may delay permanency for the child, and may also result in the loss of federal foster care match and adoption funding for the child.

Judges hearing child protection cases must make the following findings at the following times:

A. Contrary to the Welfare.

The judge hearing a child protection case must make a finding that it would be “contrary to the welfare of the child to remain in the home.” 42 U.S.C § 672(a)(2)(A)(ii); I.C. §§ 16-1615(5)(d), 16-1619(6).

The finding must be made in the **first order pertaining to the removal of the child** from the home.

1. *In order to ensure IV-E funding, the court has to make a finding that the circumstances 'are contrary to the welfare to remain in the home' at the shelter care hearing.*
 - a. *If that finding is not made at the shelter care hearing, then there is no IV-E funding for the life of the case! It is not fixable.*

If the Rule 16 Expansion Order is the first order of removal, the 'contrary to the welfare' finding must be included in the IJR 16 Expansion Order. Failure to make this finding in the first order will render an otherwise eligible child ineligible for foster care maintenance payments for the duration of the child's stay in foster care and for federal adoption assistance payments.

B. Reasonable Efforts to Prevent Removal.

A judicial determination must be made as to whether or not the Department made reasonable efforts to prevent the removal of the child from his/her home.

The finding must be made **no later than sixty (60) days from the date the child was removed from home.**

C. Reasonable Efforts to Finalize the Permanency Plan.

A judicial determination must be made as to whether the Department did or did not make reasonable efforts to finalize the permanency plan that was in effect.

The finding is a retrospective review of the efforts to finalize permanency and must be made **within twelve (12) months of the date the child is removed from the home or the date of the court's order taking jurisdiction, whichever occurs first, and at least once every twelve (12) months thereafter.** (§16-1622(2)(c))

The Sixth District employs the following process to ensure that the above findings are made at the specified times:

1. *Each member of the child protection team shall be personally committed to learn and do member's part of the process through leadership provided by leadership of each identified department. The following agencies should receive child protection specific training and/or information, see Appendix A, page 26:*
 - a. *Child Protection Safety Assessment Officer*
 - b. *Department Case Manager*
 - c. *CASA*
 - d. *Guardian Ad Litem*
 - e. *Foster Parents/Guardians*
 - f. *Judge*
 - g. *Deputy Clerk*
 - h. *Prosecutor*

- i. *Deputy Attorney General*
- j. *Public Defender/Defense*
- k. *And others, as identified*
- 2. *Establish consistent, member specific training protocol for each new member of a CPA team as they are hired;*
 - a. *Use training documentation as part of training;*
 - b. *Use a clear flow chart that includes specific time and documentation requirements as part of documentation;*
- 3. *Identify resources available for the families in each county and note any lack of services, such as foster care, in each county in our district. Lack of resources can impede successful completion of the case.*
 - a. *Include Family Court Services, currently Lacy Parker, as a resource in this process. She has knowledge of many family related resources throughout our district.*
- 4. *The key elements that are necessary in reports that are provided to the courts at the 6 month hearing are:*
 - a. *Progress on, changes to, or modifications of the case plan.*
 - b. *Wellbeing of the child(ren), education, health, etc.*
 - c. *Legal Custody or Protective Supervision status*
 - d. *Visitation and Home Visits*
 - e. *Progress on the concurrent or alternate permanency plan.*

2. Special Circumstances that Can Contribute to Delay.

A. Indian Child Welfare Act (ICWA) determination.

Failure to comply with the standards required by the ICWA may result in substantial delay in finding permanency for Indian children. Early and accurate identification of any unmarried child who is a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe is critical. The court should inquire about the application of the ICWA at the earliest possible time in the case and continue to do so until a determination is made. If the ICWA is applicable in a case, there are a substantial number of unique issues that must be addressed. Judges should employ the bench cards, child protection manual, and the BIA Guidelines.

The Sixth District employs the following process for early identification of Indian Children in child protection cases:

1. *The Court will inquire at every stage of hearings on ICWA status until the determination is made;*
2. *The Department shall continue working to determine ICWA status at all times;*
3. *The Court shall proceed as if ICWA has been determined to apply until it has been eliminated;*
4. *Use the RED ICWA stamp on the front cover of all CPA cases;*
 - i. *Provide a stamp for the front of the file that says:*

ICWA

Yes _____ (date)
 No _____ (date)
 Undetermined _____ (date)

Interstate Compact for the Placement of Children (ICPC).

The ICPC is a federal law that governs the out-of-state placement of children. Delay can result from failure to timely initiate the ICPC process or from delay by the receiving state in their response to the placement request. Whenever out-of-state placement is a possibility for a child, the court should inquire about the application of the ICPC (specifically, Regulation 7) at the earliest possible time. ICPC Regulation 7 is a tool to expedite ICPC approval or denial and applies in a specific set of circumstances.

The Sixth District employs the additional following procedures to manage and/or prevent unnecessary delay in the ICPC process:

1. *The Interstate Compact on the Placement of Children (ICPC) is the best means to ensure protection of and services to children who are placed across state lines for foster care or adoption. The Compact is a both an interstate agreement and a uniform law that has been enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child.*
2. *The ICPC process is a Department to Department process. It requires a request from the Department to another state. The court cannot make the request, but can order the Department to do it, include it in a case plan and schedule status hearings to inquire as to the progress. The court may also order an expedited process called "Regulation 7 – Priority Cases Involving Placement with a Relative Only". ICPC Regulation 7 provides for expedited handling of interstate placements with a relative under some circumstances. Pursuant to Regulation 7, a request can be made when the proposed placement is with a relative AND the child is under four years OR the child is in an emergency shelter OR the court finds the child has a substantial relationship with the proposed placement. Regulation 7 requires a court to make the specific finding just described in order to qualify for expedited handling.*
3. *ICPC applies in the following cases:*
 - A. *Children who are within the custody of the Department (or in a parallel arrangement in another state) and who are being placed with a parent or relative when a parent or relative is not making the placement.*
 - B. *Children who are entering foster care or a placement for the purpose of adoption.*
 - C. *Children who are within the custody of the Department (or in a parallel arrangement in another state) for placement in a group home and/or residential treatment facility.*
 - D. *Children who are to be placed in a group home and/or residential treatment facility by a legal guardian.*
 - E. *Children who are placed by a legal guardian with a person outside of the third degree of relationship, i.e. child's second cousin.*
 - F. *Children who are adjudicated delinquents for placement in a group home and/or residential treatment facility.*

4. *The Compact does not apply to placement of children in an institution that cares for the “mentally ill, mentally defective or for individuals with epilepsy, or an institution that is primarily educational in character, and/or a hospital or other medical facility.”*

Section 2.3: Early identification and engagement of family. Early identification of family members helps to ensure timely permanency for children. Failure to engage parents can delay the court process. In addition, family members may provide the most appropriate placement or may provide guidance about the most appropriate placement for the child.

Federal law requires that the Department identify all extended relatives within the first thirty (30) days of a child protection case. Failure to do so may result in substantial delay throughout the life of a case, including late appointment of counsel for a parent, delay in ICPC processing, delay in genetic testing, or conflicting orders.

The Sixth District employs the following process to ensure early identification of family members in child protection cases:

1. *At each hearing, the court will ask participants to identify family members until all family members are clearly identified;*
2. *The copy of the birth certificate request shall be part of the shelter care hearing order;*
3. *Family Group Decision Making (FGDM) will be used in the preliminary order for case plan. We can use the information found through FGDM as a resource during the case planning processes;*
4. *Provide each court with the qualifications required for the licensure of family members to become foster parents. In order for licensure to be met, persons are required to meet stringent guidelines and also receive 27 hours of training.*
 - a. *Some denials of licensure are permanent while others may be a denial until a time or requirement is met.*
 - b. *The Department can implement a Code X to help expedite family members, but it does not guarantee licensure or speediness depending on the circumstances;*

Section 2.4: Concurrent planning. Concurrent planning is a planning model that prepares for and implements different outcomes at the same time. I.C. §16-1602 (11) Concurrent planning is essential from the outset of a child protection case. If there is no finding of aggravated circumstances, the case plan must include a plan for reunification as well as a concurrent permanency goal and a plan for achieving that goal. The plan for reunification and for the alternate permanency goal should be implemented concurrently from the outset of the case. Initiating concurrent planning late in a child protection case will result in substantial delay in permanency for the child.

The Sixth District employs the following process to ensure that concurrent planning is initiated early in a child protection case and is implemented along with the plan for reunification:

1. *At the Case Plan Hearing, the court will require and approve as part of the plan a concurrent planning process, requiring the department to outline what it will do to create and plan for an alternate permanency plan if reunification is not timely achieved. The duties are outlined in I.C. 16-1621 (3) (a)-(d).*

2. *At each Review Hearing, the Department will include in the report to the court the progress in identifying the alternate permanency plan(s). The report will include the advantages and disadvantages of each option and what has been accomplished and needs to be accomplished to implement the plan(s) if necessary.*
3. *The court will review the progress on the alternate permanency plan at each review hearing and remind the participants of the limits on time to accomplish reunification.*
4. *The Permanency Report of the department and the report of the Guardian ad litem, if any, shall be filed and served well in advance of the Permanency Hearing, but at a minimum 5 day prior to the scheduled hearing date. The report of the Department shall outline the “Reasonable Efforts” the department has made to finalize the permanency goal.*

Section 2.5: Case Assignment and Case Coordination

Assignment of Child Protection Cases to Judges and Deputy Court Clerks

The purposes of a case assignment policy are to 1) establish for the district the process by which cases will be assigned (individual case assignment or an alternative calendar system); 2) ensure continuity of judicial attention; 3) designate the instances in which cases involving the same family will be assigned or consolidated for adjudication by the same judge; and 4) put in place case assignment processes that ensure the public that the assignment of cases to judges within the Sixth District is not susceptible to control or manipulation by parties or attorneys.

Judges assigned to child protection cases have the responsibility to protect the rights of participants before the court and ensure safe, permanent homes for abused and neglected children. Judges assigned should have training, resources (Bench Cards and Child Protection Manual) and support necessary to accomplish this task and ensure that all participants are accountable for their duties and responsibilities to the family and the case.

Judges shall provide close judicial oversight of child protection cases and to the fullest extent possible preside over all hearings in the case and practice the one family/one judge assignment to cases and proceedings.

Clerks assigned to child protection cases shall have or be supervised by a clerk having specialized training for the processing and clerking of these proceedings. Best practice is for the same clerk to be responsible for all stages of a case both in and out of the courtroom and to work with the assigned judge in scheduling proceedings to meet time deadlines and data entry requirements.

The Sixth District employs the following case assignment process for child protection cases:

1. *Judge Bryan Murray and Judge Paul Laggis are willing to take child protection cases in other counties within the Sixth District;*
 - a. *Call Judge Murray or Judge Laggis’ deputy clerk to arrange schedule;*
 - b. *Request an assignment of the case to the new judge by trial court administrator;*
 - c. *Local judges shall do the initial shelter care hearing and when appropriate, make a finding that it is contrary to the welfare of the child/children’ in its order.*
 - d. *Continue to work on establishing remote/video process for holding regular CPA cases for the assisting judges to use;*

2. *If Judge Murray is assigned to preside over a CP case, he will take his deputy clerk to assist in training of deputy clerks in CPA casework until other clerks can take care of the data entry process;*

The Sixth District adheres to the provisions of IRCP 40 in responding to recusals, disqualifications, and the need for additional judges to handle lengthy trials by assigning cases to other sitting judges or senior judges assigned to the district.

Case Coordination

A. Case Coordination with Other Pending Cases

Timely resolution of a child protection case is often affected by parallel court cases involving the parents and/or children. The court, to the extent possible, coordinates with all cases involving the family to identify additional resources and reduce obstacles to timely resolution in the child protection case. This includes identifying and utilizing the Idaho Department of Health and Welfare “child identification number”. Additionally, the court considers at least the following:

1. Information provided on the Family Law Case Information sheet
2. Obstacles created by criminal cases for parents, including, but not limited to, the impact of “no contact orders” issued between the parents and children and the discouragement of parents to participate in evaluations pending criminal trials
3. Any case involving the family, including but not limited to:
 - a. Guardianship or Conservatorship
 - b. Custody (including out-of-state orders)
 - c. Child Support/Paternity
 - d. Juvenile
 - e. Companion criminal cases
 - f. Problem solving court cases
 - g. Domestic violence

Special Considerations for Districts:

1. *Bannock County has a protocol for case assignment to try to ensure early identification and case management. See Appendix D, page 29, for Bannock County Case assignment diagram;*
2. *Rural counties basically use the one family, one judge models since the judge handles all the cases;*
 - a. *If a rural judge is disqualified on a CPA case, other cases related to the same family will be looked at on a case-by-case basis. If it makes sense that they should be tied together, then those cases will be assigned to the new judge.*
 - b. *We will take on the discussion of CPA case assignments as part of our districtwide review of this case management plan;*
 - a. *Review different approaches that can work within the law;*

Late Appearing Parent/Late Appearing Child

Following the initiation of a child protection case, a child or parent may be identified who is connected to an existing child protection case. If the court already has jurisdiction over a child it has jurisdiction over the cause of action (*in Rem*) and has jurisdiction to engage the newly discovered or appearing parent.

If a child is identified that is connected to an existing case, that child may be brought into the existing case by: (1) If prior to adjudication, with proper notice, amending the petition to include the child; or, (2) if, after adjudication, jurisdiction is found, by filing a new petition and if jurisdiction is taken, merging it into the original case and follow the timeline of the original case.

The Sixth District follows these practices when a sibling or parent is removed from home at a later date:

1. *If an additional child is identified prior to the court finding jurisdiction, the Department may file an amended petition including the child.*
2. *If an additional child is identified after the court finds jurisdiction, a new case shall be opened and the process followed. It may then later be consolidated.*
3. *If a late appearing/identified parent appears, that parent joins the case as a party where the case is at in the judicial process. The case does not start over. An attorney may be assigned and a status hearing set to engage the parent and amend the case plan/permanency plan as needed.*
 - a. *The Department may request that a paternity test be ordered by the court;*
 - i. *If the parent is on the birth certificate, the court shall proceed according to the birth certificate;*
 - ii. *If the Person is married to the mother at the time of the child's birth, it is presumed that he is the father and the court shall proceed accordingly;*
 - iii. *The late parent, if not on the birth certificate, should comply with the order for paternity test or not claim paternity. The court parent needs to determine whether to order the parent into the case or not!*
 1. *If parent on birth certificate but fails to comply with the court order, the parent may be sanctioned by the court;*
 2. *If the parent is not on the birth certificate and the parent does not comply with the court order, the judge shall make a determination on whether or not to sanction;*

B. Problem Solving Courts

When a family has an open child protection case and is simultaneously participating in a problem solving court, **and the same judge is not hearing both cases**, communication between the child protection and problem solving courts is essential.

Information-sharing protocols should be developed to ensure that information shared between the problem solving court and other systems that is critical for informed decision-

making and treatment planning while protecting parents' privacy and due process rights. The protocols must also ensure that information is shared in a timely way.

The Sixth District follows these practices to ensure good communication between child protection and problem solving courts:

1. *Bannock County has a Family Treatment Court connected to child protection cases.*
2. *Establish effective protocol for referral of cases from the Department to FTC;*
3. *Continue to improve effectiveness of communication for FTC staffing between the Department, treatment and the coordinator.*
4. *The CPA judge shall determine if the litigants are participating a problem solving court;*
 - a. *If it is determined that litigant is participating in a problem solving court, then the judge shall make contact with the presiding judge of the problem solving court to determine next steps;*
5. *Information amongst the members of the Child Protection Team should be free flowing in order to best meet the needs of the children;*

C. Transfer of Venue

Transfer of venue in a child protective act case is governed by IJR 50. Prior to the transfer, the judge of the sending county court will communicate, either verbally or in writing, and obtain consent to the transfer from a judge of the receiving county court. (IJR 50(c)(6))
Venue may not be transferred prior to the entry of a decree finding the child within the jurisdiction of the court under the child protective act.

The Sixth District follows these practices when venue is transferred:

1. *Generally, the transferring judge will communicate with the receiving judge to obtain consent prior to sending the case after the entry of decree finding the child within the jurisdiction of the court under the child protective act;*
 - a. *Within the Sixth District, the transferring judge will obtain consent from receiving judge prior to changing venue;*
 - b. *Outside the Sixth District, the transferring judge will obtain consent from receiving judge (or one of that counties judges if more than one judge does CP cases) and then send Order to Change Venue to the trial court administrator for assignment to be made;*
 - c. *The majority of the transfers occur within the District;*

Section 2.6: Proactive Case Management

All cases and calendars are set in such a way to prevent unnecessary delay in case processing, while balancing the effective use of the time of parties, judges, attorneys, and court personnel. The presiding judge adopts a scheduling policy that accomplishes this and reduces the likelihood of scheduling conflicts requiring rescheduling of events. The judge maintains early and continuous control of all cases from initiation through resolution by the use of:

1. Appropriate case assessment;

2. Scheduling of hearings that comply with time standards adopted by the Idaho Supreme Court, Idaho statutes, and Federal law; and
3. Court control of continuances for purposes of fostering timely and just voluntary resolution of most cases and achieving trial date certainty for those cases that are resolved by trial.

Section 2.7: Early and Continuous Assessment, Scheduling of Events, Calendar Setting

1. Early and Continuous Assessment

Judges continuously assess cases to ensure that every case receives individual attention and to make sure that the amount of individual attention is proportional to need. The amount of court time and resources devoted to a case and the pace at which a case progresses depends on the complexity and individual needs of that case. Some cases can be resolved quickly with little court involvement while other cases require more time, court appearances, and judicial oversight to reach resolution. Through an early and ongoing assessment process, the judge manages the progress of a case in a manner that will result in the most timely and just resolution possible, given the individual circumstances of that case. Prompt screening and assessment help to ensure compliance with ASFA timelines and provide the greatest chance of the family's success.

There are people from many disciplines that the court may draw from in order to assess the case and reach its findings. Judges are encouraged to conference on the record with parties and interested persons throughout the life of a child protection case. These people may include but are not limited to:

- *Parents
- *Children and Youth
- *IDHW Staff
- *Foster Parents
- *Guardian *ad litem*
- *Extended family
- *Tribal Representatives
- *Medical and Behavioral Health Professionals

The Child Protective Act is silent as to whether or not the Idaho Department of Health and Welfare is a party to a child protection case. Judges should solicit the perspective of the Department either directly from IDHW staff, or if represented by a Deputy Attorney General, their counsel.

Early and ongoing assessment for substance abuse/dependency, mental health issues and trauma is also necessary to identify cases that are appropriately referred to a problem solving court, other appropriate community service, or for enhanced treatment or services, in order to ensure that the necessary amount of judicial time and oversight is provided in the case.

When determining the most appropriate plan for a child protection case, the court considers at least the following:

1. Parental attitude (positive or negative)
2. Questions regarding paternity
3. Housing status of family at the time of removal
4. Substance abuse or dependency, trauma, or mental health issues
5. Prior history with IDHW including prior terminations

6. Re-entry cases
7. Long-term incarceration of one or both parents
8. Domestic violence
9. Developmental disability
10. Family constellation (genogram)
11. Type and quality of legal representation (public vs. private counsel)

Note: not listed in order of importance

The Sixth District follows these practices to ensure early and ongoing assessment in child protection cases as well as appropriate early assignment to problem solving courts or appropriate community resources:

1. *Bannock County is working to establish effective referrals to family treatment court;*
2. *The FTC team will continue to work at effective information exchange to best use time, energy and resources for the benefit of families;*
3. *The Department is working towards their team model to include safety assessment officer and case manager under same supervisor and when possible, assign new cases to members of the same team;*
4. *The Department is working to establish effective exchange of information/handoff from safety assessor and the case manager to ensure most productive use of information, time and resources for the families;*
5. *The Department will continue to implement and analyze a comprehensive, evidence-based assessment of children to assist it in determining the most important needs to be included in the case plan.*
6. *The child protection team members will continue to analyze if and how to use drug testing of parents to determine placement of children.*
 - a. *It is better to assess people early on for substance abuse, but testing can also cause scheduling problems for those involved.*

7. Scheduling of Events and Ensuring Meaningful Hearings

All scheduled case events are meaningful events, defined as events that (a) move a case toward disposition and (b) prompt the attorneys and parties to take necessary action. Monitoring the effectiveness and timeliness of interim case events between filing and disposition helps to prevent unnecessary delay. A number of key interim case events, including those listed in Section 2.1 of this plan, will be tracked in the case management system for informational and case management purposes. The following guidelines are used to ensure that case events are meaningful:

1. Hearings and trials are scheduled in a manner that minimizes delay, respects the participants' time and reduces the potential need for continuances.
2. Adequate time should be set aside for contested hearings, which should be completed without disruption rather than parsed out over several days.
3. Every event is a meaningful opportunity for case resolution.

4. Every event is potentially more meaningful when parents are able to see and hear from the judge. A short hearing should be held when the parties have stipulated to a matter to allow face-to-face communication between the judge and parents. *See IJR 38.*
5. Future action dates (based on interim case events) are always assigned and deadlines for those dates are enforced.
6. Requests for continuances are considered pursuant to Section 2.10 of this plan.

The Sixth District follows these practices to ensure that all scheduled events are meaningful:

1. The courts will hold required hearings and may schedule additional status hearings at any time when needs arise.
 - a. *Members of the CPA team may also request status hearings as necessary.*
 - b. *Hearings will be scheduled for the amount of time necessary and at a time certain.*

A. Importance of Timely Reporting

The Department and the GAL are required to file reports and plans prior to statutorily mandated conferences and hearings. Failure to file reports timely causes unnecessary delay. The Department's report of investigation must be received by the court and parties prior to the pretrial conference for the adjudicatory hearing. I.C. §§16-1616 and 16-1619(2). The Department must file a case plan no later than 5 days prior to the case planning hearing. I.C. §16-1621(1). The Department and the GAL must file reports for 6 month review and annual permanency hearings at least 5 days prior to the hearing to which they pertain. I.C. §§16-1629(4) and (9), 16-1633(2), and IJR 45(c). Written reports for review hearings other than the 6-month review hearing are not required, but may be requested by the court. Judges are encouraged to convene stakeholders to explore barriers to timely reporting.

The Sixth District follows these practices to encourage timely reporting:

1. *The Courts will work towards having the next hearing notification provided to all parties prior to the ending of the current hearing;*
 - a. *Parties should work on establishing a 'tickler' system to assist in managing reporting requirements for multiple cases.*
 - b. *As the Courts develop its statewide software system, it may be utilized to assist in providing notifications, reminders, etc. to assist in this complex and time-driven case type.*

B. The Right of Children and Foster Parents to be Heard

Children age eight (8) and over and the foster parents of, preadoptive parents of, and relative placements for the child shall be provided notice of and have a right to be heard at any post-adjudicatory hearing. (IJR 40) Judges are encouraged to schedule hearings in a manner that encourages and facilitates the participation of youth, foster/preadoptive parents, and relative caregivers. This includes providing set hearing times and sufficient hearing length to encourage meaningful interaction with children and foster parents.

The Sixth District follows these practices to encourage time-certain hearings and the meaningful participation of children and foster parents:

1. *The Court shall schedule meetings at a time certain;*
2. *The parties in the team will be conscientious of each child to determine how best to hear from them;*
 - a. *In some instances, children may provide their thoughts in writing;*
 - b. *As children become older, it is clear that children want to be part of the process so they know what is occurring in their case.*
 - c. *Children already are living the consequences of a child protection action;*
 - d. *It is often better for parents to have their children at the hearing;*
 - e. *There is a concern about bringing children to shelter care hearings so soon after removal;*
 - i. *All parties should think about each child in particular. Consider the specific child and the specific hearing;*
3. *Each courthouse should continue to examine its physical set up to provide a healthy set up for foster children and foster parents to attend court hearings;*

4. **Problem Solving Court Practices that May Facilitate More Meaningful Hearings**

Judges and stakeholders are encouraged to consider:

- Positive Judicial Qualities
- Three minutes of direct contact with parents at each hearing
- Policy and plan for assessing parent for a substance use disorder at the earliest point possible.
- Policy and plan for timely access to treatment, drug testing and increased monitoring for individuals with a substance use disorder who are not eligible for or decline to participate in a child protection drug court
- Increased frequency of hearings for parents with a substance use disorder who are not eligible for or decline to participate in a child protection drug court
- Formal training of court and IDHW staff on substance use disorders, dependency, and related topics.

8. Calendar Setting

For judges presiding over an individual calendar, counsel contacts the clerk of the presiding judge to calendar a matter for a time certain. In jurisdictions using alternative calendar systems, matters are scheduled by the clerk's office or at the direction of the presiding judge, as necessary. All calendar settings are made within the applicable time standards. Settings outside of an applicable time standard or statutory timeframe are made only upon a showing of good cause and upon order of the presiding judge.

Child protection cases require individual attention. For all hearings other than shelter care hearings, districts are encouraged to use a calendaring system that allows for hearings that are time-certain and of a length proportional to need.

Special Considerations for Districts:

[For Districts whose calendaring does not meet this recommendation, consider implementing changes].

The Sixth District follows these practices to promote time-certain hearings and of a length proportional to need:

1. *The Courts shall set all hearings so team members can have dates to work toward. (Courts need to work with prosecutors to establish protocol)*
 - a. *Hearings shall be scheduled for time certain for the length of time needed with next hearing scheduled at a time certain after the estimated time of prior case;*
 - b. *Keep in mind that public defenders for rural counties often must travel and scheduling as an effect on access;*
2. *Remodel orders so that they can be easily issued at the end of every court hearing by including more check boxes; easy to use forms; etc.*
 - a. *Examine statewide orders that are being used as models;*
3. *The Court will set as many status hearings as necessary to keep the case moving along to ensure what is best for the children;*
 - a. *Require deputy clerks to monitor case status often which should be provided through thorough use of current ISTARS module;*
 - b. *Require judges to work with deputy clerks to determine need of hearing;*

Section 2.8: Appointment of counsel

The fundamental Constitutional right of parents to parent their children, the interplay of state and federal laws, the complex legal issues, the upheaval in families, and the need for the case to move quickly through the system all necessitates specialized legal representation in child protection cases. Active steps should be taken to ensure that parties in child protection cases have early access to competent legal representation. Ideally, attorneys working with the child protective system should be committed, well trained, and experienced in the child protection process.

A parent, guardian, or legal custodian has the right to be represented by counsel in all proceedings before the court. The court shall appoint counsel to represent the parent(s), guardian or legal custodian if it finds that they are financially unable to pay for such legal services, unless representation is competently and intelligently waived. At the shelter care hearing, the judge must advise the parent, guardian, or custodian of their right to be represented by an attorney, and if financially unable to hire an attorney, of their right to be represented by a court-appointed attorney. (IJR 39(g)) In addition, Idaho law requires the appointment of a guardian ad litem or an attorney for the child. For children under the age of 12, a guardian ad litem and counsel for the guardian ad litem shall be appointed. For a child twelve (12) years of age or older, the court shall appoint counsel to represent the child and may, in addition, appoint a guardian ad litem. (§16-1614)

The Sixth District follows these procedures to prevent continuances of shelter care hearings due to a lack of counsel:

1. *The Courts will work with the public defenders to determine how best to proceed at shelter care hearings;*
 - a. *The Bannock County deputy public defender appears at the shelter care hearing even though there isn't enough information or time to determine conflicts to help parties understand the CPA process and what the expectations are of parents to get a child protection case resolved;*
 - i. *Parents where a public defender is present at the shelter care hearing feel more prepared to proceed in the CPA action.*
 - b. *Most often there is a need for representation for each litigant in the case;*
2. *Continue to look at video access for rural counties;*

- a. *It would be feasible to use it for most hearings except for terminations;*

Parents, guardians, and children with conflicting positions or potential for conflicting positions may require the appointment of conflict counsel. Inefficient or ineffective appointment of conflict counsel may result in significant delays in processing child protection cases. Conflicts may also arise when the parents also have criminal charges requiring appointment of public defenders. Public defenders assigned to represent a parent in both criminal and child protection proceedings have an added responsibility of helping the parents succeed in the child protection proceedings while at the same time protecting the parents' rights in the criminal matter.

The Sixth District follows these procedures to reduce delays and ensure that conflict counsel is appointed at the earliest possible date in child protection cases:

1. *CASA will take on the responsibility to finding a GAL as soon as it is made known to them;*
2. *Older children or children without a GAL require the appointment of an attorney for themselves;*
3. *The Sixth District will work towards finding training to attorneys who want to do CPA work.*
 - a. *Explore the possibility of creating a list of attorneys who are willing to take cases and provide list to each county in the Sixth District.*

Section 2.9: Early case resolution processes

1. Family Group Decision Making (FGDM)

Family Group Decision Making (FGDM) recognizes the importance of involving families in decision making. FGDM meetings are held at the case opening and at other critical junctures throughout the case. FGDM may assist parents in making co-parenting plans, and aid in resolving conflict with children, other family members, between foster and birth parents, between kinship providers, birth parents, etc. Judges are encouraged to confirm that a FGDM meeting has occurred prior to the case plan hearing and that it is offered at critical junctures throughout the case.

2. Front-Loading Services

To achieve better outcomes in cases, the services should be “front-loaded.” This means that all stakeholders must move quickly to assess the facts of the case, identify the appropriate parties and participants, and provide the appropriate services for the family at the earliest possible stage. Effective practice includes early identification and involvement of fathers and other relatives, early engagement of parents in the court process, as well as early voluntary involvement of the family in remedial services. Important court practices include establishing firm court dates and times with tight control over continuances and rapid distribution of the court’s orders to all parties. Judges should encourage parents, as early as possible in the case, to discuss any concerns or needs that may prevent the reunification of the family.

Section 2.10: Continuances

A continuance, for the purposes of this section, is when a party requests the postponement of a scheduled hearing or adjudicatory date. Courts exercise discretion in determining whether to grant or deny a requested continuance. If a continuance is granted, courts also exercise discretion in

determining the length of the continuance. Continuances should only be granted for good cause shown and for the shortest amount of time possible. Joint, or stipulated, motions to continue are not binding on the court. Courts should always be mindful to avoid and reduce unnecessary delays. Some brief delays may be needed, from time to time, to effectuate justice or to facilitate effective resolution of cases.

Some factors to consider in determining whether to grant a motion to continue are:

1. The reason for the request and when the reason arose.
2. Whether the reason relates to a fundamental right (such as the right to counsel) or is simply related to an issue of convenience.
3. Whether the reason for the request was within the control of counsel or a party or was otherwise reasonably foreseeable and, possibly, preventable.
4. Whether granting or denying the motion would unfairly prejudice a party.
5. The number of continuances previously granted.
6. The age of the case.
7. Whether a child or children are in shelter care or foster care and the effect a delay would have on them.
8. The child's need for timely permanency.
9. The balance between benefits and burdens, i.e., does the benefit to be achieved by a continuance outweigh the burden caused by a delay.
10. Whether the hearing is a short-set hearing (shelter hearing, pretrial, adjudicatory) or a hearing set with longer time parameters (review hearing, permanency hearing).
11. Any applicable time standards or time frames in statutes or rules.
12. CP cases are civil cases. If a parent has been served and the court has jurisdiction, the voluntary absence of the parent from a hearing is not grounds for a continuance. (Unlike a criminal case where the presence of the defendant is generally necessary to proceed).

The judges of the Sixth District have adopted the following policy to implement the statewide policy on continuances in child protective cases:

1. *Ensure that all parties in a case are notified of each hearing;*
2. *No adjudicatory hearing can be continued until the Judge makes a finding that there was a reasonable effort was made.*
 - a. *A continuance will show that the adjudicatory hearing was not timely but the IV-E funding will be preserved.*

Section 2.11: Effective and Consistent Monitoring of Case Management Reports

Caseflow management necessitates the regular production of case management information from an automated system. Case management reports provide a means of identifying and preventing delay in the processing of individual cases and the buildup of a case backlog that can result in an overall delay in the processing of all cases. They also provide information about potential sources of delay.

The production of case management information is not sufficient in and of itself, however, to ensure effective caseflow management. Equally important is the utilization of this information:

1. Judges consistently and effectively monitor their case management reports and take appropriate action to ensure that meaningful events are set for all cases, that case processing

goals are being met, and that potential sources of unnecessary delay are identified so that they may be addressed through case management.

2. Administrative district judges and trial court administrators closely monitor reports for their districts to identify cases that are nearing or exceeding applicable time standards, areas where backlog may be developing, potential sources of systematic delay, and changes in overall caseloads and inequities that may be developing in caseload distributions that may require changes in judicial assignments.
3. Court clerks monitor case management reports regularly to ensure that all pending cases are scheduled for meaningful events through disposition.

It is the responsibility of individual courts to ensure that data entry practices are consistent with statewide uniform business practices thus resulting in accurate and reliable case management information.

The Sixth District uses these procedures to ensure effective use of data reports for monitoring the progress of child protection cases:

1. *All counties shall use the ISTARS data reports to monitor child protection;*
 - a. *If a county is unfamiliar with how to use the reports, contact the trial court administrator who will arrange for training for all users;*
 - b. *Provide suggestions for improvement to the reports to the trial court administrator;*

Section 2.12: Special Considerations for District Plans

Language Access Services

Federal and state laws require judges to ensure parties, witnesses, and other interested individuals have meaningful access to the courts. Language access services are provided in all civil and criminal cases pursuant to Idaho Code 9-205. Professional court interpreters are appointed pursuant to ICAR 52. Determining the need for services is done in a number of ways, including the following:

- For spoken languages, self-identification by the non-English speaker (or companion). For the deaf or hard of hearing, through an ADA request for accommodation.
- A judge finds there is a need for language access services.
- Court-personnel may receive notice directly from the public, attorneys, guardians, probation officers, law enforcement and other participants.
- Outside agencies, such as social workers, law enforcement or correctional facilities notify the court about a LEP individual's need for auxiliary services for an upcoming event.

The Sixth District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

1. *The Department will notify the court when interpreting is necessary in a case;*
2. *The court will use established protocol for obtaining certified and non-certified interpreters;*
3. *Establish technological protocol for interpreter needs for the rural counties;*

Self-Represented Litigants

The Idaho Judiciary is committed to ensuring access to justice for self-represented litigants (SRLs). Consistency and predictability are vital to meeting this goal. Self-represented litigants may lack the expertise to manage their cases effectively. There are key points in a case where SRLs can unintentionally stall the progress of a case. The Judiciary's commitment to ensure fair and timely case resolution requires that these and other SRL concerns be addressed. All solutions will look toward effective practices that will not become obstacles to SRLs but will instead facilitate proper notification and access to information for SRLs so that they can more effectively navigate the court system.

The Sixth District adheres to the following practices to ensure that child protection proceedings in which parties waive their right to counsel proceed in the most fair and efficient manner possible:

- 1. The court will exert pressure for parties to continue with representation;*
- 2. If qualified, a public defender will be appointed;*

Media relations

The Idaho courts have a manual for judges on media relations and the handling of notorious cases. These issues are addressed in ICAR 45 and 46. In addition, ICAR 32 addresses public requests for court records, which includes media requests. Child protection proceedings are exempt from public disclosure pursuant to I.C. §9-340B(7), I.C. §16-1626, and ICAR 32 (g)(9)(A).

Administrative district judges establish effective relations between the court and the media, by scheduling forums or other opportunities for discussion with the media, and by providing general information to the media about the courts, the law, and court procedures and practices, to the extent permitted by the Idaho Code of Judicial Conduct.

Telephonic and other remote appearances

IRCP 7(b)(4) authorizes the use of telephone conferencing to conduct hearings. Allowing parties, witnesses, interpreters, probation officers and attorneys to make court appearances without appearing personally in court can result in significant efficiencies and are allowed when they do not compromise the rights of a party. Stipulating to remote appearances by forensic testing personnel can reduce backlog in forensic testing requests.

In the Sixth District, remote appearances are allowed as follows:

- 1. Establish viable teleconferencing options in the Sixth District;*
 - a. Ensure video is tied into recording system to ensure quality recording;*
 - b. Establish a subcommittee to determine best practices and to propose teleconferencing protocols;*
 - i. Determine areas for training;*
 - ii. Establish training protocol;*
 - iii. Establish access to digital recordings;*

The procedures for arranging a remote appearance are:

- 1. Contact the court to arrange for remote appearance once protocol is established;*

Section 2.13: Maintaining the Sixth District case management plan

Once the Statewide and District caseflow management plans are established, keeping the plans relevant will be a priority. Therefore, outreach and collaboration will be ongoing. Both at the state and at the individual judicial district levels, collaborative planning procedures will be maintained to promote regular and ongoing communication, problem solving and adaptation of caseflow management processes to the ever-changing needs of the justice system and the communities it serves.

Major sources of future changes will be the deliberations and conclusions of the Advancing Justice Committee's work group on uniform business processes and the Judges Associations' efforts to develop uniform forms for all Idaho case types.

The Sixth District maintains the case management plan through the following process(es):

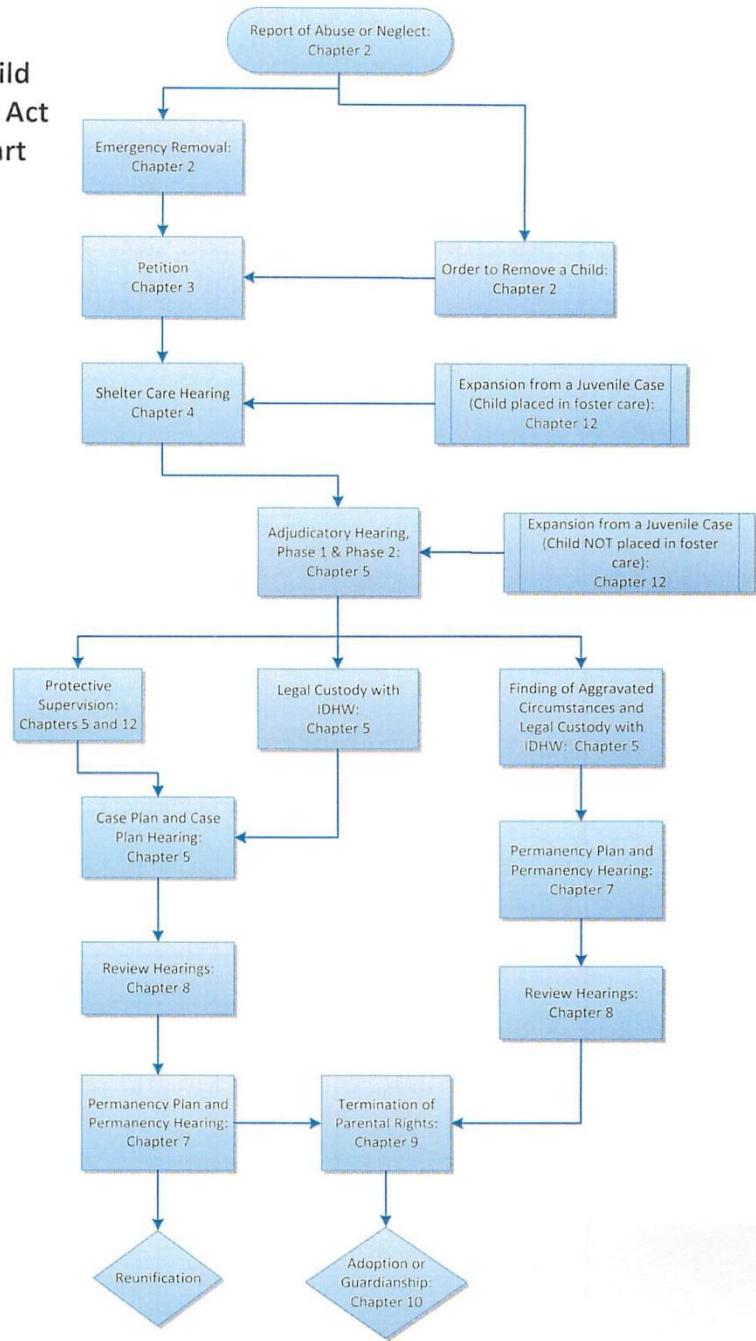
1. *The Court shall establish semi-annual stake holder meetings to identify strengths and weaknesses to the existing protocol;*
 - a. *It shall be set by the Trial Court Administrator*
 - b. *Members of the department, deputy clerks, judges, prosecutors, public defenders and CASA are integral parts of the CPA team and should be involved in the CPA Caseflow Management protocol;*
 - c. *The meeting will be used to train the CPA team members and we will break into sections as part of the meeting for specific training;*
5. *Provide the Trial Court Administrator with persistent problems or barriers.*
 - a. *Depending on types of issues, additional meetings can be established to resolve problems and barriers.*

APPENDIX A

1. *Determine additional training for team members, as identified.*
 - a. *DHW case workers, contact Brian Plowman at 239-6200;*
 - b. *CASA, contact Cori Hadley at 232-2272;*
 - c. *Guardian Ad Litem, contact Cori Hadley (CASA) at 232-2272;*
 - d. *Foster parents, contact DHW, Lisa Williams 239-6200;*
 - e. *Judge, contact Hon. Bryan Murray at 234-1087 or Hon. Paul Laggis at 226-7619;*
 - f. *Deputy clerk, contact Jessica Hickman at 234-1087 or Suzanne Johnson at 236-7379;*
 - g. *Prosecutors, contact Matt Kerbs at 236-7280;*
 - h. *Deputy Attorney General, contact Tom Smith at 239-6255;*
 - i. *Public Defenders, defense, contact Jay Fuson at 236-7050;*
 - j. *Trial Court Administrator, Suzanne Johnson at 236-7379 or suzyj@bannockcounty.us;*

APPENDIX B

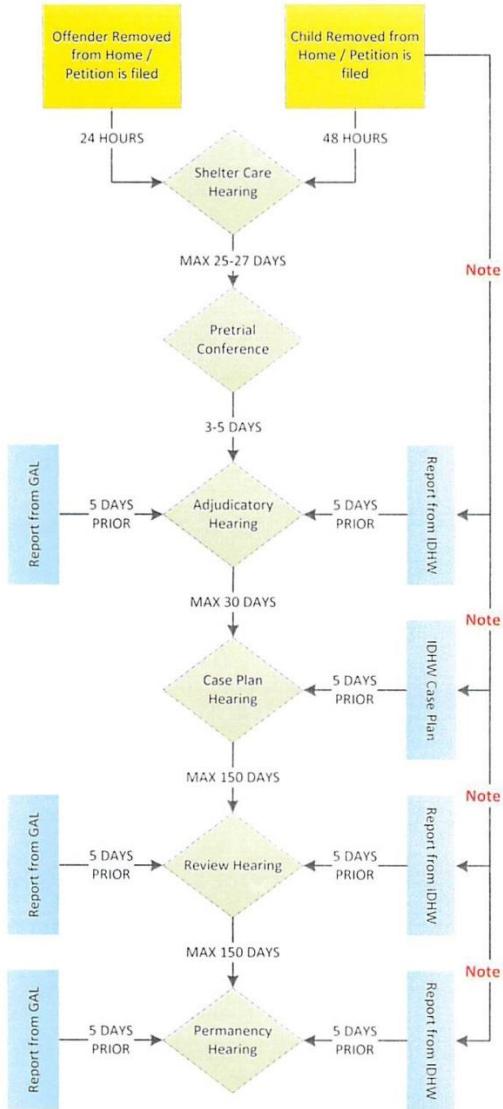
Idaho Child Protective Act Flow Chart



APPENDIX C

Child Protective Act Case Timelines

without Aggravated Circumstances



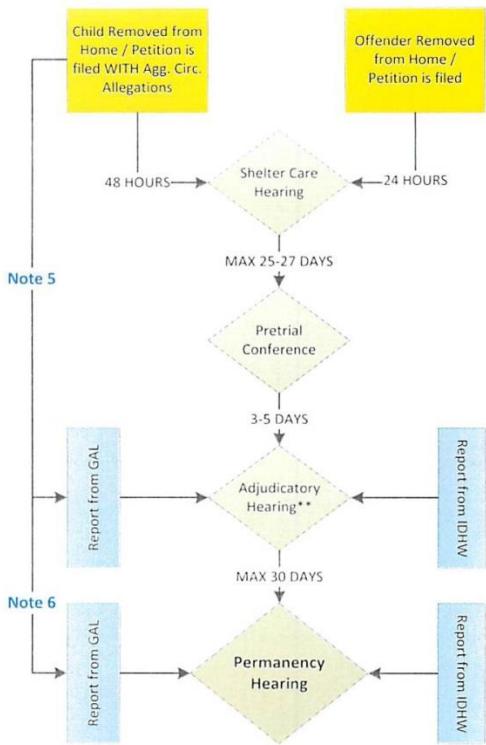
Note 1: No more than 30 DAYS after filing of the petition.
(Idaho Code section 16-1619(1)).

Note 2: No more than 30 DAYS after the Adjudicatory hearing (16-1621(1)) or 60 DAYS from date of petition filed.

Note 3: No more than 6 MONTHS after entry of the court's order taking jurisdiction and every 6 months thereafter. (16-1622(1)) Best practice is every 60-90 DAYS.

Note 4: No more than 12 MONTHS from removal and every 12 Months thereafter.

w/Aggravated Circumstances



** This example assumes the judicial determination of Aggravated Circumstances is made at the Adjudicatory hearing. An aggravated circumstances determination can happen at any time during the case. Once the judicial determination is made, the next hearing is a permanency hearing.

Note 5: No more than 30 DAYS after filing of the petition. (Idaho Code section 16-1619(1)).

Note 6: No more than 30 DAYS after the judicial determination of Aggravated *Circumstances* is made. (16-1620(1))

APPENDIX D

CASE ASSIGNMENTS (April 14, 2011)

These changes are being made to accommodate the policy of one family – one judge.

When a criminal charge is filed against a defendant for domestic batter or assault, or stalking or attempted strangulation, the deputy clerk will enter an ROA entry that lists the name, DOB or other identifier of the victim or victims. The deputy clerk will then click 'seal' for that ROA, so non-authorized people will not see the name of the victim.

Criminal Charge related to domestic violence*	DVO	DR / Custody
<ul style="list-style-type: none">Arraignment Court Clerk determines if related cases exist.If related cases exist, criminal charge assigned to judge who has the related cases.If no related cases exist, criminal charge is assigned to DV Court.Subsequent filings involving the same parties are assigned to DV Court JudgeCPA filings subsequent to criminal charge involving the same parties will be assigned to J. Murray.	<ul style="list-style-type: none">Front Desk Clerk determines if related cases exist.If related cases exist, DVO assigned to judge who has the related case.If the Assigned Judge is not available, new DVO goes to on call Judge to review petition and determine if ex parte order is appropriate. DVO hearing is scheduled with the Assigned Judge.If no related cases exist, DVO hearing is scheduled with DV Court Judge and all subsequent related cases are assigned to DV Court Judge.CPA filings involving the same parties subsequent to DVO will be assigned to J.Murray.	<ul style="list-style-type: none">Front Desk Clerk determines if related cases existIf related cases exist, DR assigned to judge who has the related case.If no related cases exist, DR assigned by rotation.Subsequent filings assigned to the judge who has the DR.CPA filings involving the same parties subsequent to DR will be assigned to J. Murray.If open CPA case and a subsequent Modification of DR is filed, the DR is transferred to J. Murray.
CPA filed first		<ul style="list-style-type: none">All subsequent filings, except criminal charge, are assigned to J.Murray.

Criminal Charge related to domestic violence means domestic battery (**misdemeanor or felony**)/assault; stalking and attempted strangulation. It also includes violation of no contact order (NCO), **violation of a DVO, and cases where a Defendant has been charged but not yet arrested**.

Domestic Violence Protection Order (DVO) is also known throughout the State as a Civil Protection Order (CPO). Violation of a domestic violence protection order is also considered in this category.