

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
JUVENILE RULE 35. GUARDIAN)
AD LITEM PROGRAMS (C.P.A.))
_____)

ORDER

The Court, having reviewed a recommendation from the Child Protection Committee and the Administrative Conference to amend Idaho Juvenile Rule 35, and the Court being fully informed;

IT IS ORDERED that the Idaho Juvenile Rules are amended as follows:

Idaho Juvenile Rule 35. Guardian Ad Litem Programs (C.P.A.)

(a) The purpose of Guardian ad Litem programs in Idaho shall be to provide court-appointed volunteer advocacy to abused, neglected, abandoned and/or homeless children.

(b) Each GAL program shall have a governing body responsible for overseeing compliance with all applicable laws and regulations, ~~adoption~~ adopting of program policies, ~~the~~ defining of program services, and ~~the guidance~~ guiding of program development.

(c) ~~The~~ Each GAL programs shall communicate, collaborate, and share information with fellow programs in the state.

(d) ~~The~~ Each GAL Pprogram shall follows-written policies for inclusiveness, recruitment, selection, training, retention, and effective performance and evaluation of its paid personnel.

(e) Each GAL Pprogram shall develop and follow written policies for its volunteers regarding recruitment; application, selection and screening; training; supervision; volunteer roles and responsibilities; and dismissal of volunteers.

(1) Each GAL Pprogram shall require that volunteers complete at least 30 hours of ~~required~~ pre-service training and 12 hours of ~~required~~ in-service training per year.

(2) Pre-service training shall include the following topics:

(A) Roles and responsibilities of a GAL volunteer;

(B) Court processes;

(C) Dynamics of families including mental health, substance abuse, domestic violence, and poverty;

- (D) Relevant state laws, regulations, and policies;
- (E) Relevant federal laws, regulations, and policies, including the Adoption and Safe Families Act (ASFA), the Child Abuse Prevention and Treatment Act (CAPTA), the Indian Child Welfare Act (ICWA), and the Multi Ethnic Placement Act (MEPA);
- (F) Confidentiality and record keeping practices;
- (G) Child development;
- (H) Child abuse and neglect;
- (I) Permanency planning;
- (J) Community agencies and resources available to meet the needs of children and families;
- (K) Communication and information gathering;
- (L) Effective advocacy;
- (M) Cultural competency;
- (N) Special needs of the children served;
- (O) Volunteer safety;
- (P) Educational advocacy.

(f) Each GAL program shall manage its operations in accordance with generally accepted financial and risk management practices and applicable federal, state, and local statutory requirements.

(g) Each GAL program shall purchase liability protection for its governing body, organization, program staff, and volunteers to the extent that such individuals are not otherwise immune from liability under Idaho law.

(h) Each GAL program shall maintain management information and data necessary to plan and evaluate its services.

(i) Each GAL Pprogram shall maintain complete, accurate, and current case records and shall follow local policies for acceptance and assignment of GAL cases.

(j) ~~The~~ Each GAL program shall maintain confidentiality of all information regarding a case ~~confidential~~ and shall not disclose ~~the same~~ such information except to the court or to other

parties to the case and to the Department of Health and Welfare, whether or not a party. This duty of confidentiality is not extinguished by the dismissal of the case. Each GAL program shall follow written policies and procedures regarding access to, use of, and release of information about the children it serves to ensure that children's confidentiality is maintained at all times.

(k) Each GAL program shall complete the following national fingerprint based criminal records checks, which shall include a complete check of the Idaho Sex Offender Registry maintained by the Idaho State Police and of the Child Abuse Registry maintained by the Idaho Department of Health & Welfare.

(1) GAL volunteers shall obtain a national fingerprint based criminal records check prior to being assigned a case, and shall obtain a national fingerprint based criminal records check at least every four years thereafter and at any time requested by the Program Director;

(2) ~~GAL P~~program ~~S~~staff shall obtain a national fingerprint based criminal records check at the time of hire and shall obtain a national fingerprint based criminal records check at least every four years thereafter, and at any time thereafter at the discretion of the requested by the Program Director; and,

(3) Members of the Board of Directors of the ~~GAL P~~program shall obtain a national fingerprint based criminal records check upon appointment to the Board, and shall obtain a national fingerprint based criminal records check at least every four years thereafter, and at any time thereafter at the requested of by the Board of Directors or the Program Director.

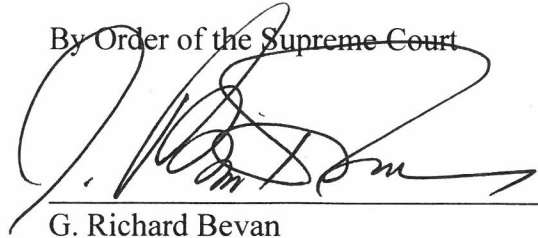
IT IS FURTHER ORDERED that this order and these amendments shall be effective July 1, 2024.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Juvenile Rules.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

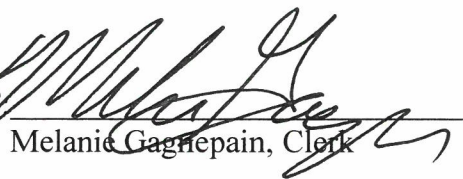
DATED this 18th day of April, 2024.

By Order of the ~~Supreme Court~~



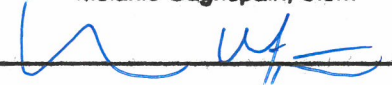
G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 4-5-24
Melanie Gagnepain, Clerk

By  Deputy