

January 2026

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On the Cover



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Featured Article

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DRU M. GUTHRIE (Public Reprimand)

On December 2, 2025, the Professional Conduct Board issued a Public Reprimand to Idaho Falls attorney Dru M. Guthrie based on violations of IRPC 3.4(c) [knowingly disobeying an obligation under the rules of a tribunal], IRPC 3.4(d) [failing to make a reasonably diligent effort to comply with a legally proper discovery request], and IRPC 8.4(d) [engaging in conduct that is prejudicial to the administration of justice]. The Professional Conduct Board's Disciplinary Order followed a stipulated resolution of an Idaho State Bar disciplinary proceeding in which Mr. Guthrie admitted that he violated those Rules.

The formal charge case related to the following circumstances. Mr. Guthrie was retained by C.S., who was injured when she was struck by an uninsured motorist while crossing the street. C.S. timely submitted her uninsured motorist (UM) claim to her insurer. Mr. Guthrie filed C.S.'s civil Complaint against her insurer for failing to pay the UM claim. Thereafter, based on circumstances in her personal life, C.S. advised Mr. Guthrie that she no longer wished to pursue the civil litigation against her insurer. Mr. Guthrie did not dismiss the civil litigation or take any other steps to advise the Court or opposing counsel that C.S. was no longer pursuing the case. Despite two court orders, Mr. Guthrie failed to timely serve C.S.'s discovery responses and Initial Disclosures. The Court granted the insurer's motion to

dismiss C.S.'s case on the merits as a sanction for her failure to timely serve her discovery responses and Initial Disclosures and assessed \$420 in costs against C.S., which Respondent personally paid.

The Public Reprimand does not limit Mr. Guthrie's eligibility to practice law. Inquiries about this matter may be directed to: Bar Counsel, Idaho State Bar, P.O. Box 895, Boise, Idaho 83701, (208) 334-4500.

Order to Cancel License to Practice Law for Non-Compliance with the MCLE Requirements

Whereas, the Commissioners of the Idaho State Bar by and through their Executive Director have filed with the Clerk of this Court evidence that the following named attorneys are not in compliance with the new admittee education requirements pursuant to Idaho Bar Commission Rule 402(f); therefore it is ordered that the licenses to practice law in the State of Idaho of the following named attorneys shall be canceled for failure to comply with the new admittee education requirements:

KYLE PIERCE;
PAYAM PARSADMEHR

It is further ordered that the above named attorneys shall be removed from the roll of attorneys entitled to engage in the practice of law in the State of Idaho, unless otherwise provided by an order of this court.

It is further ordered that Bar Counsel of the Idaho State Bar is hereby

directed to distribute, serve, or publish this Order as provided by the Idaho Bar Commission Rules.

Dated this 27th day of October 2025.
By Order of the Supreme Court.

Order to Cancel License to Practice Law for Non-Compliance with the MCLE Requirements

Whereas, the Commissioners of the Idaho State Bar by and through their Executive Director have filed with the Clerk of this Court evidence that the following named attorneys are not in compliance with the new admittee education requirements pursuant to Idaho Bar Commission Rule 402(f); therefore it is ordered that the licenses to practice law in the State of Idaho of the following named attorneys shall be canceled for failure to comply with the new admittee education requirements:

JONATHAN NIGHTINGALE

It is further ordered that the above named attorneys shall be removed from the roll of attorneys entitled to engage in the practice of law in the State of Idaho, unless otherwise provided by an order of this court.

It is further ordered that Bar Counsel of the Idaho State Bar is hereby directed to distribute, serve, or publish this Order as provided by the Idaho Bar Commission Rules.

Dated this 6th of November 2025. By Order of the Supreme Court.



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From the Roadshow: Connections That Sustain Our Profession

Kristin Bjorkman

As I sit down to write this message, the sights and conversations from the Resolution Roadshow are still vivid in my mind. Only a week has passed since I concluded three weeks of traveling across our great state, visiting members of the Idaho State Bar in every district. These visits—part listening tour, part update session, part reunion—are among the experiences I cherish most in my role as President of the Idaho State Bar Board of Commissioners. They keep me grounded in the daily realities of our profession, connected to practitioners, and reminded me of the shared purpose that binds us. It is no exaggeration to say that I look forward to the Roadshow every year, and it is equally true that I will deeply miss it when my term concludes.

Each stop on the Roadshow carries its own unique rhythm and personality, but they share a structure that has become familiar and beloved. Over lunch or dinner, we gather as colleagues and friends. We recognize local attorneys who exemplify the very best of our profession. And we sit down together to engage in open, candid discussions about proposed

changes to our rules—because the work of maintaining the integrity of the Idaho State Bar is a collective undertaking.

One of the highlights of each district visit is the chance to honor lawyers whose service reflects the highest values of our profession. The Professionalism Award, one of the most significant honors an Idaho lawyer can receive, recognizes attorneys who truly elevate the practice of law. These honorees demonstrate civility, diligence, integrity, courtesy, and cooperation. Their reputations reflect not only their skill but also their character, and their conduct brings distinction to the entire legal community. Each time we hear about the recipients for these awards, I am reminded of the quiet leadership and steady excellence in our community.

We also proudly recognize the honorees of the Pro Bono Awards, attorneys who give generously and without expectation of reward—representing veterans, assisting families in crisis, and stepping into difficult matters because someone needed their help. Listening to their stories is humbling. These lawyers remind us that our license is both a privilege and a responsibility, and that access to justice depends in large part on our willingness to serve.

This year, we added something especially meaningful to our Roadshow tradition. In each district, we also recognized and celebrated attorneys marking remarkable milestones—25, 40, 50, 60, and even 65 years since their admission to the Idaho bar. Honoring these individuals was a powerful reminder of the longevity and dedication that strengthen our profession. Their decades of service have shaped courts, communities, and generations of lawyers. We also recognized retiring judges whose careers have left an indelible imprint on the fair administration of justice. Celebrating their contributions alongside our annual award recipients added a depth and richness to our gatherings that I will not soon forget.

But beyond the formalities, what makes the Roadshow so meaningful are the personal conversations—the exchanges that reveal the depth and diversity of our profession across the state.

In the First District, I had the pleasure of meeting Judge Combo, who, as it turns out, was a law school classmate of my dad's—and even had the carrel next to him. That moment of generational connection, the recognition that our professional stories weave through time and across families, was particularly special.

In the Second District, I had the chance to reconnect with Cathy Mabbutt. Prior to becoming an attorney, she worked with my mom at Gritman Medical Center. Her son—like my brother and I—graduated from Moscow High School. Encounters like this remind me how interconnected our professional community truly is.

The Third District offered its own highlight when I was able to hear from Dave Kerrick about his work teaching business at the College of Idaho. His reflections on how he brings his experience into the classroom left me hopeful about the many ways members of our bar enrich their communities.

In the Fourth District, we had an exceptionally engaged discussion about the proposed resolutions. The questions were thoughtful, the debate was lively, and the respect among colleagues was evident. We also heard inspiring remarks from Judge Jill Jurries, who shared her vision for the mediation practice she is launching. Her commitment to fostering resolution and constructive dialogue was perfectly suited to the spirit of the Roadshow.

The Fifth District has become a place where I genuinely feel at home, and not just because my husband was born and raised in Twin Falls. Over the years, I've gotten to know Anja Rodriguez and Linda Wells, and reconnecting with them again this year felt like catching up with old friends. It was a special privilege to witness my former fellow commissioner, Laird Stone, receiving the Professionalism Award, a fitting recognition of his exemplary service.

In the Sixth District, I always enjoy visiting with Reed Larsen about his cases and, importantly, about his horses. This year's Roadshow also gave the board of commissioners the opportunity to travel with Carole Wesenberg in both the Sixth and Seventh Districts. She has been instrumental in the evolution toward the new NextGen Bar exam, scheduled to debut in July 2026. Her many years of service as a dedicated bar grader lend both continuity and credibility to this transition. My conversations with Carole and Reed routinely wander from work to our lives outside the office, and I treasure that blend of the personal and professional

that reminds me of the richness of our statewide community.

And in the Seventh District, I had the pleasure of speaking with Amanda Ulrich, whose investiture was scheduled for the very next day. The energy and optimism were contagious. I also met Payton Hampton, the district bar association president, whose enthusiasm for building community within the district left a lasting impression.

Encounters like these are the heart of the Roadshow. They serve as a reminder that while our workloads are heavy and our calendars full, the bonds we share as members of this profession must be nurtured intentionally. These relationships sustain us—professionally, personally, and ethically. I hope each of you will continue participating in these gatherings, not only for the updates and the resolutions, but for the chance to strengthen the fabric of our statewide community.

As I look ahead to the final stretch of my term on the board of commissioners, I find myself reflecting with deep gratitude. Serving the members of the bar has been one of the great honors of my career. I have been privileged to work alongside extraordinary board members—leaders who care deeply about the profession and who bring thoughtfulness, dedication, and integrity to every decision. Their example has been inspiring, and their partnership has made this work a joy.

Thank you for the trust you have placed in me, for the conversations we have shared, and for the work you do every day to uphold the values of our profession. I will carry these memories—and these connections—with me long after my term ends.



Commissioners (from left to right) Judge Robert Jackson, F.J. Hahn, Patty Weeks, and Kristin Bjorkman checking out the holiday decorations at the Coeur d'Alene Resort, following the First District Roadshow meeting.



Kristin Bjorkman is the current President of the Idaho State Bar Board of Commissioners, representing the Fourth District. She is a second-generation Idaho attorney whose practice focuses on real estate, commercial finance, and business transactions. Her interest in law began as a teen when her father paused his career in education to attend law school at the University of Idaho.



Reflecting on Achievements & Looking Ahead

Kimberlee S. Bratcher, President
Idaho Law Foundation

Happy New Year to all!

In July 2025, I began my term as President of the Idaho Law Foundation, taking over from Sunrise Ayers. We owe her a tremendous debt of gratitude for her service. Sunrise has been a driving force in ensuring access to justice in both her professional life with Idaho Legal Aid, and through her work on the Foundation. Her platform was for the Foundation to be a positive force for upholding and reaffirming the rule of law. To that end, she is actively working on *cy pres* rules in Idaho, to ensure that residual class action funds are routed to the Foundation to be used for our mission: increasing access to legal services and enhancing public understanding of the law.

Did you know that as an Idaho Bar member, you are automatically a member of the Foundation? As President, my goal is to increase understanding of the Foundation, its scope, and to advocate for pledges to the Future Fund.

First, what are those programs? Well, among our many achievements, we are proud to highlight the following:

- The Idaho Volunteer Lawyers Program (IVLP) processed 5,000 requests for pro bono legal services, opened 859 cases and provided legal services for 950 individuals and families.
- 781 volunteers served 6,282 volunteer hours.
- Additionally, IVLP expanded advice and counsel clinics across Idaho, serving approximately 775 people statewide.
- Law-Related Education co-hosted the annual Constitution Day celebration featuring Neil Siegel. The presentation “The Supreme Court Under Threat; Early Lessons in Judicial Self-Protection” was attended by 891 people, including 141 attorneys, 16 community members and 734 students from 28 schools.
- Law-Related Education hosted 41 teams in regional competitions and 16 teams at the state competition and provided opportunities for courtroom journalism and courtroom artists to compete as well.
- IOLTA (Interest on Lawyers Trust Accounts) provided \$900,000 in grants to provide legal aid to the poor, support law-related education programs for the public, offer scholarships and improve the administration of justice. This was a \$300,000 increase in our 2025 grant funding. We are thankful to Justice Colleen Zahn and the IOLTA Committee for the time and effort spent reviewing grant requests and making thoughtful recommendations. The Law Foundation also increased the IOLTA reserve fund, so that funding levels will stay level in times of economic uncertainty.

I remain in awe of the voluntarism and generosity of our Idaho attorneys. None of these accomplishments would be possible without your dedication and support.

And speaking of support, what is the Future Fund? Last year, 589 donors gave \$118,300 to the Foundation and our programs. Unless specifically designated to go to other funds, donations of \$1,000 or more are allocated to our Endowment Fund.

The Future Fund dedicates contributions to the ILF Endowment. The Endowment provides sustainable, long-term funding for Foundation programs, positively impacting our community in the areas of civic education and access to justice.

Currently, our Endowment Fund is valued at approximately \$650,000. The goal of the Future Fund is to increase the Endowment to \$1,000,000, raising \$350,000 in donations (\$70,000 a year

through annual pledges), paid out over five years from attorneys, law firms, and other legal organizations. Pledge levels range from Associate at \$1250 (\$21/month over five years) to Legacy level at \$5000 or more (\$83/month over five years).¹

With a strong endowment, we can continue to support the necessary and valuable programs made possible by the Idaho Law Foundation.

I extend our deepest gratitude to our members, volunteers, donors, and partners. As we embark on another year of service, we invite you to join us—whether through volunteering, donating to our programs, or supporting our mission in other ways.

Together, we can continue to strengthen Idaho's legal community, ensuring all citizens have an understanding of the rule of law and access to justice, fairness, and opportunity for all.



Kimberlee Bratcher is a deputy prosecutor in her hometown of Payette, Idaho. A life-long Idahoan, she graduated with a B.A. from the College of Idaho and her J.D. from the University of Idaho College of Law. (Go, Vandals!) She clerked for the Hon. Sergio A. Gutierrez in the Third District after law school. Kimberlee received a Professionalism Award from the Idaho State Bar in 2021. In her spare time, she travels the world to watch Hamilton, the musical. Having run over 300 half marathons and over a dozen marathons in 40 states and three foreign countries, her goal is to stay injury-free in 2026.

Endnote

1. Learn more about the Future Fund on our website: <https://ilf.idaho.gov/future-fund/>.

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Hon. Elia V. Pirozzi (Ret.)

Judge Pirozzi served 14 years on the San Bernardino (CA) County Superior Court, an additional two years assigned to unlimited civil and felony trial courts, and two terms on the Appellate Division of the Court. A member of the Idaho State Bar, he is available locally as a mediator, arbitrator, court-appointed neutral and neutral evaluator in real estate, construction, eminent domain, employment, environmental, business/commercial, finance and personal injury matters.

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IDAHO VOLUNTEER LAWYERS PROGRAM

Idaho Volunteer Lawyers Program Fall 2025 Recap

Jennifer M. Schindele

According to a 2025 Report done by the American Bar Association, more than 75 percent of attorneys in the U.S. have provided pro bono service during their careers.¹ Despite that impressive statistic, the need for civil legal services for people who cannot afford them is overwhelming. There are thousands of Idahoans who need help.

Last Fall many volunteer attorneys provided pro bono services through the Idaho Volunteer Lawyers Program (IVLP). Attorneys volunteering through IVLP provided legal advice and reviewed documents for low-income Idahoans at our Lawyer in the Library clinics. They also gave advice and counsel over the phone during our telephone clinics. Some attorneys even agreed to represent clients in divorce actions, evictions, custody cases, and guardianships. The clients that receive assistance are unable to afford to pay for legal services and most live in households with annual incomes at or below 125 percent of the federal poverty guidelines.

New Attorney Program

On September 26, 2025, over 125 newly licensed attorneys to the Idaho State Bar learned about IVLP at the New Attorney Program. While the program consists of an introduction on Idaho practice, procedure and ethics, it also provides important information about the Idaho State Bar and Idaho Law Foundation programs. Welcome!

Justice Uncorked

Access to Justice is a campaign that raises funds to support IVLP, Idaho Legal Aid Services, and Disability Rights Idaho—

HOW TO VOLUNTEER FOR PRO BONO OPPORTUNITIES

For those interested in joining the effort to reduce the number of those in need, you can visit an online platform called Paladin, where volunteer attorneys can peruse a list of pro bono opportunities in each part of the state: <https://app.joinpaladin.com/!idaho-volunteer-lawyers-program/opportunities/>.

the three principal providers of civil legal services for low-income and vulnerable Idahoans. This year, the campaign held its first Justice Uncorked event. Attorneys and their friends and family enjoyed the evening of September 18, 2025, at Split Rail Winery. The evening featured live music, a silent auction, dinner and wine. Inspiring



Angela Allen, Sunrise Ayres, and Hon. Renae J. Hoff at the 2025 Justice Uncorked event at the Split Rail Winery in Garden City.

stories from two Idahoans whose lives were changed by the free legal help they received from IVLP and Disability Rights Idaho was the highlight of the evening. The event was a success.

Pro Bono Week

October 19th – 25th was the National Celebration of Pro Bono, otherwise known as Pro Bono Week. This celebration is held every October and is an opportunity to show appreciation for the remarkable pro bono work being done by volunteer lawyers and legal professionals.

Pro bono work is a professional responsibility and an individual ethical commitment for every attorney. Numerous organizations nationwide celebrated pro bono through outdoor events, video contests, and social media campaigns.

Here in Idaho, the week kicked off with an in-person continuing legal education program and reception at Sockeye Alehouse in Boise. Attorney Denise Penton (who has co-written an article in this issue of *the Advocate*) presented on the basics of family law and provided checklists for pro bono attorneys to use when they take on a case outside their general practice area. The CLE was well attended and recorded for use by those interested in volunteering to take on a divorce or custody matter.



Denise Penton speaking at Sockeye Alehouse for the 2025 Pro Bono Week CLE.

Following the kickoff event and CLE, IVLP volunteers assisted over 25 Idahoans in various legal clinics. Attorneys Camie Wood, Cody Specht, Bruce Castleton, Shane Bengoechea, and Rob Vail assisted with telephone advice and counsel legal clinics. Jaycee Nall and Rachel Murphy provided in-person legal assistance. Additionally, the Idaho Military Legal Alliance held a legal clinic assisting more than 15 veterans and military members. Finally, the Young Lawyers Section partnered with Parsons Behle & Latimer to provide pro bono estate planning services to Idaho first responders. Called the Wills for Heroes program, more than 20 volunteer attorneys and 15 law students participated. They assisted more than 50 firefighters and their spouses.

Emeritus Licensing Status

With licensing upon us, those attorneys considering going to inactive or senior status may want to look at transferring to Emeritus instead. In Idaho, an Emeritus attorney is able to perform pro bono legal work for an approved nonprofit

legal service organization, like IVLP or Idaho Legal Aid Services. To transfer to an Emeritus limited license, an attorney must complete an online application found on the Idaho State Bar website.² In the application, the attorney provides a sworn statement that they meet the requirements for eligibility, and they agree to not ask for or receive compensation for legal services performed under the Emeritus limited license. The attorney still must abide by the Idaho Rules of Professional Conduct and submit to the jurisdiction of the Idaho Supreme Court and the Idaho State Bar for disciplinary purposes.

However, once an attorney is issued an Emeritus limited license, the licensing requirements are minimal. The license fee is \$150 annually and the attorney only needs to complete three credit hours of continuing legal education each year. Those CLE courses are provided for free by IVLP.

Heading into 2026

The Idaho Volunteer Lawyers Program has an exciting addition planned for 2026.

A new Lawyer in the Library legal clinic will be held monthly at the Payette Public Library. Spearheaded by attorney Jessica Perez, this additional clinic will facilitate assisting those folks in the south-western part of the state.



Jennifer May Schindele is the Director of the Idaho Volunteer Lawyers Program. After spending over 16 years practicing family law, Jennifer joined IVLP. Jennifer earned an

English degree at the University of Idaho and completed law school at the University of Idaho College of Law. Jennifer enjoys spending time with her family, playing soccer, and exploring Idaho's outdoors.

Endnotes

1. New ABA Report Examines pro Bono Service by U.S. Lawyers, <https://www.americanbar.org/news/abanews/aba-news-archives/2025/01/aba-report-examines-pro-bono-service/> (last visited Nov. 17, 2025).

2. <https://isb.idaho.gov/admissions/emeritus-limited-license/>.



IDAHO VOLUNTEER LAWYERS PROGRAM

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Five Impactful Changes to Child Protection Law from the 2025 Legislative Session

Hon. Andrew N.J. Ellis



The 2025 Idaho Legislative Session generated at least six bills affecting Idaho's child welfare system. The following are five statutory additions or amendments that every Child Protection practitioner and judge should be aware of.

Additional Review Hearings and Accelerated Timelines

Senate Bill 1090 made several significant changes to the Idaho Child Protective Act¹ "intended to decrease the time children spend in foster care . . . and to increase the time these children spend in supportive, permanent homes."² One change is aimed at expediting either reunification for a child with their family or placement in another permanent home by increasing court reviews and accelerating timelines. Senate Bill 1090 amends Idaho Code § 16-1622 (1)(a) to read in pertinent part: "A hearing for review of the child's case and permanency plan shall be held no later than six months after entry of the court's order taking jurisdiction under this act *and every two months thereafter.*" (amendment in italics). In practice, this change means that once a child protection case reaches the six-month mark, a subsequent two-month review hearing must be held at eight months, 10 months, 12 months, 14 months, and so on until the case is closed. This obligation to conduct a hearing every two months attaches to all cases even if termination of parental rights has occurred or if the youth is in extended foster care (EFC).

The purpose of all review hearings is to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, the progress toward mitigating the need for ongoing placement in foster care, and all the articulated requirements of I.C. § 16-1622. The Department of Health and Welfare (Department) and the Guardian *ad litem*

(GAL) are required to file reports to the court for all review hearings no later than five days prior to the hearing. The reasoning behind the additional review hearings is that more focus on progress toward permanency will result in achieving permanency more quickly.

This substantive change accelerates the timeline within which the Department must file a petition for termination of parental rights to a child in the legal custody of the Department from 15 months to 12 months of the most recent 22 months.⁴ In practice, this amendment means that if a child remains in the legal custody of the Department when the Permanency Hearing is held at 12 months, the Department must request termination of parental rights as the permanency goal. Additionally, the Department must file a petition to terminate parental rights prior to end of 15 months unless the court finds “compelling reasons” why termination of parental rights is not in the child’s best interest.⁵

Extended Foster Care Until Age 23

Idaho Code § 16-1622(5) previously authorized the courts to extend care for foster youth until their 21st birthday if the youth met certain federal criteria of on-going education or more than part-time employment.⁶ House Bill 159 amended I.C. § 16-1622(5) to expand extended foster care for foster youth until their 23rd birthday.

Senate Bill 1090 also amended an important timeline in the Child Protection process to read:

If the child has been in the temporary or legal custody of the department for twelve (12) of the most recent twenty-two (22) months, the department shall file, prior to the last day of the fifteenth month, a petition to terminate parental rights, unless the court finds that:

- (i) The child is placed permanently with a relative;
- (ii) There are compelling reasons why termination of parental rights is not in the best interests of the child; or
- (iii) The department has failed to provide reasonable efforts to reunify the child with his family.³ (amended language underlined).

EFC provides youth with on-going case management from the Department, payments for the youth’s room and board, and continued access to Department independent living resources and education. To qualify for EFC, a youth must be in the legal custody of the Department until their 18th birthday and be completing their secondary education or equivalent credential, enrolled in post-secondary or vocation education, employed for at least 80 hours per month, or be incapable of doing any of those activities due to a medical condition. The youth must also remain living in Idaho to qualify for EFC.⁷

New “Order to Prevent Removal”

House Bill 159 removes all mention of a “protective order” process from Title 16, Chapter 16 and adds a new option for the State and Department to protect children from a neglectful or abusive parent.

Previously, the “protective order” process was identified and referenced in at least six places within the Child Protective Act.⁸ These code sections were internally inconsistent with differing burdens of proof, making it impractical to utilize this tool in Child Protection cases. House Bill 159 struck all references to “protective order,” ending this confusion.

In its place, HB 159 creates a new tool in I.C. § 16-1611 (5) called an “Order to Prevent Removal.” If the State becomes aware through the Department or law enforcement that a child has been abused or neglected by one parent or legal guardian, but the child would be safe in their home in the sole care of the other parent or legal guardian, the State can petition the court for an “Order to Prevent Removal.” The order removes and excludes the offending parent from the residence where the child resides with their other protective parent, restrains the offending parent from any contact or communication with the child, and restrains that parent from coming within 1,500 feet of the child until further order of the court.

An “Order to Prevent Removal” must be filed in a Child Protective Act case, so the motion for such an order must be accompanied by a Petition and Summons

The reasoning behind the additional review hearings is that more focus on progress toward permanency will result in achieving permanency more quickly.

initiating a Child Protective Act case. If an “Order to Prevent Removal” is granted, the court shall schedule a hearing within 48 hours, excluding weekends and holidays, to determine if there is reasonable cause for the order to continue. This hearing is not a Shelter Care Hearing, which is held within 48 hours of a child’s removal, because the child has not been removed into foster care. If the “Order to Prevent Removal” remains in place after the initial hearing, the child will stay with the non-offending parent or legal guardian until an Adjudicatory Hearing is heard by the court.

The intention of this new statutory tool is to protect a child from a neglectful or abusive parent but avoid traumatizing the child by removing them into foster care. Note this option is only available if their other parent is safe and capable of protecting the child from the offending parent.

Voluntary Consents to Termination of Parental Rights and New Best Interest Factors

Perhaps the most profound changes to the Child Protective system from the 2025 Legislative Session are those modifications to the Termination of Parental Rights statute in Senate Bill 1021 and 1090.

One change relates to allowing parents who agree that terminating their parental rights is in their child’s best interests,⁹ to voluntarily consent to termination of their parental rights. S.B. 1021 amended I.C. § 16-2005 (5) to read:

The court may grant an order terminating the relationship where a consent to termination in the manner and form prescribed by this chapter has been filed by the parent or parents of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, where the consent to termination has been filed by a licensed adoption agency, or where the termination is initiated by the department pertaining to a child who is in the legal custody of the department, and no subsequent hearing on the merits of the petition shall be held. Consents

required by this chapter must be witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person consenting resides or is present, whether within or without the county, and shall be substantially in the following form...

(Amended language underlined.)
Senate Bill 1021 further amended I.C. § 16-2005 (8) to add subsection (c), which reads:

The court shall hold a hearing unless:
...

- (c) A consent to termination signed by the parent or parents of the child has been filed and the termination is initiated by the department pertaining to a child who is in legal custody of the department.

Together, these new code sections allow parents with children in the legal custody of Department to voluntarily consent to termination of their parental rights. Furthermore, once a court witnesses a properly executed consent from the parents, the court can issue an order to terminate parental rights without a further hearing on the merits or a trial on the State’s petition. This change is profound in that it allows parents greater dignity to make this ultimate decision regarding their children and accelerates placement of Idaho’s foster children into adoptive homes, rather than waiting months or even years for termination of parental rights trials to be scheduled and for appeals from those trials to be heard. Additionally, the savings in time and money for the State and court system in avoiding protracted contested trials and writing lengthy opinions is immense.

Another change is the specification of circumstances that must be considered in the determination of what is in the best interest of a child in addition to those identified in the existing caselaw. Should a trial on a petition for termination of parental rights prove necessary, S.B. 1090 amends I.C. § 16-2005 (1) to add a new subsection (b) that reads:

- (b) For terminations arising from a case filed pursuant to chapter 16, title 16, Idaho Code, additional factors that inform what is in the best interest of the child, beyond those otherwise identified by the courts, include:
 - (i) The parent’s efforts to improve the parent’s capacity to safely reunify with the child;
 - (ii) The parent’s demonstrated ability to live a law-abiding life, excepting infraction violations; and
 - (iii) When the child has formed a strong and positive bond with the child’s substitute caretaker, the strong and positive bond has existed for a substantial portion of the child’s life, the removal of the child from the substitute caretaker would likely cause serious psychological harm to the child, and the parent lacks the capacity to meet the needs of the child upon removal.

To terminate parental rights, the State must prove by clear and convincing evidence—or beyond a reasonable doubt if the Indian Child Welfare Act applies—that (1) conditions exist to terminate parental rights and (2) termination of parental rights is in the child’s best interest.¹⁰ Idaho’s appellate courts have identified a number of factors the court can consider in determining whether termination of parental rights is in a child’s best interest, including stability and permanency in the home, unemployment of the parent, improvement of the child while in foster care, the parent’s continuing problems with the law, the parent’s history with substance abuse, and whether the parent has provided financial support. Idaho Code § 16-2005(1)(b)(i)-(iii) provides specific statutory support for courts to consider whether the parents have improved their capacity to safely reunify and if they have demonstrated the ability to live a law-abiding life.

Most substantial, the amendment allows the court to consider whether a

An Amended Definition of “Neglected” in Termination of Parental Rights Cases

Senate Bill 1090 amended the definition of “neglected” in I.C. 16-2002(3) to mean:

- (a) Conduct as defined in section 16-1602(31), Idaho Code; or
- (b) The parent(s) has failed to comply with the court’s orders or the case plan in a child protective act case and:
 - (i) The department has had temporary or legal custody of the child for twelve (12) of the most recent twenty-two (22) months; and
 - (ii) Reunification has not been accomplished by the last day of the fifteenth month in which the child has been in the temporary or legal custody of the department (amended language underlined).

This amendment again accelerates the timeline and allows the State to allege “neglected” as a condition for termination of parental rights where parents have failed to comply with court orders and a child has been in the legal custody of the Department for twelve of the past twenty-months.¹¹

child has formed a strong bond with their long-term foster parents and if removal of the child from their foster parents would cause serious psychological harm to the child. Previously, there was some question whether it was proper for the courts to consider the attachment children had formed with their long-term foster parents in deciding whether termination of the legal parents or guardians’ right was in the children’s best interest. This statutory amendment makes it explicit that courts can and should consider that dynamic.

Conclusion

Together, these five impactful changes touch on all aspects of a Child Protective case. With the new “Order to Prevent Removal” the State can intervene on behalf of a child without exposing them to the trauma of a removal into foster

care. Once a Child Protective Act case is open and lasts longer than six months, the courts must conduct review hearings no later than every two months to closely monitor progress by the children and their parents. If children cannot be reunified with their parents within 12 months, the Department must petition the court to terminate parental rights. Should a parent agree that termination of their parental rights is best for their children, they now can voluntarily consent to termination of their rights, forgoing the need for a further hearing or trial that will certainly delay their child’s placement into a permanent home. If a trial is required, the court may now specifically consider the bond that child has formed with their long-term caregiver. These statutory amendments to Idaho’s Child Protection system prioritize the children’s wellbeing and improve court processes to support Idaho’s families.



Hon. Andrew N.J. Ellis is a Magistrate Judge for the Fourth Judicial District in Ada County assigned to the Child Protection and Civil Protection Order calendar. He is the Chairperson of the Idaho Supreme Court Child Protection Committee and an Adjunct Faculty member for the University of Idaho College of Law.

Endnotes

1. I.C. § 16-1601 *et. seq.*
2. RS32251/S1090, Statement of Purpose.
3. IDAHO CODE § 16-1622 (2)(g).
4. Of note, the amendment does not appear to have been carried through to other related provisions, resulting in a discrepancy between the timeline that triggers this requirement (12 months in the legal custody of the Department) and the timeline for when the petition must be filed (prior to the last day of the 15th month). This discrepancy will likely be corrected in the 2026 legislative session.
5. The prior requirement of 15 months out of the most recent 22 months is the time frame required under the Adoption and Safe Families Act (1996), also enacted to expedite permanency for children in foster care.
6. 42 U.S.C. 675(8)(B)(iv).
7. Of note, when a court orders EFC, the court shall hold hearings in accordance with Idaho Code § 16-1622, which now requires hearings every two months. Appointments of the youth’s attorney continue throughout EFC but the Guardian *ad litem*’s appointment expires at the youth’s 18th birthday. IDAHO JUVENILE RULE 59.
8. Prior I.C. §§ 16-1602(34), 16-1608(1)(b), 16-1608(2), 16-1611, 16-1615, and 16-1619(10).
9. There are many reasons parents agree that termination of their parental rights are in their child’s best interest, such as they are not able to provide a stable home for many reasons, including their own struggle with addiction, mental health, incarceration, etc., and that their child is doing well in a home that is willing to become the child’s permanent placement.
10. See generally I.C. § 16-2005, 16-2009.
11. The same discrepancy exists in this statute as in I.C. § 16-1622(2)(g)—the timeline regarding months the child has spent in custody is 12 months but the second half of the definition regarding lack of reunification with the parent still cites 15 months. In practice, this means the State cannot prevail in proving this condition of “neglect” until the Child Protection case is at least 15 months old. This discrepancy, too, will likely be corrected in the 2026 legislative session.

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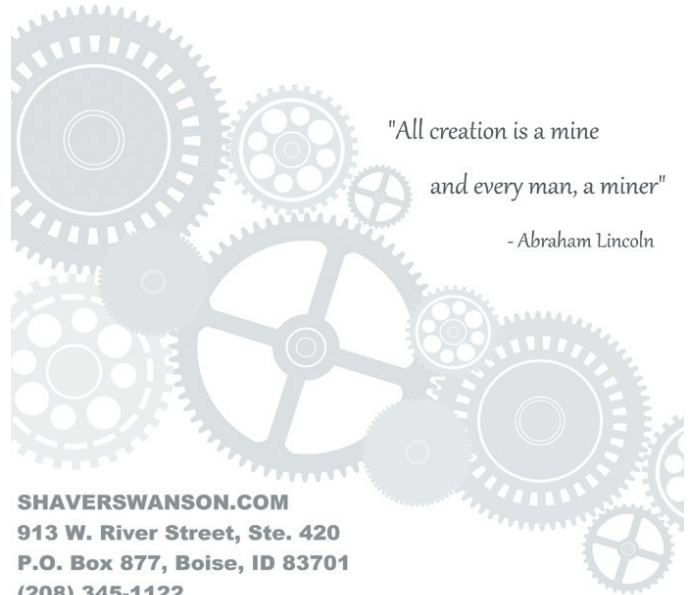


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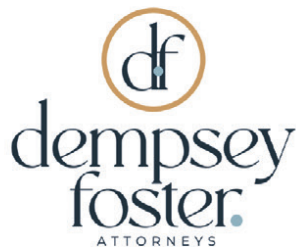


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Recent Changes to the Child Protective Act and Its Impact on Permanency

Jason R. Chandler

Introduction

When children come into foster care, their lives are turned upside down. Children often change schools, communities, friends, and homes. Little children miss out on crucial bonding time with their parents and teenagers struggle with the lack of a home while dealing with all the difficulties of being a teenager. Children need permanency and stability. It is vital to their growth, proper development, and mental health. They need to know a roadmap for the future, and they need to have a place where they belong.

Permanency can mean returning to their home if it is safe, adoption, or other arrangements like a permanent guardianship. The problem is that it takes time to find a solution. Leaving a child

in foster care for months or years can be detrimental to their development and lead to higher rates of crime, teen pregnancies, and mental health issues, as well as lower performance in school and lower economic success.¹

To encourage a faster resolution, the federal Adoption and Safe Families Act (ASFA) established a timeline for permanency for children in child protection cases. If a child is in the custody of the state for 15 of the most recent 22 months, then the state shall file for termination of parental rights.²

Until last legislative session, Idaho's statutes mimicked this timeline. The Child Protective Act (CPA) was amended to shorten the timeframes to file for termination of parental rights from 15 months to 12 months.³ Review hearings were increased from a minimum of every six months to every two months.⁴

Whether these changes will result in a reduction in timelines and faster permanency for children remains to be seen.

Permanency Options

In Idaho, the Child Protective Act prioritizes permanency for children. In part, the Act's policy is to "take such actions as may be necessary to provide the child with permanency."⁵ Permanency is not defined in Idaho statute but a permanency plan is a plan for a child's continuous residence and maintenance of nurturing relationships during the child's minority.⁶ Permanency for children is most typically achieved through reunification with the family, termination of parental rights and adoption, or permanent guardianship.

Child protection cases start when a child is in danger of abuse, neglect, abandonment, or an unstable home. A petition

for jurisdiction is filed, and one or more evidentiary hearings are held to determine if the court has jurisdiction.⁷ The court then orders a case plan for the parents to follow to eliminate concerns regarding the child's welfare and best interests.⁸ If those concerns can be eliminated, reunification occurs and the child is returned home (usually in phases), and the case is dismissed.

If a child cannot be safely returned home, then the court must consider another permanency option, like adoption or guardianship.

An adoption occurs when a child's parents cannot improve the situation at home so that the court can safely return the child to the parents' care. A trial is held to determine if there are grounds to terminate the parents' parental rights and if it is in the child's best interests to do so.⁹ One of the grounds for termination of parental rights is if the parents have not complied with the case plan and the child has remained in the care of the state for longer than 15 of the past 22 months.¹⁰ If termination is granted, the child is then eligible for adoption.

Guardianships occur when alternative arrangements are made to return the child to the home, but a parent does not lose their parental rights to the child.

Barriers to Timely Permanency

One of the major reasons for ASFA was to promote more timely permanency

for children. After more than 20 years, evidence shows a clear shift to more adoptions than reunifications after a child has been in the care of the state for at least 17 of the most recent 22 months.¹¹

Despite the federal law, permanency, as a goal, has been difficult for many states to achieve. As of 2021, only seven states were had timely termination of parental rights trials as a strength in their cases.¹² Historically, Idaho had almost 70 percent of its cases filed within 17 months of a child's removal from a home.¹³ Timely permanency can be hard to achieve due to many factors, including: the individual nature of the cases; if the parents have been diligently working on the case plan; shortages in services; busy court calendars; and local practices.¹⁴

While the shortening of timeframes is a step toward faster permanency, Idaho still faces various barriers to actually reducing the time it takes to achieve permanency for a child. Recent changes to Idaho Code may not be enough.

Court Calendars Are Busier

With court hearings going from a minimum of once every six months to once every two months, child protection calendars have gotten a lot busier which delays termination of parental rights trials. The time saved by filing for termination at 12 months instead of 15 months

quickly gets eaten up by the longer waiting periods for scheduling a trial.

Timelines Are Not Consistent

While the Legislature shortened the timeframes for filing for permanency for the child, they did not change the timeframes for filing for termination of parental rights.

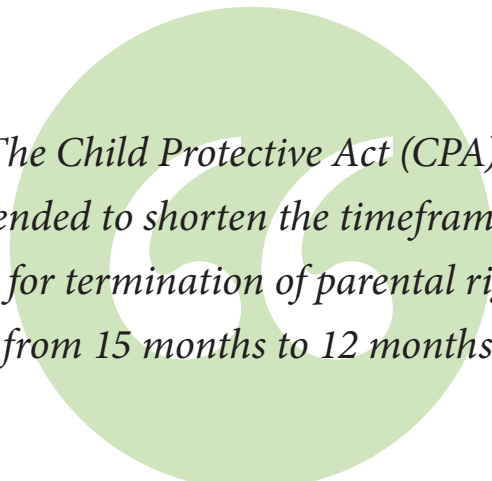
In the Child Protective Act, the Department of Health and Welfare must file for termination if the child has been in the custody of the department for 12 of the most recent 22 months.¹⁵ However, the petition to terminate parental rights has to be filed prior to the last day of the 15 month.¹⁶ The amended statute originally stated that filing was based on the child being in care for 15 months and that the petition had to be filed on the last day of the 15th month.¹⁷ So, in effect, the timeline in CPA cases did not actually change.

The Grounds for Termination Did Not Change

Time in foster care alone, is not grounds for termination of parental rights. There has to be a showing of the parents' failure to comply with the court's orders.

A ground for termination of parental rights may be if the parent neglects the child by not complying with the case plan and the child has been in the state's care 15 of the past 22 months and has not returned to the care of the parents by the filing of the petition.¹⁸ The statute was amended to define neglect as the parent has failed to comply with the court's orders, the child has been in the custody of the department for 12 of the most recent 22 months, and reunification has not occurred by the last day of the 15 month in which the child has been in custody.¹⁹ What this means in actuality is that the child has to wait 15 months for termination to take place to meet this basis for termination even though a petition for termination has to be filed at 12 months. Therefore, there is no change to the previous timeframe.

Even if the statutes were amended to match the 12-month timeframe, other states have seen less than impressive results from faster termination provisions. Some



The Child Protective Act (CPA) was amended to shorten the timeframes to file for termination of parental rights from 15 months to 12 months.

states report that expedited processes were rarely used in practice. Other researchers have found that expedited adoption provisions have little impact in practice because of their infrequent use.²⁰ So it remains unclear whether the shorter timeframes will reduce the time it takes to achieve permanency for a child.

More Contested Trials and Appeals


Reducing the timeframe for termination of parental rights is not without controversy. There remains consistent debate across the nation regarding permanency for children in CPA cases.²¹ Do child protection cases move too fast or too slow? Do they cause more harm than good? Do they give enough opportunities to parents to reunify with the child? The debate can be nuanced and long. Idaho has many decades of precedent related to grounds for termination and the best interests of a child on a 15-month timeline. Accelerating the termination schedule to 12 months without adjusting the grounds for termination to match sends mixed signals to the magistrates. It will likely result in increases in the length of trials, as well as increased appeals, which can greatly delay permanency for children. Even if all the statutes match the 12-month timeframe, Idaho can expect more delays in permanency from more contested trials and more appeals.

Delays in Services

The shorter timeframes to termination of parental rights will likely exacerbate problems caused by parents having long waits for supportive services. Throughout the state, wait lists for counseling, therapies, drug treatment, and other services are often very long. This can delay necessary services that would assist families with reunification within a 15-month timeframe. At best, the reduced timeframe leaves very little room for parents to make any mistakes during a case if they want to reunify their family.

Overusing Exceptions

One aspect of the ASFA and Idaho statute is that termination can be delayed



While the Legislature shortened the timeframes for filing for permanency for the child, they did not change the timeframes for filing for termination of parental rights.

if there are compelling reasons to do so.²² This is meant to account for the individual nature of cases and allow for flexibility. But this is the exception.

Busy court calendars and scarce resources may make many attorneys and magistrates uncomfortable shifting from 15 months to 12 months before filing for termination, causing them to rely more on the compelling reason exception.

More specific criteria and even statutory limits on extensions could be a solution to relying too heavily on the compelling reason exception. For example, Utah has a formal process for seeking an exception to its timeframe for termination. Utah has a timeframe of only 12 months to file for termination but allows only two extensions on this timeframe of up to three months each.²³ In contrast, neither Wisconsin nor Illinois have written guidance on exceptions and both states have high variability in permanency timeframes at the local level.²⁴ To compare, Utah has a much higher percentage of cases that end in permanency within 17 months than Illinois or Wisconsin.²⁵

In Idaho, exceptions for compelling reasons exist but Idaho does not have any limit on how many times a court can find compelling reasons in a child protection case. Therefore, the use of extensions on timeframes for termination is in each

judge's discretion and may be overused if a judge is uncomfortable with the shorter timeframes for permanency.

Conclusion

Idaho's recent change to timeframes for permanency in child protection cases is a clear attempt to reduce the time that children are in the care of the state and lead to faster permanency options for children. While there is some precedent to expect that this change will lead to permanency through adoption sooner, the recent changes may not actually decrease the timeframe for permanency for children due to other factors in these cases. Court calendars have only gotten busier and trial dates are set further out. Additionally, the changes to the statutes are not uniform. Federal and state precedent and local practices will likely be another barrier to speeding up permanency for children. These shorter timeframes will lead to smaller windows of opportunity for parents to utilize supportive services during their cases. These factors may prompt more use of the compelling reasons exception to delay termination of parental rights. If Idaho wants to see faster permanency outcomes in child protection cases, some adjustments will need to be made, like making the 12-month timeframe uniform across the entire Child Protective

Act and more restrictions or uniform guidance on how and when exceptions to the timeframe may apply.

This article does not reflect the legal position of the Office of the Attorney General of Idaho.



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Endnotes

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2. Adoption and Safe Families Act, 42 U.S.C. § 675(5)(e) (1997).
3. Idaho Code § 16-1622(g).
4. Idaho Code § 16-1622(a).
5. Idaho Code § 16-1601(3).
6. Idaho Code § 16-1602(34).
7. Idaho Code §§ 16-1603; 16-1615; 16-1619.
8. Idaho Code § 16-1621.
9. Idaho Code § 16-1601(3).
10. Idaho Code § 16-2002(3)(b).
11. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, *Freeing Children for Adoption within The Safe Families Act Timeline*, Part 1:8 (February 11, 2021), available at: <https://aspe.hhs.gov/reports/freeing-children-adoption-within-adoption-safe-families-act-timeline>.
12. *Id.* at 4.

13. *Id.* at 5.
14. *Id.* at 1.
15. Idaho Code § 16-1622(g).
16. *Id.*
17. H.R. 1090, 68th Leg. (Idaho 2025).
18. Idaho Code §§ 16-2002(3)(b)(iii); 16-2005(1)(a)(ii).
19. Idaho Code § 16-2002(1)(b).
20. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, *Freeing Children for Adoption within The Safe Families Act Timeline*, Part 2:5 (February 11, 2021), available at: <https://aspe.hhs.gov/reports/freeing-children-adoption-within-adoption-safe-families-act-timeline>.
21. *Id.* at 9.
22. Idaho Code § 16-1622(g).
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24. *Id.* at 7.
25. *Id.*

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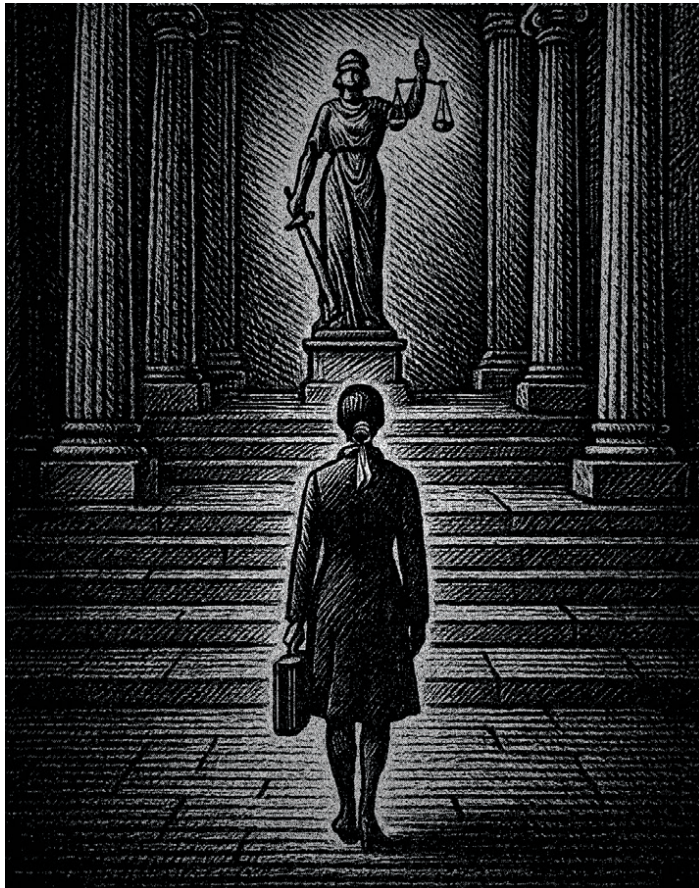
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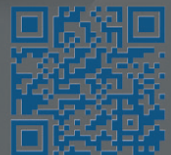


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SIJS—Protecting Vulnerable Foreign National Children— A Path to Stability

A. Denise Penton
Betsaida Chavez-Hermes

On Friday, October 3, 2025, Immigration and Customs Enforcement (ICE) launched an operation referred to as “Freaky Friday,” targeting a limited group of unaccompanied minors. Unaccompanied minors are foreign national children who have traveled from their home country to the United States without a parent or guardian and been placed in federal custody. While the operation generally targets unaccompanied children aged 14 and older, it includes some as young as 10 years old.¹

Under Operation “Freaky Friday,” unaccompanied children in federal care, as well as those who were initially detained by ICE when entering the US and released into the care of a third party or the Office of Refugee Resettlement (ORR), were sent a “threat” letter from ICE.² The

letter encouraged children to abandon pending applications for immigration benefits and leave the United States. The letter attempted to induce compliance by sometimes offering financial incentives while simultaneously threatening ICE enforcement and the possible transfer of children from federal care directly into ICE custody upon turning 18. The letter also threatened family members living in the US with immigration action if the child did not comply with the offer.

This is a change in ICE Policy, and it places already vulnerable youth at even greater risk of danger, abuse, neglect, exploitation, and deportation. Further, this change conflicts with the federal government’s existing recognition of the need to protect such vulnerable children, codified by Congress with the creation of the Special Immigrant Juvenile Status (also referred to as SIJS or SIJ).³

This article will instruct the practitioner on the SIJS process. SIJS allows foreign national children present in the US without legal immigration status who have been abused, abandoned, and/or neglected and who meet other qualifications a path to receive an “immigrant” visa and, eventually, become a lawful permanent resident (also known as a permanent resident, LPR, or green card holder).

These children are particularly vulnerable. Family law practitioners, parents, and third-party caretakers can benefit from knowing additional actions they can take to protect these children—not only from abusive parents, but from deportation. Given the current actions at the federal level, this subject is particularly timely.

Vulnerable Children

In family law, we regularly encounter clients in crisis, including those dealing with serious issues such as custody disputes, neglect, abuse, financial instability, or criminal charges. Children involved in these cases are especially vulnerable.

This crisis is multiplied when children lack proper immigration status. Foreign national children live under the constant threat of deportation. Children who are deported may be returned to a situation where they are unable to care for themselves, do not have adults who can help care for them, and they may be subject to other forms of extreme danger. The most visible examples of vulnerable children are DACA (Deferred Action for Childhood Arrivals) recipients.⁴ DACA recipients were brought to the US as babies and young children. Because they have no status in the US through no fault of their own, these vulnerable children are left in legal limbo as they grow into adulthood.

Unaccompanied minors often face even more challenging circumstances. They may have traveled from their home country to the US without a parent or guardian and ended up in federal custody. For example, they may have been apprehended crossing the US Border without a parent or guardian who could provide care or custody. Unaccompanied minors are even more vulnerable and

susceptible to abuse or neglect. They have no parent or guardian to look out for them. They may not speak the language. They may not seek the protections of law enforcement due to the fear of triggering immigration enforcement. They may have language and cultural barriers and lack access to support networks. They may face financial instability and economic dependence. Because they do not have valid immigration status, they can be deported to their home country in the same manner as if they were adults. And many are in fact deported.

Special Immigrant Juvenile Status (SIJS or SIJ)

SIJS allows foreign national children who have been abused, abandoned or neglected by one or both parents to obtain an “immigrant visa,” allowing them a process to permanently remain in the United States.

For foreign national children, SIJS can offer protection from deportation. Once SIJS is approved, it can eventually lead to the child becoming a lawful permanent resident. As a permanent resident, a foreign national can live and work in the US and travel to foreign countries, so long as they do not lose their permanent resident status. And, if they qualify, a permanent resident can eventually become a US citizen.

This process acknowledges the vulnerability of children who have been abandoned, neglected, or abused, and helps prevent forced reunification with harmful parents. It also opens the door to essential services that might otherwise be unavailable.

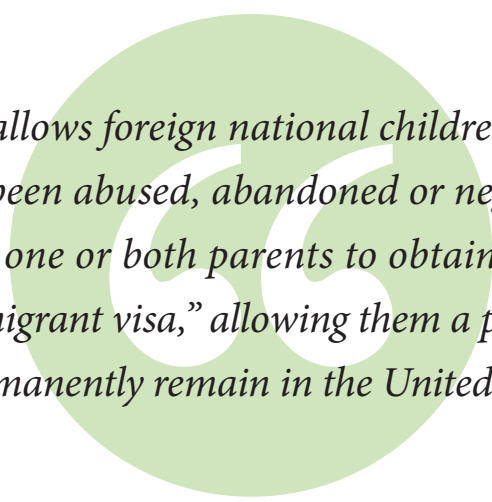
Eligibility for SIJS

There are several eligibility requirements to obtain SIJS status.⁵ The child must (1) be under the age of 21 when the SIJS Petition is filed, (2) be living in the US, (3) unmarried, and (4) have a valid juvenile court order issued by a state court. The court order must find that the child is a dependent of the court or in the custody of a state agency or of an individual or entity appointed by the court. The court must also find that the child cannot be reunified with one or both parents because of abuse, abandonment, neglect, or some other similar basis under state law. Finally, the court must find that it is not in the child’s best interest to return to the country of nationality or last habitual residence of the child or parent(s). If the child was in the custody of the Department of Health and Human Services (HHS) or the ORR, then special written consent must be obtained from the relevant agency regarding the court’s jurisdiction if the juvenile court order changed the custody status or placement.

Immigration law is federal in nature. So, each state court order must meet the eligibility requirements under federal law. However, state laws can impact SIJS eligibility. For example, Idaho statutes do not allow a court to issue an order regarding custody for children who have turned 18. Other states, like Washington, have enacted special statutes that allow courts to issue custodial orders for people until they are 21 years old. This allows those vulnerable children three extra years to seek the state juvenile court order that enables them to obtain SIJS.

Step 1: State of Idaho Predicate Orders

The first step of the SIJS process is obtaining the state juvenile court order, which immigration practitioners refer to



SIJS allows foreign national children who have been abused, abandoned or neglected by one or both parents to obtain an “immigrant visa,” allowing them a process to permanently remain in the United States.

as a *predicate order*. The order's findings must include:

1. The child has been abused, abandoned, neglected or a similar basis exists under state law;
2. Reunification with one or both parents is not viable as a result of abuse, abandonment, neglect or other similar basis under state law; and
3. It is not the child's best interest to return to the country of nationality or last habitual residence of the child or parent(s).

Fortunately for our vulnerable youth, Idaho statutes governing the care and custody of children can result in a valid predicate court order for an SIJS application. These proceedings include petitions for guardianship, adoption and terminations, divorce, paternity, child custody, and de facto custodian petitions. Children placed in the custody of the Idaho Department of Health and Welfare in the context of child protective services cases are eligible for SIJS.

HHS and ORR will often have custody of minor children as well, many of which are unaccompanied minors. Both agencies are federal agencies. These children may obtain a predicate order from the state where they are located with agency consent if the child is in their custody and the court order changes placement or custody status.

Difficulty with Predicate Orders: Proceedings like guardianships, adoptions/terminations, and CPS custody cases are usually pursued because children are subject to neglect, abuse, abandonment, or otherwise unstable environments. These types of cases by their very nature are likely to have facts that support the necessary findings to result in a valid predicate order.

That said, a word of warning. The best interest definition used in family law cases is not the same best interest standard as that required for a valid predicate order. Therefore, petitions involving custody of children such as divorce, paternity, and custody actions (collectively referred to as child custody cases) do not always result in the findings necessary for a valid predicate order. Parents have a legal right to their

children that includes decision-making and custodial rights. The legal standard for determining rights is based on the best interest of the child standard.

While it uses the same terms, this is a very different standard than finding that reunification isn't viable with one or both parents as a result of neglect, abandonment, or abuse and/or that it is not in the child's best interest to be returned to the child or parent's country of origin. For example, it is very unusual for a court to determine that reunification with an abusing or neglecting parent is no longer viable. Circumstances could change over time. An absent parent may desire to be a more present parent. A determination related to whether it is in the best interest of a child to return to a foreign country is not frequently a determination that is made by the court in custody cases. When seeking a predicate order under family law petitions, it is important to be aware of the legal distinction between the best interest determination for purposes of child custody cases versus SIJS petitions.

Step 2: Obtaining SIJS: Form I-360

After a child obtains a state court predicate order, the child can move forward with applying for SIJS. This is the second step in the multi-step, multi-year process. Applying for SIJS is done by filing Form I-360 (Petition for Amerasian,

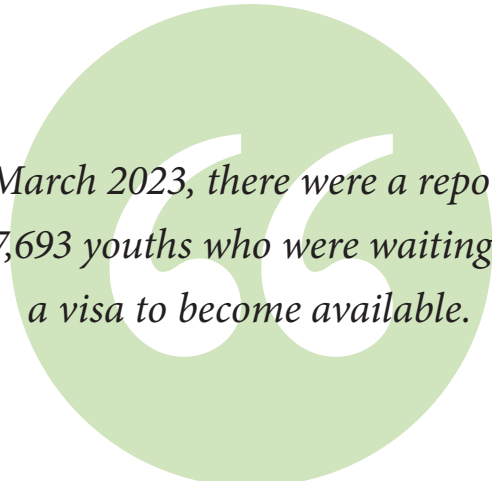
Widow(er), or Special Immigrant) with US Citizenship and Immigration Services (USCIS). USCIS is the federal agency that oversees adjudicating these applications. As stated above, it is critical that this step is done before the child turns 21 years old, or they will not be eligible for the benefit.

Once the application is filed, the child must wait a lengthy time for USCIS to "adjudicate" the Petition—i.e. to make a decision.⁶ At the time this article was written, USCIS was processing 80% of these cases within 36 months.⁷ This is an excessive delay, considering Congress set a 180-day deadline for USCIS to make decisions on SIJS cases.⁸

If the application is granted, the child can move forward with the next step, which is waiting for an immigrant visa to become available for them to apply for lawful permanent resident status.

Step 3: Waiting for a Visa to Become Available

What does it mean to "wait for a visa to become available?" Each year, the Department of State (DOS) issues a limited number of immigrant visas to be used in that year. However, there are far more requests for visas than there are available. So USCIS uses the date that the SIJS petition was filed—called the "priority date"—to determine how long a petitioner must wait. Each month, DOS lists the priority



*In March 2023, there were a reported
107,693 youths who were waiting for
a visa to become available.*

date for which they are accepting applications on the Visa Bulletin.⁹

A child will therefore need to closely monitor the Visa Bulletin. SIJS cases are processed under the Employment-Based Preferences chart under the 4th category of the Visa Bulletin which is for Certain Special Immigrants.¹⁰ This is referred to as the “EB4” category. To determine when a child may move to the next step, they will have to review the EB4 Category of the Visa Bulletin, so they know when their priority date becomes current. As of the date that this article was written, petitioners who filed their SIJS petition on or before September 1, 2020, are currently eligible to apply for an immigrant visa. The waiting period based on this priority date is over five years. However, it must be noted that the Visa Bulletin does not move forward monthly; therefore, this date is not an accurate representation of the wait time. In March 2023, there were a reported 107,693 youths who were waiting for a visa to become available.¹¹

The wait time is important because having an approved SIJS petition does not render lawful status in the country, meaning a minor can still be deported. In the meantime, children can apply for an employment authorization document (EAD) after USCIS makes a bona fide determination on their case and while their application remains pending. On June 6, 2025, the current Administration attempted to terminate this option for children.¹² There is now ongoing litigation regarding this issue.

Although some children may be too young to work, having an EAD serves other valuable purposes because it acts as a government identification card. Children who are old enough can obtain

a driver’s license, social security number, and work. This allows children who have had the misfortune of being abandoned, abused, or neglected to integrate into society and strive for higher education and other resources.

Step 4: Applying to Become a Permanent Resident

Once a visa becomes available, the child can apply for a green card using another immigration form. As part of this process, they must undergo medical and background screening. This is another lengthy process, but it gives children hope to stay in the community they call home with the people who have helped shield them from harm. When children are granted green cards, it represents permission to live and work in the US indefinitely. After five years of being a green card holder, an individual can apply to become a US citizen.

These children have already experienced abuse, abandonment, or neglect and often crossed dangerous borders. Many attorneys, even if they don’t practice immigration law, can help place these children in a better situation by assisting with obtaining the predicate order. This is the first step in helping vulnerable children access stability in their lives and safety from deportation. Knowing how to protect these children has never been so timely.



A. Denise Penton is a proud native of Idaho and graduate of the University of Idaho College of Law. She practices both immigration and family law.



Ms. Chavez-Hermes immigrated to the US from Mexico at the age of 6 years old. She grew up in Ontario, Oregon and graduated from the University of Idaho College of Law.


She specializes in immigration law.

Endnotes

1. National Immigrant Justice Center, Operation “Freaky Friday”: What You Need to Know (Oct. 3, 2025), <https://immigrantjustice.org/press-release/operation-freaky-friday-what-you-need-to-know/>.
2. It is unclear whether “threat” letters are still being sent.
3. Immigration and Nationality Act § 101(a)(27)(J); 8 C.F.R. pts. § 204.11.
4. *Deferred Action for Childhood Arrivals*, 87 Fed. Reg. 53,152 (Aug. 30, 2022) (to be codified at 8 C.F.R. pts. 106, 236, and 274a).
5. Immigration and Nationality Act § 101(a)(27)(J) (codified at 8 U.S.C. § 1101(a)(27)(J)); 8 C.F.R. § 204.11; U.S. Citizenship & Immigr. Servs., USCIS Policy Manual, vol. 6, pt. J: Special Immigrant Juveniles, <https://www.uscis.gov/policy-manual/volume-6-part-j> (last visited Dec. 3, 2025).
6. Once a petition is submitted to USCIS, it is placed in a processing queue. The petition remains in the queue until it is reviewed and a decision issued. The length of time it takes USCIS to reach the petition to make a decision is called processing time.
7. U.S. Citizenship & Immigr. Servs., <https://egov.uscis.gov/processing-times/> (last visited Oct. 13, 2025).
8. 8 U.S.C. § 1232(d)(2).
9. The visa bulletin is found here: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>.
10. Immigration and Nationality Act § 201(d) (codified at 8 U.S.C. § 1151(d)).
11. R. Leya Davidson et al., False Hope: Over 100,000 Immigrant Youth Trapped in the SIJS Backlog 4 (2023), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/656a48a3f02597441a4cbf95/1701464285675/2023-false-hopes-report.pdf>.
12. U.S. Citizenship & Immigr. Servs., Policy Alert, Special Immigrant Juvenile Classification and Deferred Action, PA-2025-07 (June 6, 2025).

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Putting Kids Through Their PaCEs: How Positive Childhood Experiences Can Support Resilience Practices in Overcoming Trauma

Janice Beller

When Jenny Easley, Program Manager for CASA of Southwest Idaho,¹ reflects on her six and a half years of work as a guardian ad litem in child welfare cases, she will tell you that she has seen some amazingly resilient children. Children who, despite extraordinary trauma and a high number of adverse childhood experiences (ACEs), manage to leave their time in foster care relatively unscathed.

It is, unfortunately, an exception and rarely starts out that way. “I can remember one child,” Jenny says, “whose behaviors really began to act up only after she was pulled from her physically and emotionally abusive home.” She added, “the girl was immediately labeled as a ‘bad kid’ even though her behaviors were clearly a result of the abuse she had silently endured—and had to lie about—at home. But once a positive community of supportive adults formed around her and

she could see the successes she could achieve, there was no stopping her...”

One of the most challenging aspects of child welfare law is the elusive nature of positive outcomes for children. Why do some children “bounce back” from the trauma involved in a child protection case and others do not? The fact patterns for removal are often common and repetitive: dirty homes, parents with substance abuse or mental health issues, children subjected to the horrifying trauma of physical or sexual abuse at the hands of a trusted adult or sibling.

However, predictably replicating successful outcomes for children exiting foster care is anything but common. Two children can enter care for the exact same reason, but their condition and behaviors when exiting foster care can be dramatically different. Why?

Part of the answer appears to lie in a better understanding of the positive tools

that children possess at the time a removal occurs. Just as child welfare experts now routinely assess children for their adverse childhood experiences (ACEs), a growing body of evidence now suggests that assessing children for their positive childhood experiences (PCEs) can give practitioners a reliable indicator of how that child may weather the storm of removal and a stay in foster care.

Understanding Adverse Childhood Experiences

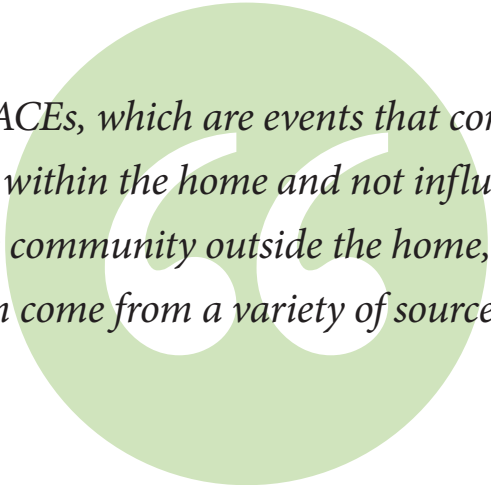
The American Psychiatric Association defines ACEs as “disruptions to the promotion of safe, stable, and nurturing family relationships and are characterized by stressful or traumatic events that occur during an individual’s first 18 years of life.”² In layman’s terms, ACEs are a list of 10 negative situations which can, when experienced in sufficient

quantity, dramatically impact the physical and emotional wellbeing of a child. The research on ACEs is solid, validated multiple times over,³ and such a common part of the lexicon in the social sciences that the tool for measuring ACEs has been adopted for international use by the World Health Organization.⁴ While this article will not dive into the genesis of ACEs or their measure, relevant to this discussion is the concept that on a scale of one to ten, the higher a child's "ACEs score" is, the less likely a child is to exhibit resilience when placed in foster care.⁵ The research also strongly suggests a correlation between a child's high ACEs and negative outcomes when exiting foster care, especially as a young adult who "ages out."⁶

Balancing the Equation: Defining Positive Childhood Experiences

Once researchers gained a comprehensive understanding of ACEs and their often profoundly negative impact on children, it might not come as a surprise that the next line of inquiry focused on how to blunt the damage caused by a high ACEs score. In 2019, the first research team published its findings on a counter-measure for the trauma of ACEs, trying to understand the very question asked above: when children present with the same traumatic experiences (as expressed through their ACEs score), how did some children have better outcomes in adulthood than others?⁷ The answer: a new expressive measure called the Positive Childhood Experience score (PCEs).

The American Psychiatric Association defines PCEs as "a set of interpersonal relationships between family, friends, in school, and in community that fosters a child's capacity to thrive."⁸ While it might be easy to think of PCEs as a great vacation to Disneyland, or spelling the word "onomatopoeia" to win the fifth grade spelling bee, the PCEs that really matter are the sum total of *small interpersonal moments* where children learn to connect and trust the people around them. Identified in real world scenarios, a PCE is formed when a child, through repeated testing, feels safe in sharing his or her feelings with a family member, develops a sense of belonging within a school community, or derives enjoyment from participating in community traditions.⁹



Unlike ACEs, which are events that commonly occur within the home and not influenced by the community outside the home, PCEs can come from a variety of sources...

Unlike ACEs, which are events that commonly occur within the home and not influenced by the community outside the home, PCEs can come from a variety of sources, both from immediate and extended family, as well as the greater community at large, including social groups like schools, churches, sporting teams, or service organizations.

For guardians *ad litem* (GALs) like Easley and the 76 GAL volunteers in Idaho's Third Judicial District, each contributes to a child's PCEs by being a non-parent adult who takes a genuine interest in the children they serve. "We engage with children, families, and foster parents in a way that invites us into a child's community," Easley notes. "Cheer events, baptisms, birthday parties, sporting events...we get to know the kids in an entirely different way that is profound and powerful."

Most importantly, however, is the fundamental principle that a GAL sticks with their assigned cases from beginning to end. Easley shares, "When a case opens, the kids have talked to dozens of people, and we all blend together. But the GAL sticks. The GAL stays and the kids see them wherever they wind up. They realize that the GALs are there just for *them*."

She continues, with great respect to the other members of the child welfare team, "We're the only ones who have the whole history of the case of the children we serve. We stick like glue, and kids can

Positive Childhood Experiences (PCEs) Questionnaire

While you were growing up, during your first 18 years of life was this true for you often or most of the time? If so, enter 1.

- Ability to talk to family about feelings
- Felt family stood by me during difficult times
- Felt safe and protected by adult in my home
- Had at least 2 nonparent adults who took genuine interest in me
- Felt supported by friends
- Felt a sense of belonging at high school
- Enjoyed participating in community traditions.

Add up your "Yes" answers. This is your PCE score.¹⁰

count on their GAL being there.” It is this dedication to remain with a child throughout the entire case that makes GALs such a powerful PCE in a child’s life. It also makes a child’s GAL a conduit to facilitate other PCEs.

A GAL can communicate a child’s wants or needs from an old foster family to a new one, helping a foster parent build credibility faster with shy or timid children. They can facilitate continuity of social activities and help kids maintain critical social bonds at school and among peers. They also, as Easley notes, engage with school officials to ensure educators have accurate, up-to-date information regarding a child’s educational needs and necessary accommodations.

“GALs work with schools to build communities and promote success for the children, recommending and encouraging extracurricular activities, hobbies, and peer activities,” says Easley. “We even encourage the children to teach our volunteers new skills, so the children are empowered to be the experts and experience what it means to be accomplished in something.”

Totaling up a Child’s PCEs

With PCEs conceptually identified, researchers began coming up with models and measurement tools, like the ACEs scale, to quantify and tally PCEs. In the 2019 Bethell research, her team designed and used a similar self-survey model with success.¹¹ Specifically, the team tested their tool to determine whether a correlation existed between the reported instances of depression and poor mental health days in young adults who spent time in foster care and the subjects’ positive and adverse childhood experiences.¹²

The PCE test instrument was a quick, seven statement questionnaire—included with this article—designed to assess the test-taker’s sense of emotional safety and trust while growing up. As with the standard ACEs test instrument, PCE scores were grouped in a similar fashion, with scores of 0–2, 3–5, and 6–7.¹³

But with just seven questions, how many PCEs did researchers discover were enough to make a significant difference in the mental and emotional health of adults who had spent time in foster care

or experienced a significant amount of childhood trauma? Could enough little positive moments of trust and engagement really push back the onerous nature of ACEs like incarceration of a parent, divorce, physical or sexual abuse, or substance use in the home?

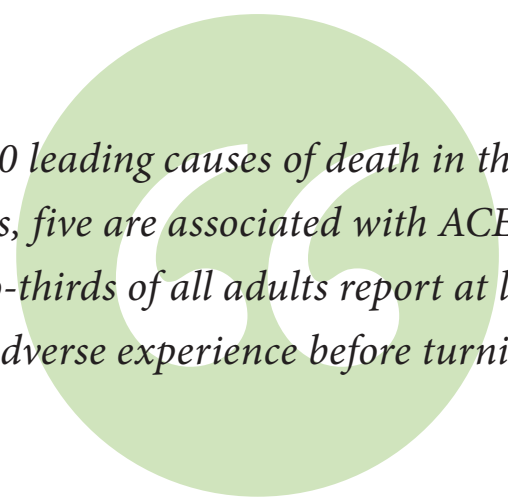
How Many Positive Experiences Are Enough?

While readers who are Star Wars fans may already intuitively know that the light side of the force is stronger than the dark, it turns out, PCEs work in much the same way to combat the effects of ACEs. First, Bethell’s study confirmed that with just three to five PCEs, young adults reported a 50 percent less chance of experiencing depression or poor mental health days.¹⁴ With six or seven PCEs, study participants reported a whopping 72 percent less chance of experiencing the same kind of mental health issues.¹⁵ Most importantly, these results held true even if the participant had a significant number of ACEs along with their PCEs.¹⁶

Additionally, researchers identified a “dosing” effect for PCEs, meaning that the more instances of a PCEs a child can rack up, the likelihood of suffering depression or a poor mental health day decreases even more significantly.¹⁷ Perhaps the most powerful difference in the comparison between ACEs and PCEs

is the amount of effort or action it takes to create one experience or the other.

While ACEs are defined informally as big, dark, powerful and traumatic moments in a child’s life—things that take inertia and momentum and can fundamentally shift a child’s perception of his or her place in the world (divorce, incarcerated parents, physical or sexual violence, etc.)—PCEs are quite the opposite. To think of PCEs another way: visualize each of the seven PCE statements as an empty bucket. Each time a child experiences a positive interaction that reflects one of those statements (e.g., “I got a bad grade on a test, but my mom didn’t get mad, she told me she’d help me do better.”), a metaphorical ping-pong ball goes in the bucket for the corresponding PCE statement. Every time a child experiences a negative interaction when testing one of the statements (e.g., “My friends thought it was funny when they let me get caught sleeping in class.”), a ping-pong ball comes out of the bucket. This process plays out many times a day and lots of different people contribute to the total number of ping pong balls in the buckets. A child’s PCE score is a snapshot, at any given moment, of how full his or her seven buckets are. Full buckets can indicate a child has resilience factors that can help combat ACEs trauma. Empty or almost empty buckets are an indication that a child may need strong support from a variety of different



Of the 10 leading causes of death in the United States, five are associated with ACEs and two-thirds of all adults report at least one adverse experience before turning 18.

sources: parents, family members, friends, teachers, and mentors. In short, the pint-sized power of interpersonal moments to create PCEs make them an incredible force in building resilience in children who experience traumatic events.

Why Should We Care About Developing Positive Childhood Experiences and Resilience in Children?

To understand clearly why communities should commit to developing resilience and PCEs within their children, one must look only as far as the damage ACEs do when left unchecked. The Centers for Disease Control has identified ACEs as an urgent public health issue, along with substance abuse/overdose, and suicide.¹⁸ Of the ten leading causes of death in the United States, five are associated with ACEs and two-thirds of all adults report at least one adverse experience before turning 18.¹⁹

Adverse childhood experiences increase the risk of opioid use and with it, the risks of overdose and suicide.²⁰ Children or youth who have ACEs of four or more are three times more likely to misuse opioids, and 30 times more likely to attempt suicide.²¹ A high ACEs score is associated with socio-economic struggles like unemployment, poverty, and undereducation.²²

And these findings do not include the damage done by ACEs inside the body. Depending on when the traumatic event occurred, the impacts can range from poor brain development, a cascade of developmental delays and defects in babies,²³ to chronic diseases later in life like mental health conditions, heart disease, respiratory ailments, and even cancer secondary to long-term, toxic stress.²⁴

Building off the original 2019 PCE study, additional studies continue to find more reasons why positive childhood experiences matter for children to whom traumatic events occur. Not only are high PCE scores attributed to lower instances of adult depression and poor mental health, but according to the American Psychiatric Association, PCEs are an accurate predictor of general adult functioning, even after accounting for the instances of substance abuse.²⁵ Developing family strengths

How Can I Help Create PCEs in a Child's Life?

A child's "tribe" is a powerful weapon to combat ACEs, create PCEs, and bolster natural resilience. Remember the three key parts of a personal resilience practice: Mindfulness, Physical Activity, and Connection.²⁹ We all have a role in being supportive team members for the children in our community!

1. Consider serving as a child's mentor through programs like Big Brothers/Big Sisters
2. Serve as a guardian *ad litem* in any one of Idaho's seven programs throughout the state
3. Serve as a pro bono attorney for a guardian *ad litem* (strong legal advocacy is critical!)
4. Volunteer at a child's school or church
5. Support organizations and events that work to bring children and families together to celebrate community traditions or special events
6. Serve as a sport referee, teach a community education class for kids, or look for opportunities to connect young adults with experiential learning

Even little moments can add up to a BIG difference in overcoming childhood trauma and restoring a child's natural resilience by creating PCEs!³⁰

through PCEs protect teens from substance abuse, suicide, emotional distress, and in fact, exposure to some specific PCEs decrease the risk of pregnancy by 30 to 40 percent.²⁶

And, because PCEs support resiliency, these tiny moments of connection feed into the greater understanding of why resilience factors are so important as youth transition out of foster care. In a 2021 study for the *Journal of Psychological Trauma*, Miguel Nunez and his team looked specifically at how resilience factors influenced the outcomes of youth aging out of foster care.²⁷ Their study considered 38 resilience factors and found that of those 38 factors, 18 were statistically significant in predicting positive outcomes for youth exiting foster care. The list of 18 included resources like kinship care, school stability, receiving school encouragement, mentors (especially long-term ones), close relationships with caregivers, family members, or adults, and institutional agents available for tangible support or advice.²⁸

Sound familiar? They should! Each resilience factor also has the potential to

generate PCEs for the youth, in addition to strengthening resilience. It is, quite literally a "sunny side up" chicken-or-egg scenario where PCEs develop resilience factors, and resilience factors, in turn, generate more PCEs. And remember, PCEs have an ongoing beneficial effect, while ACEs are often a "one-and-done" traumatic event. So, regardless of which comes first—a focus on resilience building or making little moments matter to create PCEs—both resilience and PCEs continue to support a child or youth's mental and emotional wellbeing well into adulthood.

A Winning Combination

While the body of research is still new and much is left to understand, the possibility for PCEs to make a meaningful difference with children and youth in foster care is exciting when such little steps can create such a fundamental change in youth transitioning to adulthood. Add the cumulative benefits that PCEs appear to contribute to the process of strengthening resiliency, and it should serve as a call to action for everyone

concerned about the impact of trauma on our children.

Jenny Easley sees the power of PCEs so clearly when she thinks back on the young girl she started our interview with. She recalls how dire the situation was for the girl, and how after all the abuse she endured, the thing that cut most deeply was trying to understand why her father could not love—or even like—her. When the girl entered foster care, her behavior spiraled because she was angry, lost, and upset. School officials tagged her as a “bad kid” and her academic performance tanked.

Serving as her GAL, Jenny watched how the girl connected with her foster parent, now her adoptive mother. She watched the girl become involved with a church youth group, extracurricular activities, and Jenny was present the first time the girl was called out in school for her outstanding effort. Jenny notes, “once we got the school on board to see her through the right lens, the supports fell into place. I saw this young girl start building self-esteem, she started seeing for herself the things she could do, and she started climbing out and up.”

Jenny paused for a moment then added, “PCEs helped her feel competent in a lot of different ways, which started to undo the programming she had received from her parents starting at an early age. She stopped looking back at the trauma and started looking forward to her future. Once she achieved that first success and could see what she was capable of...she was off and running.”



Over the last 20 years, Janice Beller has worked in a variety of facets of Idaho's child welfare system. She served as a child protection GAL, worked for seven years on the Child Protection team at the Idaho Supreme Court, and just finished her fourth year

exclusively handling a child protection calendar. She is a charter member of the Child Protection Section of the Idaho State Bar and has served as its Chair. Janice often reflects on the impact of purchasing her son's first guitar in middle school and remains grateful every day that she gets to witness his evolution into a world-class musician and all-around extraordinary human being.

Endnotes

1. Interested in learning more about volunteering as a guardian *ad litem* in one of Idaho's seven CASA programs? You can learn more about Jenny's program at: <https://www.casaofswidaho.org>.
2. What are ACEs?, American Psychiatric Association Foundation, <https://www.apaf.org/our-programs/justice/free-resources/what-are-aces/> (last visited November 25, 2025).
3. Fahad M. Alhwaymel, *The Relationship Between Adverse Childhood Experiences and Resilience Among College Students in Saudi Arabia: A Cross-Sectional Study*, Nature, October 1, 2025, available at: <https://www.nature.com/articles/s41598-025-16250-8> (last visited November 25, 2025).
4. Adverse Childhood Experiences International Questionnaire (ACE-IQ), World Health Organization, January 28, 2020, available at: [https://www.who.int/publications/m/item/adverse-childhood-experiences-international-questionnaire-\(ace-iq\)](https://www.who.int/publications/m/item/adverse-childhood-experiences-international-questionnaire-(ace-iq)) (last visited November 25, 2025).
5. For an excellent introduction to the concept of adverse childhood experiences (ACEs), this author recommends Judge Bryan Murray's outstanding article: *The Pandemic of Adverse Childhood Experiences: Courts and the Health of Idaho Citizens*, Advocate, June/July 2020 at 12.
6. Rebecca Rebbe, Paula S. Nurius, Mark E. Courtney, Kym R. Ahrens, *Adverse Childhood Experiences and Young Adult Health Outcomes Among Youth Aging Out of Foster Care*, Academy of Pediatrics, April 27, 2018, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC6035089/> (last visited November 25, 2025).
7. Christina Bethell, PhD, MBA, MPH; Jennifer Jones, MSW; Narangerel Gombojav, MD, PhD; et al, *Positive Childhood Experiences and Adult Mental and Relational Health in a Statewide Sample*, JAMA Pediatrics, September 2019, available at: <https://jamanetwork.com/journals/jama-pediatrics/fullarticle/2749336> (last visited November 4, 2025).
8. What are PCEs?, American Psychiatric Association Foundation, <https://www.apaf.org/our-programs/justice/free-resources/what-are-pce-s/> (last visited November 4, 2025).
9. *Understanding PCEs*, Families Together, Inc., <https://families-together-inc.org/forms/SMHI/Positive%20Childhood%2011-5-20203-21.pdf> (last visited November 4, 2025).

10. Positive Childhood Experiences Questionnaire: Positive Childhood Experiences and Adult Mental and Relational Health in a Statewide Sample, JAMA Pediatrics, <https://chaplaincyinnovation.org/wp-content/uploads/2023/01/PCEs-ACEs-Questionnaire.pdf> (last accessed November 4, 2025).

11. Christina Bethell, PhD, MBA, MPH; Jennifer Jones, MSW; Narangerel Gombojav, MD, PhD; et al, *Positive Childhood Experiences and Adult Mental and Relational Health in a Statewide Sample*, JAMA Pediatrics, September 2019, available at: <https://jamanetwork.com/journals/jama-pediatrics/fullarticle/2749336> (last visited November 4, 2025).

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. *Injury Center Priorities*, Centers for Disease Control, <https://www.cdc.gov/injury/priorities/index.html#:~:text=ACEs%20prevention,ACEs%20prevention%20and%20mitigation%20efforts> (last visited November 4, 2025).

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. Erica M. Webster, *The Impact of Adverse Childhood Experiences on Health and Development in Young Children*, Global Pediatric Health, February 26, 2022, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8882933/> (last visited November 4, 2025).

24. *Childhood Trauma & ACEs*, Cleveland Clinic, <https://my.clevelandclinic.org/health/symptoms/24875-adverse-childhood-experiences-ace> (last visited November 4, 2025).

25. What are PCEs?, American Psychiatric Association Foundation, <https://www.apaf.org/getmedia/9458d8f9-fcf9-4bb0-bcde-4d3f6472ad99/PCEs-Infographic.pdf> (last visited November 4, 2025).

26. *Id.*

27. Miguel Nunez, Sarah J. Beal, Farrah Jacquez, *Resilience Factors in Youth Transitioning Out of Foster Care: A Systematic Review*, Journal of Psychological Trauma: Theory, Research, Practice, and Policy, September 2021, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC9070687/> (last visited November 4, 2025).

28. *Id.*

29. For more information on resilience, please check out this author's previous article inspired by Judge Jack Varin and his study of resilience practice, *Understanding Trauma Beyond the Numbers: Integrating Trauma-Informed Practices in Family, Child Protection, and Juvenile Law*, The Advocate, November/December 2023 at 14.

30. *Id.*

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AI in the Courts: Balancing Tradition and Innovation

Chief Justice G. Richard Bevan

Nearly a decade ago, as a district judge in Twin Falls, I was the first of our judges to start using electronic court records. At the time, I felt a little like a pioneer with a new map hand—excited about the possibilities, but also keenly aware that every step needed to be careful and deliberate.

Courts, by design, are careful institutions. The rules, the traditions, even the rituals of our work are meant to protect fairness and impartiality. Intentionality is at the heart of all we do.

At the same time, we are also a modern court system. We cannot ignore technology that may serve people better or help us work more efficiently.

Somewhere between tradition and innovation lies the balance we must strike—and at the center of that balance is the public's confidence in our work.

In September, we launched a year-long effort to produce a set of principles governing our use of AI as a court system.

Artificial intelligence holds great promise. It could expand access to justice, offering tools to those who cannot afford a lawyer. It could free up our staff to focus on the complex and human sides of their work, while automation handles the routine.

But AI also comes with real risks. Used improperly, it could compromise confidential data. Worse, it could creep into decisions that must remain the responsibility of a human judge.

And so, we find ourselves charting new territory, much as I did 10 years ago with electronic records.

This project is about helping us navigate wisely. Judges, attorneys, IT professionals, and court staff will develop recommendations for the Idaho Supreme Court to consider.

Together, we will examine both the risks and the benefits of AI, and we will shape principles to guide how it may be used responsibly in Idaho's courts. Alongside that, we will look closely at the data that feeds these systems. The way we collect, store, and govern that data will

profoundly affect how fair and unbiased these tools can be.

This effort will help us build a court system that keeps pace with change, encourages the public's trust, and serves Idahoans even better in the years ahead.

John Adams once reminded us, "We are a government of laws, not of men." In the same way, our courts must be courts of principles, not of algorithms. This work will help ensure that holds true in a new age.



Idaho Supreme Court Chief Justice G. Richard Bevan was appointed to the Court in 2017 and is in his second term as chief justice. Previously, he served a long career as an attorney

and later district judge, including four years as Twin Falls County prosecutor and eight years as administrative district judge for the Fifth Judicial District. He received his undergraduate and law degrees from Brigham Young University.

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Boise January 7, 9 and 14
Boise February 13 and 18
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Boise April 6, 15 and 17
Moscow (University of Idaho) April 8
Lewiston April 9
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Boise June 3, 5 and 8
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Boise April 7, 9, 14 and 16
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**Idaho Supreme Court
Oral Arguments for January 2026**

12/12/2025

Wednesday, January 7, 2026 - Boise

8:45 a.m. *Fluor Corp. v. Idaho State Tax Commission* #52283
10:00 a.m. *Miller v. Miller* #52616

Friday, January 9, 2026 - Boise

8:45 a.m. *State v. Jane Doe (2024-29)* #51814
10:00 a.m. *State v. Barritt* #51539

Wednesday, January 14, 2026 - Boise

8:45 a.m. *Spirit Lake Cabins v. Inland Empire* #52190
10:00 a.m. *Spears v. Antelope Mtn Resort* #52406
11:15 a.m. *State v. Manuelito* #51595

**Idaho Supreme Court
Oral Arguments for February 2026**

12/12/2025

Wednesday, February 11, 2026 - Boise (University of Idaho)

8:45 a.m. *WAFD, Inc. v. Idaho State Tax Commission* #52584
10:00 a.m. *State v. Orr* #51866
11:15 a.m. *Best v. State* #53233

Friday, February 13, 2026 - Boise

8:45 a.m. *Estate of Kalinski v. Murphy Law* #52242
10:00 a.m. *Hartman v. Pocatello Hospital* #52101
11:15 a.m. *Bauer v. Scott Meyers & Sons Roofing* #52706

Wednesday, February 18, 2026 - Boise

8:45 a.m. *State v. Lutz/Heslington* #52554
10:00 a.m. *State v. Gutierrez* #51649
11:15 a.m. *HMI, Hamilton v. City of Twin Falls* #52620

**Idaho Court of Appeals
Oral Arguments for January 2026**

12/12/2025

January 13, 2026

9:00 a.m. *Baumhoff v. Sams* #52353
10:30 a.m. *State v. Allegheny Casualty* #52341

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CASES IN ALPHABETICAL ORDER BY CATEGORY – NOVEMBER 2025

CIVIL APPEALS

Contracts

Whether the district court erred in holding that the purchase and sale agreements for two yet-to-be constructed condominium units were not valid and enforceable contracts because they failed describe or agree upon amenities, trim levels, or finishing options.

Schuster v. Milbrath
Docket No. 52545
Supreme Court

Divorce

Whether the lower courts erred by rejecting the C.P.A.'s indirect tracing analysis and finding the parties' financial accounts and real property holdings were community property.

Wiley v. Furman
Docket No. 52669
Court of Appeals

Jurisdiction

Whether the district court erred in concluding that it lacked subject matter jurisdiction over the partition of real estate located in Idaho and owned by Idaho residents as tenants in common as their separate property.

Bear v. Bear
Docket No. 52888
Supreme Court

Jury Instructions

Whether the district court abused its discretion by refusing Defendant's request for a jury instruction on necessity where the facts established at trial supported a necessity defense.

State v. Muguira
Docket No. 52144
Court of Appeals

Post-Conviction

Whether the district court erred by evaluating Petitioner's request for post-conviction counsel under a summary dismissal standard without considering whether the petition raised the possibility of a valid claim.

Tucker v. State
Docket No. 51877
Court of Appeals

Professional Malpractice

Whether the district court erred in granting summary judgment in Defendants' favor on Plaintiff's legal malpractice claim where Defendant attorney admitted he was negligent in failing to ensure that the terms of the divorce settlement to which Plaintiff had agreed were accurately memorialized in the divorce decree and property debt schedule.

Graham v. Stoppello Law, PLLC
Docket No. 52585
Supreme Court

Public Records

Whether the district erred in finding that the video of the traffic stop during which a law enforcement officer was shot and killed is an investigative record that is not exempt from public disclosure.

Gaylord v. Clifford
Docket No. 52772
Supreme Court

Statutory Interpretation

Whether the district erred in holding that only the holder of fee title to condemned and adjoining lands can recover business damages under I.C. § 7-711(2).

State v. Triple Crown Dev., LLC
Docket No. 52872
Supreme Court

Summary Judgment

Whether the district court erred by granting summary judgment in Defendants' favor despite evidence that the local standard of care applicable to the physical therapists who treated Plaintiff was indeterminable.

Forbes v. Current Physical Therapy, LLC
Docket No. 52626
Supreme Court

Whether the district court erred by finding Plaintiffs' due process challenge to a zoning provision that categorically banned mobile tiny homes on residential property was not justiciable.

Decker v. City of Meridian
Docket No. 52355
Supreme Court

CRIMINAL APPEALS

Juvenile Corrections Act

Whether the magistrate court abused its discretion by basing its decision to waive juvenile jurisdiction primarily on the fact that Juvenile was the subject of two pending juvenile petitions.

State v. Doe (2024-36)
Docket No. 51980
Court of Appeals

Motion To Suppress

Whether the district court erred in concluding that the traffic stop was supported by reasonable suspicion based on the officer's inference that the vehicle was being driven by an individual with a suspended license.

State v. Elder
Docket No. 51832
Court of Appeals

Whether the officer lacked reasonable suspicion to initiate a traffic stop for an obstructed registration sticker on Defendant's vehicle.

State v. Heyden
Docket No. 52274
Court of Appeals

Right To Counsel

Whether the district court abused its discretion by denying Defendant's motion for substitute counsel after Defendant and his appointed attorney advised the court that they were unable to communicate about the case.

State v. Smith
Docket No. 51758
Court of Appeals

Sentence Review

Whether the district court abused its discretion by denying Defendant's I.C.R. 35(b) motion for reduction of sentence in light of new information showing that the State breached the plea agreement in a manner that resulted in Defendant being ineligible for work camp during the latter half of his three-year sentence.

State v. Phillips
Docket No. 52331
Court of Appeals

Sufficiency Of Evidence

Whether the evidence was insufficient to support the jury verdict finding Defendant guilty of aggravated assault by threat because there was not substantial competent evidence that proved Defendant's conduct created a well-founded fear in the victim.

State v. Morgan
Docket No. 52024
Court of Appeals

Summarized by:

Lori Fleming
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In Memoriam

Jennifer Fuhs 1967 – 2025



Jennifer “Jenn” Fuhs tragically succumbed to her second battle with cancer on Saturday, Oct. 11, 2025. Jenn was born in Ankara, Turkey, to Richard and Jerri Ryan. Richard was stationed in Turkey with the U.S. Air Force. She was raised in Gladbrook, Iowa, by Steve and Jerri Baumeier. She graduated from Gladbrook High School in 1985, where she excelled in academics and sports.

While on vacation in St. Thomas, Virgin Islands, Jennifer met the only love of her life, Brian Fuhs and they were married in 1988. Together, their legacy includes a covenant marriage of 36 years, five amazing children and four beautiful grandchildren. All of their children were born in California, where Brian was stationed with the U.S. Navy. After Brian’s last Navy assignment in Pearl Harbor, Hawaii, the Fuhs’ moved to Lewiston, in 2004.

In 2016, while attending her first year of law school, Jenn was diagnosed with breast cancer. That same year, she received treatment and was declared cancer-free. She graduated from the University of Idaho College of Law in 2018 and was also admitted to the Idaho State Bar that same year. On May 1, 2023, she opened the Fuhs Law Office.

In December of 2024, Jenn was sadly diagnosed with cancer again. This time it had advanced into her spine. She bravely endured multiple rounds of chemotherapy and other treatments, which were ultimately unsuccessful. She passed away in her home, surrounded by family.

Jenn was dearly loved by family and close friends. She was respected by colleagues, associates and professionals in the legal community. Her engaging spirit endeared her to everyone. Jenn is survived by her husband, Brian Fuhs; her children, Kaulen (Sarah), Charles, Brian II “Joey”, Aidan and Thea (Caley); her grandchildren, her parents and her siblings, Casey and Leslie.

Raymond Malouf 1946 – 2025



Longtime resident of North Logan, Utah, Raymond Nasif Malouf, Jr died peacefully from heart failure at his home July 16, 2025. Ray was born in Seattle, Washington to Raymond and Ausdriq Piranian Malouf. His father was serving as a medical officer in the US Navy. They soon moved to Richfield, Utah where his sister Carole Aneesa and brothers James Thomas and Ronald Bert were born. The young family moved to Logan in 1955. Ray graduated from Logan High School in 1964, USU in 1970 and the University of Utah College of Law in 1973. He highly valued education and was an avid reader throughout his life, often carrying way too much reading material with him.

Ray met his future wife, Sharyl Dean Hill, while they were attending USU. They were married in 1971, and made their home in Salt Lake City to continue schooling. After law school, Ray was admitted to the Idaho State Bar in 1973 and he and his wife moved to Boise where he worked as deputy Attorney General for three years. They then moved to North Logan, and he became part of Malouf Law Offices where he worked ever since. He has been a member of the Utah and Idaho Bar Associations for over 50 years.

Ray’s skills and interests were vast. He especially loved outdoor adventures; canoeing, skiing, sailing, kayaking, backpacking, hiking, hunting, and climbing high peaks. These activities were often done in adverse weather conditions, but he persevered with family, friends, and Scouts teaching life skills along the way. He played the clarinet for several decades in the USU Alumni Band. He liked to fix things and make them last. He enjoyed working, singing in the ward choir, classical music, making pottery and being with his family.

Ray is survived by his wife, Sharyl, and their children; Daniel Raymond, Jacob (Amy) Samuel, and Carissa Ann, 14 grandchildren, two great-grandsons, and his siblings. He is preceded in death by his parents and oldest granddaughter Sarajane.

Wayne Kidwell 1938 – 2025



Wayne LeRoy Kidwell, age 87, of Boise, passed away peacefully on November 7, 2025. Born in Council, Idaho, Wayne dedicated his life to the pursuit of justice, public service, and lifelong learning.

After serving two years in the U.S. Army as a military police officer and earning his law degree from the University of Idaho College of Law, Wayne built a distinguished legal and political career in Idaho. Wayne was admitted to the Idaho State Bar in 1964. He served as Ada County Prosecutor, was Majority Leader in the Idaho State Senate, and was elected Idaho Attorney General, where he advocated for victims and worked to strengthen the state’s legal institutions. He later served as a justice on the Idaho Supreme Court. In each role, he was known for fairness, careful reasoning, and steadfast commitment to the rule of law. Colleagues remembered him for his steady temperament, clear judgment, and respectful demeanor both on and off the bench.

A lifelong learner, Wayne’s wide-ranging intellectual curiosities included photography, microscopy, and cosmology. He was an avid photographer who found joy in capturing Idaho’s landscapes, the natural beauty of Hawaii, and everyday moments. His hobby of microscopy fascinated him with the hidden details of the natural world, and he maintained a passionate interest in astronomy, reading and discussing the latest developments in the origins of the universe.

Wayne is survived by his two sons, Vaughn and Blair Kidwell, and his granddaughter.

KEEP YOUR CONTACT INFO UP TO DATE

Under Idaho Bar Commission Rule 303, all Bar members must provide their full names, mailing address, phone numbers, and emails for use by the Idaho State bar. Use the QR Code below to make sure your information is kept current!



Stephen Chandler Brown 1946 – 2025



Stephen Chandler “Steve” Brown, 79, of Boise, passed away peacefully on Sunday, October 6, 2025, surrounded by his loved ones.

Steve was born on January 3, 1946, to Eleanor and Boyd Brown. He grew up in Boise and attended Boise High School before earning his bachelor’s degree from Stanford University. During college, he interned in Washington, D.C., for Idaho Senator Frank Church, an experience that inspired his lifelong commitment to service and community.

After college, Steve attended the University of Idaho College of Law, graduating in 1974 and was admitted to the Idaho State Bar that same year. Upon completing his degree, he returned to Boise and began his legal career with the nonprofit organization Legal Aid. In 1976, he co-founded the law firm of Ellis, Brown & Shiels with fellow attorneys Allen Ellis and Max Shiels. The firm served clients throughout Idaho for 36 years, until Steve’s retirement in 2012.

Deeply devoted to his community, Steve served as vice president and board member of the Boise YMCA, where he received the Service to Youth Award in 1990. He was also an active member of the Rotary Club of Boise, serving as its president from 1987 to 1988. From 1981 to 1987, he was a member of the Boise City Planning and Zoning Commission, chairing the commission for his final two years. Steve also served on the boards of the St. Luke’s Health Foundation and the Episcopal Diocese of Idaho.

Steve’s favorite pastimes included playing bluegrass music, golfing with friends at Crane Creek Country Club, and

spending time with his family at their cabin in McCall. He was preceded in death by his parents, Eleanor and Boyd Brown, and his son, Timothy Brown. He is survived by his sisters, Carolyn and Marcia; his wife, Anne; sons, Chris and Michael; his daughter-in-law, Shaina, and his grandson, Liam.

George Hicks 1954 – 2025



George Hicks, of Boise and Mountain Home, Idaho, died of cancer on November 10, 2025, after a week of goodbyes and good stories with his lov-

ing family and friends, the hallmarks of his inspirational life and death.

George grew up in Mountain Home, the son of Francis H. Hicks, a respected attorney, and Barbara J. Hicks, a politically active mother. With five siblings, close in age, George’s childhood home had a happy chaos, balanced by strong faith, wry humor, and a deep sense of service to others. After graduating from Mountain Home High School in 1972, he attended the University of Idaho, hoping to be an attorney like his father. In 1975, while at U of I, George married his high school sweetheart, Patti Park. In 1980 George graduated with a Juris Doctor from U of I, was admitted to the bar, and experienced pure delight with the birth of their daughter, Emily. He then fulfilled a lifelong dream by returning to Mountain Home to practice law with his father, Francis. In 1983 another hope was realized with the birth of their second daughter, Kaitlyn. George had found his ultimate purpose: To be a loving and devoted father, while also serving justice through his career in law.

In 1987 George moved to Boise to be Deputy City Attorney after he and Patti

divorced. During this time, he met and fell in love with Mary Ann Sestero, whom he married in 1989. George and Mary Ann shared many interests, true respect, a deep enduring faith in God and in one another. Mary Ann would be a full partner in the joy, adversity and personal growth that was the remainder of George’s life. She also brought her two young sons, Paul and Thomas, into George’s orbit, and that expanded George’s paternal purpose.

George’s career in law brought many achievements. During his tenure as Deputy City Attorney, he helped Boise with the purchase of over seven hundred acres of park land. For five years, he was in private practice with his good friends Sam Hoagland and Tom Dominick. Then, in 2006 he became Elmore County’s Magistrate Judge. One of his proudest accomplishments was leading the creation of Elmore County’s Drug and DUI Court Program. George also served as Chairperson of the Idaho Real Estate Section of the Idaho State Bar Association at which time the form book was published.

George was a devout Catholic and helped the church throughout his life, serving on Church Councils, as a Eucharistic Minister and Liturgical Minister. His faith, his love of reading and music (especially playing the harmonica), his experiences in nature, camping, fishing and hunting, his thrill for a challenging game of golf with Mary Ann and their friends, his laughter, music and memories with his siblings, and, most importantly, his unwavering love for his daughters, sons and grandchildren allowed him to leave his body with great peace and reconciliation, ready to meet his God.

George is survived by his wife, Mary Ann; his children, Emily Ober-Hicks (Sarah), Kaitlyn Ritchie (Blake), Paul Smith (Annie), Thomas Smith (Naiara); grandchildren, and his cousin.

Keeping Track

Despite our best efforts, there are times when the Idaho State Bar is not informed of a member’s death. Upon learning of a fellow attorney’s death, please feel free to contact Calle Belodoff with the information at cbelodoff@isb.idaho.gov. This will allow us to honor the individual with details in “In Memoriam.”



Register for the Lawyer Referral Service Panel When You Complete Your Licensing

STATEWIDE—The Lawyer Referral Service (LRS) needs additional panel members! LRS operates as a public service of the Idaho State Bar, and we need attorneys like you to help us help the public. All LRS attorneys are members in good standing with no pending public disciplinary complaints. You can join the panel when you renew your licensing for 2026! Please contact LRS Coordinator, Andrea Getchell, with any questions at agetchell@isb.idaho.gov or 208-334-4500.

Practice Section Fair at the University of Idaho College of Law

MOSCOW AND BOISE—Thank you to the members of the Idaho State Bar's 24 Practice Sections that attended the section fairs in October at the University of Idaho College of Law, in Moscow on October 8th and in Boise on October 22nd. During the event section members shared information on the activities of the sections including service projects, conferences, CLEs and social events with more than fifty students in each location.

Call for Papers for the 2026 Idaho Law Review Symposium

STATEWIDE—The *Idaho Law Review* at the University of Idaho College of Law is

pleased to announce a Call for Papers for its annual symposium. Papers presented at the symposium will be published in the *Idaho Law Review*'s symposium edition in late 2026. The symposium will be held in Boise on April 13, 2026, and also livestreamed.

This year's symposium, titled "Justice for All: Systemic Transformation of Public Defense," will encourage scholarship and discussion on crucial aspects of public defense reform in Idaho and across the nation.

Please submit proposals, along with your CV, to review@uidaho.edu, with "Attn: Chief Symposium Editor" in the subject line. Submitted proposals should consist of at least 500 words describing your projected paper topic; longer summaries and draft papers are also welcome at this time. Articles will be due on March 30, 2026.

Lewiston City Attorney Recognized with International Award for Excellence in Public Law



LEWISTON—The City of Lewiston is proud to announce that City Attorney Jennifer Tengono has been honored with the Daniel J. Curtin, Jr. Young Public Lawyer Award from the International Municipal Lawyers Association (IMLA). This award honors the memory of Daniel J.

Curtin, Jr., by recognizing a new practitioner who exemplifies the qualities that made him one of the most remarkable lawyers serving public clients.

In addition to excellence in the practice of law, the award celebrates public law practitioners who demonstrate outstanding service to the public, maintain an exemplary reputation within the legal community, uphold the highest ethical standards, and embrace a balanced life that values both professional excellence and personal fulfillment. Mayor Johnson made remarks about Jennifer and praised her professionalism and care for the people of Lewiston.

Shelley Davis Joins Arkoosh Law Offices



BOISE—Arkoosh Law Offices is pleased to announce that attorney Shelley Davis has joined the firm. Shelley M. Davis has 20 years of experience representing clients in litigation and administrative matters relating to water rights, natural resource use, hydropower development, construction, general business, and employment law. Her strong foundation covering a wide range of water, environmental, natural resource, and construction legal issues was built through representing many of the largest non-profit and quasi-municipal irrigation entities in the state of Idaho. Ms. Davis's deep



The 2025 Section Fair at the University of Idaho College of Law in Moscow. Photo credit: Elana Salzman.



The 2025 Section Fair at the University of Idaho College of Law in Boise. Photo credit: Elana Salzman.

knowledge of these legal issues is bolstered by longstanding relationships with clients, serving their needs in every sort of water right permitting and transfer proceeding, opposition proceedings and adjudications, water quality challenges, both legal and regulatory, licensing and development and relicensing of both small and large hydropower facilities, and counseling clients on policy issues ranging from drafting state legislation to keeping them informed about and participating in numerous state and federal regulatory policy and rulemaking proceedings. She also has substantial experience in state election, gaming, and tribal law.

Ms. Davis is licensed to practice law in Idaho before all state courts and the U.S. District Court for the District of Idaho. She graduated from the College of Idaho with a B.A. in History and English in 1996 and earned her J.D. from the University of Idaho College of Law in 2003. Ms. Davis is a member of the American Bar Association and the Idaho State Bar Association.

Stoel Rives Elects Two Boise Attorneys to 2026 Partner Class

BOISE—Stoel Rives Elects David Brandon (Boise) and Bradley Prowant to its 2026 Partner Class.



David Brandon is a tax attorney in Stoel's Corporate practice with broad experience in domestic and international transactional tax matters. He advises clients on cross-border mergers and acquisitions, investment structures, and joint ventures, and provides counsel on strategies for tax efficiencies and limiting transactional risk. He also counsels nonprofit and tax-exempt organizations in obtaining and maintaining tax-exempt status. Brandon is a member of the International Tax Committee Steering Group for the International Law Section of the ABA, previously served as vice-chair of the Foreign & U.S. Taxation committee for the ABA's Taxation Section, and is Executive Committee chair for the Oregon State Bar's Taxation Section. Brandon has taught International Tax, Advanced

Federal Income Tax, and Mergers & Acquisitions at Boise State University and the University of Idaho College of Law and is a frequent speaker on transactional tax topics. Brandon earned his J.D. and LL.M., Taxation, from the University of Washington School of Law and his B.B.A., *magna cum laude*, in Economics from Gonzaga University. He recently received an Advanced Professional Certificate in Transfer Pricing (APCTP) from the International Bureau of Fiscal Documentation.



Bradley Prowant is a commercial litigator in the Firm's litigation practice group, representing a wide range of clients in complex commercial litigation and appellate advocacy across the country. Substantively, his practice is focused on the agribusiness and food and beverage industries, as well as insurance coverage litigation representing policyholders. In addition, he advises on complex agricultural regulations and advocates for clients in proceedings before regulatory agencies. He is a member of the Firm's Agribusiness Industry Group and Insurance Recovery practice group, and has served in roles for the Firm's Inclusion Committee and Associates Committee. Based in Minneapolis, he also spends time in the Boise office. Prior to joining the Firm, he worked for a litigation boutique and served as a judicial clerk in the Second Judicial District of Minnesota. Prowant received his J.D., *cum laude*, from the University of Minnesota Law School and his B.A. from the University of Iowa.

Hepworth Holzer Welcomes Attorney Whitney Welsh



BOISE—Hepworth Holzer LLP is pleased to announce that Whitney Welsh has joined the firm as its newest trial lawyer. Whitney brings nearly two decades of courtroom experience, leadership, and compassion to her work representing clients in personal injury and civil litigation matters.

Before joining the firm, Whitney served for 19 years as a Deputy Prosecuting

Attorney in Ada County, where she tried numerous felony and domestic violence cases and earned a reputation as a fearless and ethical advocate. She led a felony trial team, mentored new attorneys, and collaborated with law enforcement to develop effective investigative strategies. In recognition of her dedication to justice and public service, she received the Idaho State Bar's Denise O'Donnell-Day Pro Bono Award in 2020.

A native of Whitefish, Montana, Whitney earned her law degree with honors from the University of Montana School of Law, where she was recognized for outstanding appellate advocacy and represented the school at the National Moot Court Competition in New York City. Before beginning her legal career, she clerked for the Montana Supreme Court and worked in public service roles in the U.S. and abroad, including with AmeriCorps and Habitat for Humanity.

John R. Goodell Announces Retirement from Racine Olson



POCATELLO AND BOISE—John R. Goodell announces his retirement from Racine Olson, PLLP after a 44-year successful civil litigation practice in both Pocatello and Boise offices. On November 1, 2025, John opened his own firm, Goodell Law PLLC, in Boise, with practice limited to probate and estate planning. John also continues his longstanding public service as a panel chairperson for the State of Idaho Board of Medicine in prelitigation medical malpractice advisory hearings. John received his undergraduate education from Georgetown University, and law degree from Southern Illinois University.

Givens Pursley Welcomes Three New Attorneys



BOISE—Givens Pursley welcomes three new associates: Mason Bailey, Kevin Malecha and Thomas Marts.

Mason Bailey has joined the firm as an Associate, following

a two-year clerkship at the federal court for United States Magistrate Judge Debora K. Grasham. Mason's emerging practice focuses on commercial real estate, business, administrative law, and healthcare. She is licensed to practice in Idaho.



Givens Pursley is proud to announce that Kevin J. Malecha has joined the firm as an Associate. Kevin's practice focuses on business and real estate transactions, including mergers and acquisitions, general

corporate matters, and commercial real estate transactions.



Givens Pursley is proud to announce that Thomas Marts has joined the firm as an associate attorney. Thomas studied law at the University of Idaho College of Law, and after graduation, he spent a year clerking for Ada and Valley County District Court Judge Jason D. Scott. Thomas will join the Real Estate Practice Group. He is licensed to practice in Idaho.

2025 Resolution Results

STATEWIDE—The Bar membership considered six resolutions during the 2025 resolution process. All six resolutions were passed by the membership. The vote tally is below. The proposed changes to the rules, as approved by the membership, will be submitted to the Idaho Supreme Court for its consideration.

Special thanks to the District Bar Association officers for their assistance with planning the resolution meetings. We appreciated the opportunity to meet with lawyers from around the state to honor lawyers and judges and to discuss the proposed resolutions.

2025 Resolution Results

| | District | 1st | 2nd | 3rd | 4th | 5th | 6th | 7th | OSA* | Totals | |
|---------------------------------------------------------|----------------|-----|-----|-----|------|-----|-----|-----|------|------------|------------|
| Members eligible to vote | | 468 | 231 | 322 | 2457 | 301 | 208 | 440 | 1565 | 5992 | |
| % of total membership | | 8% | 4% | 5% | 41% | 5% | 3% | 7% | 26% | 100% | |
| Members voting | | 102 | 73 | 64 | 371 | 67 | 65 | 112 | 84 | 938 | |
| % of members voting | | 22% | 32% | 20% | 15% | 22% | 31% | 25% | 5% | 16% | |
| Resolution 25-01 | For | 83 | 57 | 51 | 306 | 89 | 57 | 102 | 60 | 805 | 86% |
| Amendments to IBCR 202 | Against | 14 | 15 | 8 | 48 | 9 | 7 | 8 | 18 | 127 | 14% |
| Resolution 25-02 | For | 72 | 43 | 42 | 208 | 47 | 43 | 86 | 47 | 588 | 70% |
| Amendments to IBCR 215 | Against | 21 | 26 | 18 | 118 | 19 | 15 | 21 | 19 | 257 | 30% |
| Resolution 25-03 | For | 84 | 64 | 53 | 299 | 56 | 53 | 98 | 54 | 761 | 86% |
| Amendments to IBCR 227 | Against | 14 | 8 | 6 | 51 | 6 | 8 | 10 | 21 | 124 | 14% |
| Resolution 25-04 | For | 65 | 48 | 46 | 292 | 51 | 45 | 82 | 60 | 689 | 80% |
| Amendments to Section II of IBCR | Against | 30 | 20 | 11 | 46 | 12 | 15 | 22 | 14 | 170 | 20% |
| Resolution 25-05 | For | 84 | 63 | 53 | 309 | 54 | 52 | 101 | 58 | 774 | 87% |
| Amendments to IBCR 516(a)(9) and IRPC 5.4 (d)(2) | Against | 9 | 8 | 10 | 49 | 7 | 9 | 6 | 18 | 116 | 13% |
| Resolution 25-06 | For | 62 | 53 | 48 | 282 | 54 | 48 | 85 | 54 | 686 | 81% |
| Amendments to IRPC 8.4 | Against | 30 | 15 | 9 | 50 | 10 | 11 | 22 | 17 | 164 | 19% |

*Out of State Active




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| |  |  = Live Webcast | |
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February

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| 6 | Generative AI in Law Practice: Opportunities and Ethical Perils | 20 | Lawyer Ethics in a Digital World |
| 9 | 2026 Ethics Update Part 1 | 26 | Lawyers Supervising Lawyers: Navigating Ethical Responsibilities |
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A professional headshot of John R. Stegner, an older man with grey hair, wearing a dark suit, white shirt, and patterned tie. He is smiling slightly and looking directly at the camera.

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