

Proposed NEW Idaho Juvenile Rule
March 2022

The Idaho Supreme Court's Child Protection Committee is seeking input on proposed new Idaho Juvenile Rule 59, "Transition to Successful Adulthood Plan and Extended Foster Care" under the Child Protective Act. Please send your comments to **Deena Layne**, dlayne@idcourts.net by **March 22, 2022**. Thank you.

Proposed NEW I.J.R. 59: In response to the passage of 2021 House Bill 336, which took effect on July 1, 2021, the proposed new rule seeks to provide a judicial procedure for courts to review a youth's plan to transition to successful adulthood and/or extend foster care in accordance with I.C. § 16-1622(5).

Idaho Juvenile Rule 59. Transition to Successful Adulthood Plan and Extended Foster Care (C.P.A.)

- (a) If a child is in the legal custody of the department or an authorized agency, the court shall conduct a hearing no later than sixty (60) days prior to the youth's eighteenth (18) birthday for the purpose of discussing and reviewing the youth's transition to successful adulthood plan. Failure to conduct a hearing within sixty (60) days does not preclude the court from considering a transition plan or ordering extended foster care. The court shall review the plan with the youth to ensure the plan provides the services necessary for the youth to successfully transition to adulthood. The hearing may be combined with a permanency or review hearing.
- (b) The department shall file the youth's transition plan no later than seven (7) days prior to the hearing. The plan shall include the youth's desire regarding extended foster care. If the youth wishes to remain in foster care beyond age eighteen (18) as stated in the plan, or based upon a motion filed by any party, the court may extend foster care under I.C. § 16-1622(5) if the youth is:
- (1) completing secondary education or a program leading to an equivalent credential;
 - (2) enrolled in an institution which provides post-secondary or vocational education;
 - (3) participating in a program or activity designed to promote, or remove barriers to, employment;
 - (4) employed for at least eighty (80) hours per month; or
 - (5) incapable of doing any of the activities described in subsections (1) through (4) above due to a medical condition, which incapability is supported by regularly updated information in the case plan of the youth.
- (c) When the court orders extended foster care, the court shall hold review and permanency hearings in accordance with I.C. § 16-1622, at which the court shall also determine whether the child continues to meet the requirement of subsection (b) above. If at any time the child no longer meets the requirements, the court shall terminate extended foster care.

(d) The extension shall be for a fixed period of time but shall not extend past the youth's twenty- first (21) birthday.

(e) All appointments of the youth's attorney(s) and guardian(s) ad litem in the proceeding shall remain in effect throughout the extension, unless otherwise ordered by the court.