I.J.R. 44. Case Plan Hearing/Permanency Hearing - Aggravated Circumstances (C.P.A.)

Idaho Juvenile Rule 44. Case Plan Hearing - Permanency Plan Hearing

(a) Case Plan: No Finding of Aggravated Circumstances.

(1) Absent a finding of aggravated circumstances, the case plan shall provide that reunification must be finalized within twelve (12) months from the date the child is removed from the home. If in the child's best interest, the court may approve an amendment to the case plan extending the time to finalize reunification for up to three (3) months.

(2) Absent a finding of aggravated circumstances, if the case plan has a concurrent permanency goal of guardianship, the case plan shall include a schedule to finalize the guardianship within thirteen (13) months from the date the child was removed from the home. Any amendment to the case plan to extend the time to finalize the guardianship must be approved by the court.

(b) Permanency Plan- Aggravated Circumstances Found.

(1) If the permanency plan has a permanency goal of guardianship, the permanency plan will include a schedule to finalize the guardianship within five (5) months from the date of the judicial determination of aggravated circumstances. Amendments to the permanency plan to extend the time to finalize the guardianship must be approved by the court.

(2) If the permanency plan has a permanency goal of termination of parental rights and adoption, the permanency plan shall include a schedule to finalize the termination of parental rights within six (6) months from the approval of the permanency plan, and has the objective of finalizing the adoption within twelve (12) months from the approval of the permanency plan. Amendments to the permanency plan to extend the time to finalize the termination of parental rights or the adoption must be approved by the court.

(3) If the court approves a permanency plan with a permanency goal of termination of parental rights and adoption, the court shall order the department to file a petition to terminate parental rights within thirty (30) days of approval of the permanency plan and shall enter a scheduling order that complies with the time limits of this rule and implements the schedule set forth in the permanency plan. The scheduling order may include, but is not limited to, deadlines for filing the petition for termination of parental rights and service of process, the date and time of hearing in the event the petition is not contested, and the date and time of pretrial conference and trial in the event the petition is contested.

(Revised Rule 44 - adopted August 21, 2006; amended, effective November 13, 2008, amended April 24, 2013, effective July 1, 2013.)

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