

IDAHO ADMINISTRATIVE BULLETIN

December 4, 2024 – Vol. 24-12

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



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IDAHO ADMINISTRATIVE BULLETIN

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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

5. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or sections to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1901”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“**1901**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2024

| Vol. No. | Monthly Issue of Bulletin | ARRF Due to DFM | Closing Date for Agency Filing | Bulletin Publication Date | 21-day Comment Period End Date |
|----------|---------------------------|--------------------|--------------------------------|---------------------------|--------------------------------|
| 24-2 | February 2024 | December 22, 2023 | January 5, 2024 | February 7, 2024 | February 28, 2024 |
| 24-3 | March 2024 | January 26, 2024 | February 9, 2024 | March 6, 2024 | March 27, 2024 |
| 24-4 | April 2024 | February 23, 2024 | March 8, 2024 | April 3, 2024 | April 24, 2024 |
| 24-5 | May 2024 | March 22, 2024 | April 5, 2024 | May 1, 2024 | May 22, 2024 |
| 24-6 | June 2024 | April 19, 2024 | May 3, 2024 | June 5, 2024 | June 26, 2024 |
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| 24-8 | August 2024 | June 21, 2024 | July 5, 2024 | August 7, 2024 | August 28, 2024 |
| 24-9 | September 2024 | July 19, 2024 | August 2, 2024 | September 4, 2024 | September 25, 2024 |
| 24-10 | October 2024 | August 16, 2024 | *August 30, 2024 | October 2, 2024 | October 23, 2024 |
| 24-11 | November 2024 | September 20, 2024 | October 4, 2024 | November 6, 2024 | November 27, 2024 |
| 24-12 | December 2024 | October 25, 2024 | November 8, 2024 | December 4, 2024 | December 25, 2024 |
| 25-1 | January 2025 | November 15, 2024 | **November 29, 2024 | January 1, 2025 | January 22, 2025 |

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2025

| Vol. No. | Monthly Issue of Bulletin | ARRF Due to DFM | Closing Date for Agency Filing | Bulletin Publication Date | 21-day Comment Period End Date |
|----------|---------------------------|--------------------|--------------------------------|---------------------------|--------------------------------|
| 25-2 | February 2025 | December 20, 2024 | January 3, 2025 | February 5, 2025 | February 26, 2025 |
| 25-3 | March 2025 | January 24, 2025 | February 7, 2025 | March 5, 2025 | March 26, 2025 |
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| 25-11 | November 2025 | September 19, 2025 | October 3, 2025 | November 5, 2025 | November 26, 2025 |
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| 26-1 | January 2026 | November 21, 2025 | **December 5, 2025 | January 7, 2026 | January 28, 2026 |

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDAATION
DOCKET NO. 02-0108-2401
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 12, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 36-1121, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule is being adopted to provide guidance and further clarification regarding implementation of the depredation compensation provided by HB592 as passed by the 2024 Idaho Legislature. The program provides depredation compensation to livestock owners that have experienced depredation of livestock by grizzly bears and wolves. As directed by statute, the department has consulted with the Idaho Department of Fish and Game, and the Office of Species Conservation in the development of this rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is adopted to follow the direction of HB592 as passed by the 2024 Idaho Legislature and signed into law by the Governor. The rule is justified as a temporary rule as it provides a benefit outlined by the Legislature, including funding for the current fiscal year. The rule outlines the process through which livestock owners can receive depredation reimbursement in the current fiscal year.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 12th day of November, 2024.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0108-2401
(New Chapter)

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION

000. LEGAL AUTHORITY.

Section 36-1121, Idaho Code.

(11-12-24)T

001. SCOPE.

This chapter governs compensation to livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves.

(11-12-24)T

002. – 009. (RESERVED)

010. DEFINITIONS.

The following are defined as:

(11-12-24)T

01. Depredation. The damage or destruction of property, including livestock, by a predator.

(11-12-24)T

02. Producer. Any person who owns livestock for the purpose of herding, breeding, raising, or selling.

(11-12-24)T

03. Validated. A finding that depredation of the livestock was definitively by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

04. Probable. A finding that depredation of the livestock was likely by a grizzly bear or wolf by a state authorized investigator through a physical field examination.

(11-12-24)T

05. Negative/Unknown Finding. A finding on the physical field examination that the carcass or injured animal was definitively or most likely not due to a grizzly bear or wolf attack or is unknown/inconclusive.

(11-12-24)T

06. State Authorized Investigator. USDA Wildlife Services or other state, federal, or county agency, that has been approved by the Agencies to perform physical field examinations.

(11-12-24)T

07. Physical Field Examination. An on-site examination performed by a state authorized investigator to examine the incident, and a cause will be determined based on evidence collected at the scene.

(11-12-24)T

08. The Agencies. The Idaho State Department of Agriculture, Department of Fish and Game, and Office of Species Conservation, collectively.

(11-12-24)T

011. -- 100. (RESERVED)

101. COMPENSATION MATRIX FOR DEPREDATED LIVESTOCK.

01. Compensation Valuation. The program employs the following protocols for determining compensation valuation of livestock.

(11-12-24)T

a. Prices paid will be based on the market rate for the grazing season/calendar year in which the losses occurred. This market rate is based on the type of livestock that was depredated. Reports that may be used are: a comprehensive nationwide average through Cattlefax (www.cattlefax.com), USDA reports, American Sheep Industry market reports, a compilation of USDA private market data and local prices. The rates are listed for adult cows, bulls, calves, ewes, rams, lambs, equine, goats, llamas, swine, poultry, and bees.

(11-12-24)T

b. Compensation will be paid based upon site specific information regarding actual losses (kills or injuries) submitted by the applicant with the Species Depredation Investigation Report being the foundation of the

claim. (11-12-24)T

c. Injured Livestock Compensation: (11-12-24)T

i. The compensation program will pay for injured livestock that are sold at a reduced price due to an eligible attack. The reimbursement will be the difference of the sale price from the fair market value. (11-12-24)T

ii. The compensation program will pay the cost of veterinary care up to seventy percent (70%) of the market rate as determined above for confirmed injured livestock. Invoices for care from a licensed veterinarian must be submitted with the application. (11-12-24)T

iii. If an animal is validated as injured due to a grizzly bear or wolf and then must be euthanized due to its injuries, an investigator will need to complete an updated Species Depredation Investigation Report to document the change in status. (11-12-24)T

d. Validated claims for depredation shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all validated claims in full., until such time as moneys in the fund are depleted. (11-12-24)T

e. Any moneys in the fund after payment of validated claims shall then be paid to those livestock owners with probable claims of depredation by grizzly bear or wolf attack. Claims shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all probable claims in full, until such moneys in the fund are depleted. Negative/Unknown findings will not be paid through this program. (11-12-24)T

f. Compensation will not be automatic and the determination of the compensation by the Agencies will be final. (11-12-24)T

02. Claims. All claims must be submitted to the Office of Species Conservation no later than December 31 for claims during that calendar year. The Office of Species Conservation will submit all eligible claims for payment to the Idaho State Department of Agriculture no later than the end of January following the year of the claim. The Idaho State Department of Agriculture will issue eligible compensation payments no later than the end of February following the year of the claims. Full or pro-rated payments will be dependent on available funding. (11-12-24)T

102. -- 109. (RESERVED)

110. PHYSICAL FIELD EXAMINATIONS.

Physical field examinations will be conducted by a state authorized investigator. A field examination process will be performed by the investigator to determine a finding for reported suspected depredation incidents. A list of state authorized investigators and field examination protocols can be viewed on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

111. -- 149. (RESERVED)

150. CONFLICT PREVENTION PROGRAM.

The program employs a program for funding projects that will prevent depredation from grizzly bears and wolves. The protocols for determining approvals and funding can be found on the Office of Species Conservation website at www.species.idaho.gov. (11-12-24)T

151. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2406
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 9, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, and 22-2012, 22-2013, and 22-1904, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment, and water use as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule replaces the October 7, 2024, update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

The new amendment allows for access to the Snake River for watercraft or other conveyances from the Yingst Grade Bridge (or “Broken Bridge”) to Hansen Bridge, and requires such watercraft, conveyances, and water exposed recreational equipment to be presented to agency watercraft inspection stations for inspection and decontamination before and after entry into this quarantine section of the river.

The Governor declared an emergency related to this event on October 2, 2024.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Protection for and maintaining the safety of property and aquatic plant life.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 9th day of November, 2024.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2406
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. ~~All public access to the Snake River via watercraft or other conveyance between the “Broken Bridge” and Hansen Bridge is prohibited for the purposes of treatment of quagga mussels.~~ Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Waterfront Park is open, or other such stations that may be posted at other locations in the quarantine area. All watercraft and conveyances must be inspected and decontaminated by agency personnel or an assigned entity prior to launch and prior to exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreational gear. ~~(+0-7-24)T~~(11-9-24)T

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2400P7
NOTICE OF ADOPTED / AMENDED PROCLAMATIONS FOR CALENDAR YEAR 2024

AUTHORITY: As authorized by Section 36-104, Idaho Code, and in compliance with Sections 36-105(3), Idaho Code, the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission’s official proclamation before hunting, fishing, or trapping. All proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment generally scheduled at its January, March, May, July, and November meetings.

Information for Commission proclamations for calendar year 2024 was initially published in the Administrative Bulletin, February 7, 2024, Bulletin [Volume 24-2, pages 10-11](#).

At a November 7, 2024 quarterly meeting the Commission took the following proclamation action:

1. Amended its 2024 big game proclamation by creating a Chronic Wasting Disease (CWD) Management Zone comprised of that portion of Game Management Unit 1 within Boundary County and east of the Selkirk Mountains crest and requiring the mandatory check of all deer harvested in the GMU 1 CWD Management Zone. This amendment to proclamation is a continuation of a previous order issued by Idaho Fish and Game’s Director under the authority of IDAPA 13.01.10.150.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning proclamations, contact Owen Moroney at (208) 334-3715.

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.02 – RULES GOVERNING MANDATORY EDUCATION, MENTORED HUNTING, AND SHOOTING RANGES

DOCKET NO. 13-0102-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-401, 36,409, 36-412, and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking addresses a United States Fish and Wildlife Service (USFWS) recommendation to adopt a bear identification test, (as between black bear and grizzly bear) to avoid take of grizzly bear by misidentification.

There are no substantive changes to the pending rule. One minor, typographical correction was made to the rule that was adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 201-202](#).

FEE SUMMARY: There is no fee associated with the change brought by this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington, (208) 334-3771.

DATED this 15th day of November, 2024.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
(208) 334-3771

DOCKET NO. 13-0102-2401 – ADOPTION OF PENDING RULE

A typographical correction has been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-10, October 2, 2024, pages 201 through 202.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR DOCKET NO. 13-0102-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

13.01.02 – RULES GOVERNING MANDATORY EDUCATION,
MENTORED HUNTING, AND SHOOTING RANGES

221. BEAR IDENTIFICATION.

No person may hunt black bear unless they have completed an online bear identification test (as between grizzly bear and black bear) administered by the Department or other state wildlife management agency with a passing score, as proven by printed certification. One may take a test repeatedly to pass. ()

22+2. – 249. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.07 – RULES GOVERNING TAKING OF WILDLIFE

DOCKET NO. 13-0107-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-504, and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking addresses two items. First, this rulemaking modifies four game management zones to align with changes in elk zones presented in the Department's Idaho Elk Management Plan 2024-2030. Zone changes comprise the following: Owyhee (remove GMU 38), Boise River (add GMU 38), Big Desert (add GMUs 53 and 68A), and Snake River (remove GMUs 53 and 68A).

Second, this rulemaking adds language to clarify that Department and Commission regulatory actions do not authorize any person to violate federal laws relative to federally protected wildlife when there is not a valid federal take authorization under federal law, regulation, or permit.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 203-205](#).

FEE SUMMARY: There is no fee associated with the change brought by this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington, (208) 334-3771.

DATED this 15th day of November, 2024.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
(208) 334-3771

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-401, 36-406A, 36-407, 36-410, 36-701, 36-706, 36-901, 36-902, and 36-1001, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking includes modifications of IDAPA 13.01.11.200.01.d. and 13.01.11.220.04, Rules Governing Fish, Definitions and Fishing Methods and Gear sections that add a definition for “spearfishing,” expand opportunities for spearfishing to include take of certain game fish species and provide authority to the Commission through proclamation to determine seasons, fish species, and take limits for spearfishing.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 206-208](#).

FEE SUMMARY: There is no fee associated with the change brought by this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington, (208) 334-3771.

DATED this 15th day of November, 2024.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
(208) 334-3771

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – VACATION OF PENDING RULE

AUTHORITY: As defined in Section 67-5201, Idaho Code, notice is hereby given that this agency is vacating the pending rule previously adopted under this docket. The action is authorized pursuant to Section 56-202, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this pending rule:

After further inspection of this pending rule in its final form, it was determined that the temporary and proposed rulemaking edits that were published in the June 5, 2024, Idaho Administrative Bulletin, [Vol. 24-6 pages 29 through 36](#) were not incorporated into the ZBR chapter rewrite that was published in the September 4, 2024, Idaho Administrative Bulletin, [Vol. 24-9 pages 348 through 414](#). As such, the Department is seeking to correct this error by vacating pending rule 16-0601-2401 and replacing it with the combined language of 16-1601-2401 and 16-0601-2402 into a new docket, 16-0601-2405, publishing in this bulletin.

The pending rule, adopted under this docket 16-0601-2401 by the Department of Health and Welfare was published in the November 6, 2024, Idaho Administrative Bulletin, [Vol. 24-11, page 82](#); the proposed rule was published in the September 4, 2024, Idaho Administrative Bulletin, [Vol. 24-9 pages 348 through 414](#).

This Notice of Rulemaking serves as final agency action and thereby vacates the rulemaking promulgated under this docket number.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Jared Larsen at 208-334-5500.

DATED this 21st day of November, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-2405 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-202, Idaho Code, as well as 16-1629, 16-1623, 16-2102, 16-2406, 16-2423, 16-2433, 39-1209, 39-1210, 39-1211, 39-5603, 39-7501, 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

| |
|---|
| VIRTUAL TELECONFERENCE Via WebEx |
| Wednesday, December 11, 2024 4:00 p.m.-5:00 p.m. (MT) |
| Join from the meeting link: https://idhw.webex.com/idhw/j.php?MTID=mf627b57e4f0e011bafa57b6f98b732bc |
| Join by meeting number: Meeting number (access code): 2821 038 7796 Meeting password: iZ2K7upJd2 (49257875 when dialing from a phone or video system) |
| Join by phone: +1-415-527-5035 United States Toll +1-303-498-7536 United States Toll (Denver) |

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In compliance with [Executive Order Number 2020-01, Zero- Based Regulation](#) a complete review and re-write of the rule was completed. The focus of the review and re-write was to eliminate outdated rules and streamline the rule chapter to be more clear. Rather than incorporating federal and state laws into the rule itself, references to those laws were used to ensure the public has the ability to review the source of those regulations directly. Content in the rule was reorganized to ensure topics were in the same place in the rule rather than being discussed in several different areas of the rule. Language was updated as well to be more clear and align with current practice. The rule was updated to ensure compliance with recent court rulings related to the child welfare program. Some of the larger changes to the rule were related to changes regarding the placement of individuals on the central registry to ensure due process, elimination of fees related to adoptions and adoption home studies, expanding the definition of family service worker, and removing the foster care reimbursement fees from the rule to be published on the department's website.

After further inspection of this rule chapter it was determined that the temporary and proposed rulemaking edits that were published in the June 5, 2024, Idaho Administrative Bulletin, [Vol. 24-6 pages 29 through 36](#) were not incorporated into the ZBR chapter rewrite that was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9 pages 348 through 414](#). As such, the Department is seeking to correct this error by vacating

pending rule 16-0601-2401 and replacing it with the combined language of 16-1601-2401 and 16-0601-2402 into a new docket, 16-0601-2405.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Fees will not be increased as a result of this rule change.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: There will not be a negative fiscal impact exceeding \$10,000.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3rd, 2024 Idaho Administrative Bulletin, [Volume 24-4, pages 23 and 24](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Larsen at 208-334-5500.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 25th, 2024.

DATED this 21st day of November, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
Alex.Adams@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0601-2405
(ZBR Chapter Rewrite)

16.06.01 – CHILD AND FAMILY SERVICES

000. LEGAL AUTHORITY.

~~The Idaho Legislature has delegated to the Department, or the Board of Health and Welfare, or both jointly, the responsibility to establish and enforce such rules and methods of administration as may be necessary or proper to administer social services to people who are in need, under the following Sections:~~ These rules are established to govern the statewide provision of services associated with child protection, foster care, and adoption under the following statutes: Sections 16-1601, 16-1629, 16-1623, 16-2001, 16-2102, 16-2406, 16-2423, and 16-2433, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-204B, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code. ~~(3-15-22)()~~

001. TITLE, SCOPE, AND GOAL.

- ~~01. Title. These rules are titled IDAPA 16.06.01, "Child and Family Services." (3-15-22)~~
- ~~021. Scope. These rules are established to govern the statewide provision of: (3-15-22)~~
- ~~a. Services associated with child protection, alternate care, and adoption; and (3-15-22)~~
 - ~~b. As resources are available, services aimed at preventing child abuse, neglect, and abandonment. (3-15-22)~~
- ~~03. Goal. The goal of all Child and Family Services programs is the safety, permanency, and well-being of children, as well as promoting the stability and security of Indian tribes and families. (3-15-22)~~

002. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance With Department Criminal History and Background Check. All current Department employees, applicants, transfers, reinstated former employees, student interns, contract employees, Certified Adoption Professionals, volunteers, and others assigned to programs that involve direct contact with children or vulnerable adults as described in Section 39-5302, Idaho Code, must comply with the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." (3-15-22)

~~02. Availability to Work or Provide Service. Certain individuals are allowed to provide services after the self-declaration is completed as provided in Section 56-1004A, Idaho Code, except when they have disclosed a designated crime listed in IDAPA 16.05.06, "Criminal History and Background Checks." The criminal history check requirements applicable to each provider type are found in the rules that state the qualifications or certification of those providers. (3-15-22)~~

~~03. Adoption. An individual applying to the Department to be an adoptive parent or petitioning the court for the adoption of a child must comply with the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." (3-15-22)~~

010. DEFINITIONS AND ABBREVIATIONS A THROUGH E.

For the purposes of these rules, the following terms are used: (3-15-22)

~~01. Adoption and Safe Families Act of 1997 (P.L. 105-89) (ASFA). Federal law whose purpose is to improve the safety of children, to promote adoption and other permanent homes for children who need them, and to support families. (3-15-22)~~

~~02. Adoption Assistance. Funds provided to adoptive parent(s) of a child who has special needs or who could not be adopted without financial or medical assistance. (3-15-22)~~

031. Adoption Services. Protective services through which a child is provided with a permanent home, under new legal parentage, including transfer of the mutual rights and responsibilities that prevail in the parent-child relationship. (3-15-22)

042. Alternate Care. Temporary living arrangements, when necessary for a child to leave their own home, through a variety of foster care, respite care, residential treatment, and institutional resources, under the protections established in ~~Public Law P.L. 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980" as amended by Public Law 105-89, the Adoption and Safe Families Act of 1997 (ASFA), the Child Protective Act, Section 16-1601 et seq., Idaho Code Title 16, Chapter 16, Idaho Code, and the Indian Child Welfare Act (ICWA), 25 U.S.C. Sections 1901-1963.~~ (3-15-22)(____)

053. Alternate Care Child's Plan. A federally required component of the ~~Family Plan~~ family case plan for a child in alternate care. The ~~alternate care~~ child's plan contains elements related to reasonable efforts, the family's plan, the child's alternate care provider, compelling reasons for not terminating parental rights, Indian status, education, ~~immunization~~, medical, and other information important to the day-to-day care of the child.

(3-15-22)()

064. Board. The Idaho State Board of Health and Welfare. (3-15-22)

075. Case Management. A change-oriented service to families that ensures and coordinates ~~the~~ provision of family ongoing assessment, family ~~service~~ case planning, treatment, ~~planning for~~ permanency, protection planning, child safety, advocacy, ~~review and reassessment,~~ documentation, and timely closure of a case. (3-15-22)()

~~**08. Certified Adoption Professional (formerly “qualified individual”).** An individual certified by the Department who meets the qualifications specified in Section 889 of these rules for completion of pre placement adoption home studies, reports to the court under the Termination of Parent and Child Relationship and Adoption of Children Acts, and placement supervision reports.~~ (3-15-22)

096. Child and Family Services (CFS). Those programs and services provided to families and children, administered by the Department in accordance with these rules. (3-15-22)()

~~**10. Child Protection.** All children under eighteen (18) who have been harmed or threatened with harm by a person responsible for their health or welfare through non-accidental physical or mental injury, sexual abuse (as defined by state law) or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter must be served without regard to income.~~ (3-15-22)

~~**107. Child Protective Services.** Services provided in response to potential, alleged, or actual abuse, neglect, or abandonment of individuals under the age of eighteen (18) in accordance with the provisions of Section 16-1601 et seq., Idaho Code, the “Child Protective Act.” Title 16, Chapter 16, Idaho Code.~~ (3-15-22)()

~~**1208. Compact Administrator.** The individual designated to coordinate interstate transfers of persons requiring special services in accordance with the provisions of Section 16-1901 et seq., Idaho Code, “Interstate Compact for Juveniles”; Title 16, Chapter 19, Idaho Code; Section 16-2101 et seq., Idaho Code, “Interstate Compact on the Placement of Children”; Title 16, Chapter 21, Idaho Code; or Section 39-7501 et seq., Idaho Code, “Interstate Compact on Adoption and Medical Assistance.” Title 39, Chapter 75, Idaho Code.~~ (3-15-22)()

~~**1309. Daycare for Children.** Care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child’s or children’s own home or homes.~~ (3-15-22)()

140. Department. The Idaho Department of Health and Welfare. (3-15-22)

151. Deprivation. One of the factors used in determining Aid to Families with Dependent Children -- Foster Care (AFDC-FC) eligibility for children in foster care. Deprivation is a lack of, or interruption in, the maintenance, physical care, and parental guidance a child ordinarily receives from one (1) or both parents. A child is deprived by the continued absence of a parent, incapacity of a parent, death of a parent, unemployment or underemployment of the principal wage earner parent. (3-15-22)

162. Director. The Director of the Idaho Department of Health and Welfare or their designee. (3-15-22)

173. Extended Family Member of an Indian Child. As defined by the law; or custom of ~~an~~ the Indian child’s tribe or, in the absence of such law or custom, a person who has reached the age of eighteen (18) and who is ~~an~~ the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. (3-15-22)()

184. Extended Foster Care. A court order or voluntary case extending foster care placement services and authority for individuals between the ages of eighteen (18) and twenty-one (21) years to help such person achieve a successful transition to adulthood, ~~provided such person must have been~~ providing they were in the custody of the department until ~~his~~ their eighteenth birthday and must meet the criteria set forth in 42 25 U.S.C. 675(8)(B)(iv). (3-15-22)()

011. DEFINITIONS AND ABBREVIATIONS F THROUGH K.

For the purposes of these rules, the following terms are used: (3-15-22)

01. Family. Parent(s), legal guardian(s), related individuals including birth or adoptive immediate family members, extended family members and significant other individuals, who are included in the family plan. (3-15-22)

02. Family Assessment. An ongoing process based on information gained through a series of meetings with a family to gain mutual ~~perception~~ understanding of strengths and resources that can support them in creating long-term solutions related to identified ~~service needs and~~ safety threats ~~to~~ and needs to support family integrity, unity, ~~or~~ and the ability to care for their ~~members~~ children. (3-15-22)()

03. Family Case Record. ~~Electronic and hard copy e~~ Compilation of all documentation relating to a family, including legal documents, identifying information, and evaluations. (3-15-22)()

04. Family (Case) Plan. ~~Also referred to as a family service plan. A written~~ document ~~that serves as the guide for provision of services. The plan,~~ developed with the family, clearly to guide the provision of services. The plan identifies who does what, when, how, and why. The family plan and incorporates ~~any special~~ specific plans made for ~~individual family members~~ case participants. If the family includes an Indian child, or child's tribe, tribal elders or leaders ~~should be~~ are consulted early in the plan development. (3-15-22)()

05. Family Services Worker. Case carrying personnel working in regional Child and Family Services Programs. (7-1-24)

~~**06. Federally Funded Guardianship Assistance for Relatives.** Benefits described in Subsection 702.04 and Section 703 of these rules provided to a relative guardian for the support of a child who is fourteen (14) years of age or older, who, without guardianship assistance, would remain in the legal custody of the Department of Health and Welfare. (3-15-22)~~

~~**07.6. Field Office.** A Department of Health and Welfare service delivery site. (3-15-22)~~

~~**08. Goal.** A statement of the long term outcome or plan for the child and family. (3-15-22)~~

~~**09.7. Independent Living Services.** Services p Provided to eligible foster or former foster youth, ages fourteen (14) to twenty-three (23), designed to support a successful transition to adulthood. (3-15-22)()~~

~~**10.8. Indian.** Any person who is a member of an Indian tribe or who is an Alaska Native and a member of a Regional Corporation as defined in 43 U.S.C. 1606. (3-15-22)~~

~~**11.9. Indian Child.** Any unmarried person who is under the age of eighteen (18) ~~who~~ and is either: (3-15-22)()~~

~~a. A member of an Indian tribe; or (3-15-22)~~

~~b. Eligible for membership in an Indian tribe; and ~~who~~ is the biological child of a member of an Indian tribe. (3-15-22)()~~

~~**12. Indian Child Welfare Act (ICWA).** The Indian Child Welfare Act, 25 U.S.C. 1901, et seq. (3-15-22)~~

~~**13.0. Indian Child's Tribe.** (3-15-22)~~

~~a. The Indian tribe in which an Indian child is a member or eligible for membership, or (3-15-22)~~

~~b. In the case of an Indian child who is a member of or eligible for membership in more than one (1) tribe, the Indian tribe with which the Indian child has the more significant contacts. (3-15-22)~~

141. Indian Tribe. Any Indian Tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. 1602(c). (3-15-22)

~~**15. Intercountry Adoption Act of 2000 (P.L. 106-279).** Federal law designed to protect the rights of, and prevent abuses against children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and to insure that such adoptions are in the children's best interests; and to improve the ability of the federal government to assist U.S. citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States. (3-15-22)~~

~~**16. Interethnic Adoption Provisions of 1996 (IEP).** IEP prohibits delaying or denying the placement of a child for adoption or foster care on race, color or national origin of the adoptive or foster parent(s), or the child involved. (3-15-22)~~

172. Interstate Compact on the Placement of Children (ICPC). Interstate Compact on the Placement of Children (ICPC) in Title 16, Chapter 21, Idaho Code, ensures that the jurisdictional, administrative, and human rights obligations of interstate placement or transfers of children are protected. (3-15-22)

183. Kin. ~~Non-relatives~~ Individuals who do not meet the definition of relative in Section 16-1602, Idaho Code, who have a significant, family-like relationship with a child. Kin may include extended family members, godparents, close family friends, clergy, teachers, and members of an ~~an~~ child's Indian ~~child's~~ tribe, and foster parents who have a significant relationship with the child for at least six (6) months. ~~Also known as fictive kin.~~ (3-15-22)()

012. DEFINITIONS AND ABBREVIATIONS L THROUGH R.

For the purposes of these rules, the following terms are used: (3-15-22)

01. Legal Guardianship. A judicially-created relationship, in accordance with Title 15, Chapter 5, Part 2, Idaho Code, including one made by a tribal court, between a child and a relative or non-relative. (3-15-22)

~~**02. Licensed.** Facilities or programs are licensed in accordance with the provisions of IDAPA 16.06.02, "Child Care Licensing." (3-15-22)~~

~~**03. Licensing.** See IDAPA 16.06.02, "Child Care Licensing," Section 100. (3-15-22)~~

~~**04. Medicaid.** See "Title XIX." (3-15-22)~~

~~**05. Multiethnic Placement Act of 1994 (MEPA).** MEPA prohibits states or public and private foster care and adoption agencies that receive federal funds from delaying or denying the placement of any child solely on the basis of race, color, or national origin. (3-15-22)~~

062. Parent. A person who, by birth or through adoption, is considered legally responsible for a child. The term "legal guardian" is not included in the definition of parent. (3-15-22)

~~**073. Permanency Planning.** A primary function of family services initiated in all cases to identify The identification of programs, services, and activities designed to establish permanent home and family relationships for children ~~within a reasonable amount of time.~~ (3-15-22)()~~

~~**08. Personal Care Services (PCS).** Services to eligible Medicaid recipients that involve personal and medically-oriented tasks dealing with the physical or functional impairments of the individual. (3-15-22)~~

~~**09. P.L. 96-272.** Public Law 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980." (3-15-22)~~

~~**10. P.L. 105-89.** Public Law 105-89, the federal "Adoptions and Safe Families Act of 1997," amends P.L. 96-272 and prohibits states from delaying or denying cross-jurisdictional adoptive placements with an approved~~

family. (3-15-22)

~~11. Planning. An orderly rational process that results in identification of goals and formulation of timely strategies to fulfill such goals, within resource constraints. (3-15-22)~~

~~12. Qualified Expert Witness-ICWA. An individual who is an expert regarding tribal customs pertaining to family organization and child rearing practice, and is qualified to render an opinion as to whether continued custody of the child by the parent(s), or Indian custodian(s), is likely to result in serious emotional or physical damage to the child. (3-15-22)~~

~~1304. Relative. Person related to a A child's child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half sibling by blood, marriage, or adoption. (3-15-22)()~~

~~1405. Relative Guardian. A relative who is appointed a child's legal guardian in accordance with Title 15, Chapter 5, Part 2, Idaho Code, including a guardianship established by a tribal court. (3-15-22)~~

~~1506. Reservation. A reservation is an area of land "reserved" by or for an Indian band, village, or tribe(s) to live on and use. Reservations were created by treaty, by congressional legislation, or by executive order. Since 1934, the Secretary of the Interior has had the responsibility of establishing new reservations or adding land to existing reservations Indian country as defined in 18 U.S. Code Section 1151 and any lands, not covered under such section, title to which is held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation. (3-15-22)()~~

~~1607. Respite Care. Time limited care provided to children. Respite care is utilized in circumstances that require s Short term, temporary care of a child by a licensed or agency-approved caregiver different from their usual caregiver. The duration of an episode of r Respite care ranges from one (1) partial day up to fourteen (14) consecutive days. (3-15-22)()~~

~~08. Responsible Party. A department social worker, clinician, family services worker, or services provider who maintains responsibility and authority for case planning and case management. ()~~

013. DEFINITIONS AND ABBREVIATIONS S THROUGH Z.

For the purposes of these rules, the following terms are used: (3-15-22)

~~01. SSI (Supplemental Security Income). Income maintenance grants for eligible persons who are aged, blind, or disabled. These grants are provided under Title VI of the Social Security Act and are administered by the Social Security Administration and local Social Security Offices. (3-15-22)~~

~~021. Safety Assessment. A process and standardized tool for contact between a family services worker and a family to objectively determine if safety threats, or immediate service needs exist that require further Child and Family Services response. (3-15-22)~~

~~032. Safety Plan. Plan developed by the D department and a family that assures the immediate safety of a child who has been determined to be conditionally safe or unsafe. (3-15-22)()~~

~~043. Sibling. One (1) of two (2) or more persons who shares the same biological or adoptive mother or father, or both. Siblings may be full-siblings or half-siblings. Siblings include those children who would be considered a sibling if not for the disruption in parental rights due to termination of parental rights or the death of a parent. (3-15-22)~~

~~05. State Funded Guardianship Assistance. Benefits described in Subsection 702.04 and Section 704 of these rules provided to a legal guardian for the support of a child who meets the eligibility criteria. (3-15-22)~~

~~06. TAFI. Temporary Assistance to Families in Idaho. (3-15-22)~~

~~07. Title IV E. Title under the Social Security Act that provides funding for foster care maintenance~~

~~and adoption assistance payments for certain eligible children. (3-15-22)~~

~~08. Title IV-E Foster Care. Child care provided in lieu of parental care in a foster home, children's agency, or institution eligible to receive Aid to Dependent Children under Title IV-E of the Social Security Act. (3-15-22)~~

~~09. Title XIX (Medicaid). Title under the Social Security Act that provides "Grants to States for Medical Assistance Programs." (3-15-22)~~

~~10. Title XXI. (Children's Health Insurance Program). Title under the Social Security Act that provides access to health care for uninsured children under the age of nineteen (19). (3-15-22)~~

~~104. Tribal Court. A court with jurisdiction over child-custody proceedings including and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe vested with authority over child custody proceedings. (3-15-22)()~~

~~12. Unmarried Parents' Services. Services aimed at achieving or maintaining self reliance or self support for unmarried parents. These services include counseling for any unmarried parents who need such service in relation to their plans for their children and arranging for and paying for prenatal and confinement care for the well-being of the parent and infant. Services for unmarried parents are provided in accordance with Section 56-204A, Idaho Code. (3-15-22)~~

~~1305. Voluntary Services Agreement. A written and executed agreement between the Department and parents or legal guardians regarding the goal, provision of voluntary foster care placement of a child and includes areas of concern, desired results, and task responsibility, including payment. (3-15-22)()~~

~~06. Withholding of Medically Indicated Treatment. Withholding of medically indicated treatment as defined by 42 U.S.C. 5106g(a)(5). ()~~

014. -- 019. (RESERVED)

GENERAL REQUIREMENTS AND SERVICES (Sections 020-239)

020. GENERAL REQUIREMENTS APPLICABLE TO ALL CHILD AND FAMILY SERVICES PROGRAMS.

~~01. Information, Referral and Screening. All residents of the state of Idaho, regardless of the duration of their residency or their income are entitled to receive, upon referral or request: (3-15-22)~~

~~a. Accurate and current information about services to children and families provided through the Department. (3-15-22)~~

~~b. Referral to other appropriate public or private services available in the community; and (3-15-22)~~

~~e. A screening to determine service needs and safety threats that can be addressed through Child and Family Services. (3-15-22)~~

~~021. Initiating Child and Family Services. Child and Family Services are initiated upon referral for services that the program is legally mandated to provide or after completion of a written voluntary request for services. Efforts will be made to identify any Indian children in the family and all possible tribes in which a child may be a member or eligible for membership. (3-15-22)()~~

~~a. A screening is conducted to determine service needs and safety threats that can be addressed through Child and Family Services. ()~~

~~b. Upon referral or application for services, the family services worker must inform the family that:~~

()

~~i. They have the right to accept or reject services offered by the department, except those services imposed by law or by a court order;~~ ()

~~ii. Fees may be charged for certain services, and that the parent(s) has the financial responsibility for the child in care;~~ ()

~~iii. They have the right to pursue an administrative appeal of any decision of Child and Family Services relating to them, including any decision not to provide services or to discontinue services; the department's failure to act upon a referral or request for services within thirty (30) days; or a decision to remove a child from an alternate care placement unless court-ordered or court-authorized.~~ ()

~~032. Individual Authorized to Request Voluntary Services. Requests for voluntary services must be made by a family member parent or by an authorized representative, or by someone acting on behalf of an incompetent or incapacitated person.~~ (3-15-22)()

~~04. Record of Request for Services. The date of referral or request for services will be documented in the records of the field office.~~ (3-15-22)

~~05. Information to Be Provided to Family. Upon referral or application for services, the family services worker must inform the family that:~~ (3-15-22)

~~a. They have the right to accept or reject services offered by the Department, except those services imposed by law or by a court order;~~ (3-15-22)

~~b. Fees may be charged for certain services, and that the parent(s) has financial responsibility for the child in care;~~ (3-15-22)

~~c. They have the right to pursue an administrative appeal of any decision of Child and Family Services relating to them, including any decision not to provide services or to discontinue planned services; the Department's failure to act upon a referral or request for services within thirty (30) days; or an decision to remove a child from an alternate care placement unless court-ordered or court-authorized.~~ (3-15-22)

021. -- 029. (RESERVED)

030. CORE CHILD AND FAMILY SERVICES.

In addition to other services included in this chapter, the following State and federally mandated core services are provided by or to eligible youth and/or families through regional the Child and Family offices include Services Program; (4-6-23)()

~~01. Crisis Services. Crisis Services are an immediate response to ensure safety when a child is believed to be in imminent danger because of child abuse, neglect, or abandonment. Crisis services require immediate access to services always to assess safety and place in alternate care, if necessary, to ensure safety for the child.~~ (4-6-23)

~~02. Screening Services. Initial contact with families and children to gather information to determine whether the child meets eligibility criteria to receive child protection or adoption services. When eligibility criteria is not met for Department mandated services, appropriate community referrals are made.~~ (4-6-23)

031. Assessment and Safety/ServiceCase Planning Services. A family Assessment process in which the safety threats to the child, and the family's concerns, strengths, and resources are identified after which a written plan is developed by the worker, together with the family and other interested parties. Each plan must have a long-term goal that identifies behaviorally specific and measurable desired results and has specific tasks that identify who, how, and when the tasks will be completed. Assessment results inform the development and implementation of the case plan. (4-6-23)()

042. Prevention Services. Evidence-based services that support children and families and are designed to reduce the risk of child abuse, neglect, or abandonment. (4-6-23)

a. These services are provided in the Family First Prevention Services Act (Public Law 115-123) under the categories of mental health, substance use prevention and treatment, and in-home parent skill-based programs and services. Additional services can be implemented through community education, and partnerships with other community agencies such as schools and courts. (4-6-23)

b. The Department sets the maximum hourly or flat rates for Prevention Services covered by Title IV-E federal funding and are based on the cost for services. When services are provided by private providers, payment must be made according to a contract authorized by the Child and Family Services Program Manager, based on the cost for services to be provided. Current information about services and rates can be obtained from Child and Family Services website. (4-6-23)

~~**05. Court Ordered Services.** These services primarily involve court ordered investigations or assessments of situations where children are believed to be at risk due to child abuse, neglect, or abandonment. (3-15-22)~~

~~**063. Alternate Care (Placement) Services.** Temporary living arrangements outside of the family home for children and youth minors who are victims of child abuse, neglect, or abandonment are placed in the care or custody of the department under Title 16, Chapter 16, Idaho Code. The Department arranges and finances, in full or in part, out-of-home placements. Alternate care is initiated through either a court order or voluntarily through an out-of-home placement agreement. Payment will be made on behalf of a child placed in the licensed home of an individual or relative, a child care institution, a home licensed or approved by an Indian child's tribe, or in a state-licensed public child care institution accommodating no more than twenty-five (25) children. Payments may be made to individuals or to a child placement or child care agency. (4-6-23)()~~

~~**07. Community Support Services.** Services provided to a child and family in a community-based setting designed to increase the strengths and abilities of the child and family and to preserve the family whenever possible. Services include respite care and family preservation. (3-15-22)~~

~~**084. Interstate Compact on Out-of-State Placements.** Where necessary to encourage all possible positive contacts between a child in alternate care with family relatives, kin, and, including extended family, placement with family members or others who are families outside the state of Idaho will be considered. On very rare occasion the Department may contract with a residential facility out-of-state if it best serves the needs of the child, and is at a comparable cost to facilities within Idaho. When out-of-state placement is considered in the permanency planning for a child, such placement will be coordinated with the respective interstate compact administrator according to the provisions of Section 16-2101, et seq., Idaho Code, the "Interstate Compact on the Placement of Children." Placements must follow all state and federal laws Title 16, Chapter 21, Idaho Code. (4-6-23)()~~

~~**095. Independent Living.** Services, including assessment and planning, provided to eligible youth and young adults to promote self-reliance and successful transition to adulthood. (3-15-22)()~~

~~a. Eligibility - Current Foster Youth. To be eligible for independent living services, the youth must foster youth or young adults will: (4-6-23)()~~

~~i. Be fourteen (14) to twenty-one (21) years of age; (3-15-22)~~
~~ii. Currently be under Department or tribal care and placement authority established by a court order or voluntary agreement with the youth's family, or be under a voluntary agreement for continued care if the youth is between eighteen (18) and twenty-one (21) years of age; and (3-15-22)()~~

~~b. Eligibility - Former Foster Youth. To be eligible for independent living services, the youth must Youth or young adults formally in foster care will: (4-6-23)()~~

~~i. Be a former foster youth who is currently under twenty three (23) years of age; and (3-15-22)()~~

- ii. Have been under Department or tribal care and placement authority established by a court order or voluntary agreement with the youth's family, or under a voluntary agreement for continued care after the youth has reached eighteen (18) years of age; and (3-15-22)(____)
- iii. Have been placed in foster care or similar eligible setting for a minimum of ninety (90) days total after reaching sixteen (16) years of age or have aged out of foster care; or (3-15-22)
- iv. Be eighteen (18) to twenty-three (23) years of age, provide verification of meeting the Independent Living eligibility criteria in another state, and currently be a resident of Idaho. (3-15-22)
- c. Eligibility Limit. Once established as in Subsection 030.09.b. in this rule, a youth's eligibility is maintained up to their twenty-third birthday, regardless of whether they continue to be the responsibility of the Department, tribe, or be in foster care. (3-15-22)

~~1006. Adoption Services.~~ Department's Services designed to promote and support the permanency of children with special needs in foster care through adoption. This involves the legal and permanent transfer of parental rights and responsibilities to the family assessed as the most suitable to meet the needs of the individual child. Adoption services seek to build the community's capacity to deliver adoptive services. (4-6-23)(____)

~~11. Administrative Services.~~ Regulatory activities and services that assist the Department in meeting the goals of safety, permanency, health and well-being for children and families include: (4-6-23)

- ~~a. Child care licensing;~~ (3-15-22)
- ~~b. Daycare licensing;~~ (3-15-22)
- ~~c. Community development; and~~ (3-15-22)
- ~~d. Contract development and monitoring.~~ (3-15-22)

031. -- 049. (RESERVED)

050. PROTECTIONS AND SAFEGUARDS FOR CHILDREN AND FAMILIES.

~~The federal and state laws that are the basis for these rules include a number of mandatory protections and safeguards intended to ensure timely permanency for children and to protect the rights of children, their families, and their tribes.~~ (3-15-22)

- 01. Reasonable Efforts.** Services offered or provided to a family intended to prevent or eliminate the need for removal of the child from the family, to reunify a child with their family, and to finalize a permanent plan. The following efforts must be made and specifically documented by the Department in reports to the court. The court will make the determination of whether or not the Department's efforts were reasonable. (3-15-22)
 - a. Efforts to prevent or eliminate the need for a child to be removed from their home; (3-15-22)
 - b. Efforts to return a child home are not required due to a judicial determination of aggravated circumstances; and (3-15-22)
 - c. Efforts to finalize a permanent plan, so that each child in the Department's care will have a family with whom the child can have a safe and permanent home. (3-15-22)
- 02. Active Efforts.** ~~The e~~ Efforts beyond reasonable efforts required under ICWA to provide remedial services and rehabilitative programs designed to prevent the breakup of an Indian family, or to reunify an Indian family. Active efforts must include contacts and work with an Indian child's tribe. (3-15-22)(____)
- 03. ICWA Placement Preferences** Compliance with the Indian Child Welfare Act of 1978. (3-15-22)(____)

~~a.~~ When the Indian child's permanency goal is reunification, the preferences are described in Section 402 of these rules. (3-15-22)

~~b.~~ When the Indian child's permanency goal is adoption or guardianship, the preferences are described in Subsection 800.01 of these rules. (3-15-22)

~~e.~~ When the placement preferences are not followed, the court must determine that good cause exists for not following the preferences. (3-15-22)

~~04.~~ **Least Restrictive Setting.** Efforts will be made to ensure that any child in the Department's care resides in the least restrictive, most family-like setting possible. Placement will be made in the least restrictive setting and in close proximity to the parent(s) or if not, written justification that the placement is in the best interest of the child. (3-15-22)

~~054.~~ **Legal Requirements for Indian Children.** When there is reason to believe that a child is an Indian child, notice of the pending proceeding must be sent according to the notice provisions specified in Section 051 of these rules. Notice must also include notice of the tribe's right to intervene; their right to twenty (20) days additional time to prepare for the proceeding; the right to appointment of counsel if the parent(s) or Indian custodian(s) is indigent; and the right to examine all documents filed with the court upon which placement may be based. (3-15-22)

~~065.~~ **Visitation for Child's Parent(s) or Legal Guardian(s).** ~~Visitation arrangements must be provided to the child's parent(s) or legal guardian(s) unless visitation is contrary to the child's safety. The department should determine the scope, duration, and manner of visitation that best promotes the best interest of the child and ensures that visitation does not impair the physical or mental health of a child. In-person visitation arrangements between a child and a parent who has been substantiated at a Level One or Two by the department for one of the following: sexual abuse, sexual exploitation, or physical abuse will not be granted unless it is in the best interest of the child and the child's physical and/or mental health will not be impaired. If in-person visitation is granted, it will only occur under the following conditions:~~ (3-15-22)()

~~a.~~ Approved by a program manager, after consultation with the child's guardian ad litem, where applicable, who concludes that in-person visitation is in the best interest of the child and that the child's physical and/or mental health will not be impaired; ()

~~b.~~ Under conditions set forth by the program manager. Conditions of supervised visitation will include the following: ()

~~i.~~ The parent will not be left alone with the child for any reason, including restroom breaks; ()

~~ii.~~ For sexual abuse and exploitation cases, the parent will not allow the child to sit on his or her lap; ()

~~iii.~~ The parent will not be allowed to engage in secret conversations or other communication that cannot be monitored in real time; ()

~~c.~~ The best interest decision and visit conditions are documented and explained in writing. ()

~~07.~~ **Notification of Change in Placement.** ~~Written notification must be made within seven (7) days of a change of placement of the foster child if a child is relocated to another foster care setting. Notification must be sent to the child's parent(s) or legal guardian(s). When the child is an Indian child, written notification must also be sent to the child's Indian custodian(s), if applicable, and to the child's tribe.~~ (3-15-22)

~~086.~~ **Notification of Change in Visitation.** ~~Written n~~ Notification to the child's parent(s) or legal guardian(s) if there is to be a change in their visitation schedule with their child or ward in foster care. (3-15-22)()

~~09.~~ **Notification of Right to Participate and Appeal.** ~~Written notification to the child's parent(s) or~~

~~legal guardian(s) must be made regarding their right to discuss any changes and the opportunity to appeal if they disagree with changes in placement or visitation.~~ (3-15-22)

~~407.~~ **Qualified Expert Witness-(QEW) under ICWA.** The testimony of an expert witness is required at the hearing in which an Indian child is placed in state custody, typically the adjudicatory, and at the hearing for termination of parental rights. A QEW must be qualified to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's Tribe. The department, the court, or any party may request the assistance of the Indian child's Tribe or the Bureau of Indian Affairs office serving the Indian child's Tribe in locating persons qualified to serve as expert witnesses. A person who is most likely to be a qualified expert witness QEW in the placement of an Indian child in order of preference is: (3-15-22)()

~~a.~~ A member of the Indian child's ~~Tribe who is recognized by the tribal community as knowledgeable in tribal customs pertaining to family organization and child rearing practices;~~ (3-15-22)()

~~b.~~ ~~An individual who is not a tribal member who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or~~ A member of the Tribe of the Indian child's parent; (3-15-22)()

~~c.~~ A professional person who has substantial education and experience in a pertinent specialty area and substantial knowledge of prevailing social and cultural standards and child rearing practices within the Indian community. A descendant of the Indian child's Tribe; (3-15-22)()

~~d.~~ A member of a tribe recognized as sharing the same ethnicity, language, territory, traditions, or customs as the child's tribe; ()

~~e.~~ A member of any federally recognized tribe; ()

~~f.~~ An individual not meeting the definitions in (a) through (e) who is designated by the child's Tribe as qualified to testify to the prevailing social and cultural standards of the Indian child's Tribe. ()

~~g.~~ The family services worker regularly assigned to the Indian child may not serve as a QEW in proceedings concerning the child. ()

~~408.~~ **Compliance with Requirements of the Multiethnic Placement Act of 1994 (MEPA) as Amended by the Interethnic ~~Adoption Provisions~~ Placement (IEPA) of 1996.** (3-15-22)()

~~a.~~ The Department prohibits entities that are involved in foster care or adoption placements and that receive federal financial assistance under Title IV E, Title IV B, or any other federal program from delaying or denying a child's foster care or adoptive placement on the basis of the child's or the prospective foster or adoptive parent's race, color, or national origin. (3-15-22)

~~b.~~ The Department prohibits entities that are involved in foster care or adoption placements and that receive federal financial assistance under Title IV E, Title IV B, or any other federal program, from denying to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective foster or adoptive parent's or the child's race, color, or national origin; (3-15-22)

~~c.~~ To remain eligible for federal assistance for their child welfare programs, the Department must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes; (3-15-22)

~~d.~~ A child's race, color, or national origin cannot be routinely considered as a relevant factor in assessing the child's best interests; (3-15-22)

~~e.~~ Failure to comply with MEPA/IEP's prohibitions against discrimination is a violation of Title VI of the Civil Rights Act of 1964; and (3-15-22)

1978. ~~fa.~~ Nothing in MEPA/IEP is to be construed to affect the application of the Indian Child Welfare Act of (3-15-22)

~~1209.~~ **Family Decision-Making and Plan Development.** (3-15-22)

a. A ~~family case~~ plan will be completed within thirty (30) days of the date the case was opened. (3-15-22)()

b. Families will be given ample opportunity to participate in the identification of areas of concern, their strengths, and developing service goals and tasks. The family plan and any changes to it must be signed and dated by the family. If the family refuses to sign the plan, the reason for their refusal will be documented on the plan. (3-15-22)

c. Plans are to be reviewed with the family no less frequently than once every three (3) months. When there are major changes to the plan including a change in the long term goal, the family plan must be renegotiated by the ~~D~~department and the family as well as signed by the family. A new plan must be negotiated at least annually. (3-15-22)()

~~130.~~ **Compelling Reasons.** Reasons why the parental rights of a parent of a child in the ~~D~~department's care and custody should not be terminated when the child has been in the custody of the ~~D~~department for fifteen (15) out of the most recent twenty-two (22) months. (3-15-22)()

a. These reasons must be documented in the Alternate Care Plan, in a report to the court, and the court must make a determination if the reasons are sufficiently compelling. (3-15-22)

b. A compelling reason must be documented when a child's plan for permanency is not adoption, guardianship, or return home. (3-15-22)

c. When compelling reasons are not appropriate, the petition for termination of parental rights must be filed by the end of the child's fifteenth month in foster care. (3-15-22)

~~141.~~ **~~ASFA Placement Permanency~~ Preferences.** The following ~~placement~~ preferences will be considered in the order listed below when recommending and making permanency decisions: (3-15-22)()

a. Return home if safe to do so; (3-15-22)

b. Adoption or legal guardianship by a relative or kin; (3-15-22)

c. Adoption or legal guardianship by non-relative; (3-15-22)

d. Another planned permanent living arrangement such as long-term foster care. (3-15-22)

051. NOTICE REQUIREMENTS FOR ICWA.

01. Notice of Pending Proceedings -- Who is Notified. When there is reason to believe that a child is an Indian child, the initial and any subsequent Notice of Pending Proceedings must be sent to the Indian child's parent(s), custodian(s), and tribe. Notices of Pending Proceedings must be sent to the ICWA Designated Agent for the child's tribe via Registered Mail, Return Receipt Requested. All Notices of Pending Proceedings must be received by the child's parent(s), Indian custodian(s) and tribe at least 10 (ten) days before the proceeding is scheduled to occur. Returned receipts are to be kept in the child's file and made available for review by the court. (3-15-22)

02. Rights Under a Notice of Pending Proceedings. Notices of Pending Proceedings must also include notice of the tribe's right to intervene; their right to twenty (20) additional days to prepare for the proceedings; the right to appointment of counsel if the parent(s) or Indian custodian(s) are indigent; and the right to examine all documents filed with the court upon which placement may be based. (3-15-22)

03. Notice of Pending Proceedings--When Identity or Location of Parent(s), Indian Custodian(s),

or Tribe is Unknown. If the identity or location of the parent(s) or Indian custodian(s) or the tribe is unknown, the Notice of Pending Proceedings must be sent to the Secretary of the Interior by certified mail with a return receipt requested at the following address: Department of the Interior, Bureau of Indian Services, Division of Human Services, Code 450, Mail Stop, 1849 C Street N.W., Washington, D.C. 20240. (3-15-22)

052. -- 059. (RESERVED)

060. FAMILY CASE RECORDS.

01. Electronic and Physical Files. The Department will maintain an electronic file and a physical file containing information on each family receiving services. The physical file will contain non-electronic documentation such as originals or original copies of all court orders, birth certificates, social security cards, and assessment information that is original outside the Department. (3-15-22)()

02. Storage of Records. All physical family case records must be stored in a secure file storage area, away from public access and retained not less than five (5) years after the case is closed, after which they may be destroyed. (3-15-22)

a. Exception for Adoption Records. Complete family case records involving adoptive placements must be forwarded to the Department's central adoption unit for permanent storage. (3-15-22)()

b. Exception for Case Records Involving an Indian Child. A case record involving an Indian child must be available at any time at the request of an Indian child's tribe or the Secretary of the Interior. (3-15-22)

~~061. -- 239. (RESERVED)~~

REVIEWS AND HEARINGS
(Sections 240-399)

~~**240. SIX MONTH REVIEWS FOR CHILDREN IN ALTERNATE CARE PLACEMENT.**~~

~~When a judicial review does not occur at the end of a six (6) month period for any child in alternate care placement, the Department will conduct a case review to assure compliance with all applicable state and federal laws, and to ensure the plan focuses on the goals of safety, permanency and well-being of the child. (3-15-22)~~

~~**01. Notice of Six Month Review.** The parent(s) or legal guardian(s), foster parent(s) of a child, and any preadoptive parent(s) or relative(s) providing care for the child, are to be provided with notice of their right to be heard in the six month review. In the case of an Indian child, the child's tribe and any Indian custodian must also be provided with notice. This must not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to the review solely on the basis of the receipt of such notice. Participants have the right to be represented by the individual of their choice. (3-15-22)~~

~~**02. Procedure in the Six Month Review.** The parties who received notice will be given the opportunity to participate in the case review. (3-15-22)~~

~~**03. Members of Six Month Review Panel.** The six month review panel must include a Department employee who is not in the direct line of supervision in the delivery of services to the child or parent(s) or legal guardian(s) being reviewed. The review panel may include agency staff, staff of other agencies, officers of the court, members of Indian tribes, and citizens qualified by experience, professional background, or training. Members of the panel will be chosen by and receive instructions from the Department's Child and Family Services Program Manager or their designee, to enable them to understand the review process and their roles as participants. (3-15-22)~~

~~**04. Considerations in Six Month Review.** Whether conducted by the court in a review hearing or a Department review panel, under State law, Federal law and regulation, each of the following must be addressed in a six month review: (3-15-22)~~

~~**a.** Determine the extent of compliance with the family services plan; (3-15-22)~~

- ~~b.~~ Determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; (3-15-22)
- ~~c.~~ Review compliance with the Indian Child Welfare Act, when applicable; (3-15-22)
- ~~d.~~ Determine the safety of the child, the continuing need for and appropriateness of the child's placement; and (3-15-22)
- ~~e.~~ Project a date by which the child may be returned and safely maintained at home or placed for adoption, legal guardianship, or other permanent placement. (3-15-22)

~~05. Recommendations and Conclusions of Six Month Review Panel.~~ Following the six month review, written conclusions and recommendations will be provided to all participants, subject to Department safeguards for confidentiality. The document containing the written conclusions and recommendations must also include appeal rights. (3-15-22)

~~241061.~~ -- 399. (RESERVED)

ALTERNATE (OUT-OF-HOME) CARE
(Sections 400-424)

400. AUTHORITY FOR ALTERNATE CARE SERVICES.

Upon approval of the regional Child and Family Services Program Manager or their designee, the ~~D~~department may provide or purchase alternative care under the following conditions: (3-15-22)(____)

01. Department Custody. When the child is in the legal custody or guardianship of the ~~D~~department; or (3-15-22)(____)

02. Voluntary Placement. ~~Upon a~~ Agreement with the parent(s) or legal guardian(s) ~~or young adult under extended foster care when~~ after the parent(s) or legal guardian(s) request assistance from the agency due to circumstances that interfere with their ~~provision of proper care~~ ability to meet the needs of or they are no longer able to maintain a child in their home and ~~they can benefit from social work and treatment services~~ it is in the best interest of the child for an out of home placement with case planning services to address the family situation. ~~Young adults who exited foster care at age 18, who are not yet 21, may also enter a voluntary placement under extended foster care.~~ (3-15-22)(____)

a. A ~~service case~~ plan and an out-of-home placement agreement must be developed between the Department and the family. The ~~service case~~ plan will identify areas of concern, goals, desired results, time frames, tasks and task responsibilities. The out-of-home placement agreement will include the terms for reimbursement of costs with any necessary justification for deviation from Child Support guidelines. (3-15-22)(____)

b. A voluntary agreement for out-of-home placement entered into between the ~~D~~department and the parent(s) or legal guardian(s) of a minor child that specifies the legal obligations of all parties and may be revoked at any time by the child's parent(s) or legal guardian(s) and the child must be returned to the parent or legal guardian ~~upon their request~~ unless a court determines that the return of the child would be contrary to the child's best interest. (3-15-22)(____)

c. A contract between the ~~D~~department and the service provider, if applicable, must also be in effect. (3-15-22)(____)

d. ~~Voluntary out of home placements exceeding one hundred eighty (180) days without a judicial determination that it is in the best interests of the child to continue their current placement cannot be reimbursed by Title IV E funds~~ When seeking federal funding the department will comply with the Social Security Act section 472. (3-15-22)(____)

e. Indian child. Where any parent or Indian custodian voluntarily consents to a foster care placement, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent

jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian fully understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid. Any parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian unless a court determines that the return of the child would be contrary to the child's best interest. ()

401. CONSIDERATIONS FOR PLACEMENT IN ALTERNATE CARE.

The Department will make ~~meaningful reasonable attempts;~~ timely and ongoing efforts to identify and notify, both verbally and in writing, ~~to inform in priority order,~~ individuals identified below of the potential imminent placement and the requirements for consideration as a placement resource. The Department ~~will place children in a safe and trusted environment~~ will comply with 16-1629(11), Idaho Code, to make reasonable efforts to place the child in the least restrictive environment to the child consistent with the best interest and special needs of the children as required by P.L. 96-272, Section 475(5). Ideally, placement priority will be given in the following order: (a) Immediate family; (b) Extended family members; (c) Non-family members with a significant established relationship with the child; (d) other licensed foster parent(s). Upon immediate contact with persons in categories a) through d) above, and after preliminary screening, within seventy-two (72) hours of decision to place, Departmental staff will make reasonable attempts to inform immediate family members of the way to become a placement resource. Alternate care placement will in all cases include consideration of and follow placement priority: (3-15-22)()

01. Family Assessment. ~~The family assessment conducted in accordance with the provisions of the CFS Practice Standards~~ Relatives and non-relatives must comply with IDAPA 16.06.02 as a condition of licensed placement. (3-15-22)()

02. Ability of Providers. ~~The ability of potential alternate care providers to address and be sensitive to the unique and individual needs of the child and ability to comply and support the plan for the child and their family.~~ (3-15-22)

03. Family Involvement. ~~The involvement of the family in planning and selecting the placement. The Department will use a family unity meeting concept making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments.~~ (3-15-22)

402. INVOLUNTARY PLACEMENT OF INDIAN CHILDREN.

01. Involuntary. ~~Placement of an Indian child in foster care must be based upon clear and convincing evidence, including information from a qualified expert witnesses, that the continued custody of the child by the parent(s) or Indian custodian(s) is likely to result in serious emotional or physical damage to the child. In the absence of good cause to the contrary, a preference must be given to placement with:~~ that active efforts were made to prevent the Indian child's placement or are preventing reunification. (3-15-22)()

02. Notice. Notice to the child's Tribe will be made as stated in Subsection 05.01 of these rules. ()

03. Accepted. An Indian child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. ()

04. Placement. In any foster care or preadoptive placement of an Indian child where the child's Tribe has not established a different order of preference, preference must be given, in descending order, as listed below, to the placement of the child with: ()

04a. Extended Family. A member of the Indian child's extended family; (3-15-22)

04b. Foster Home Approved by Tribe. A foster home licensed ~~or~~ approved, as specified by the Indian child's tribe; (3-15-22)()

~~03c.~~ Licensed Indian Foster Home. An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or (3-15-22)

~~04d.~~ Indian Institution. An institution for children approved by an Indian tribe or operated by an Indian organization ~~that~~ which has a program suitable to meet the child's needs. (3-15-22)()

403. DATE A CHILD ENTERED FOSTER CARE.

A child is considered to have entered foster care on the date the child is actually removed from their home. All foster care benefits and eligibility determinations must be based on this date. ~~All periodic reviews, permanency hearings, and time frames for termination of parental rights must be based on the date the child entered foster care.~~ However for the purpose of funding the department will follow requirements included in the Social Security Act Section 475. (3-15-22)()

404. FOSTER CARE GOAL.

It is the goal of the Department that not more than twenty-five percent (25%) of foster youth will be in foster care longer than twenty-four (24) months. The Department will monitor this goal annually. (3-15-22)

405. ALTERNATE CARE CASE MANAGEMENT.

Case management must continue while the child is in alternate care and must ensure the following: (3-15-22)

01. Preparation ~~for~~ Provided to the Placement. Preparing a child for placement in alternate care is the joint responsibility of the child's family, the child (when appropriate), the family services worker, and the alternate care provider. (3-15-22)()

02. Information for Alternate Care Provider. The Department and the family have informed the alternate care provider of their roles and responsibilities in meeting the needs of the child including: (3-15-22)

a. Any medical, health and dental needs of the child including the names and address of the child's health and educational providers, a record of the child's immunizations, the child's current medications, the child's known medical problems, and any other pertinent health information concerning the child; (3-15-22)

b. The name of the child's doctor; (3-15-22)

c. The child's current functioning and behaviors; (3-15-22)

d. A copy of the child's portion of the ~~service~~ case plan including any visitation arrangements; (3-15-22)()

e. The case history of the child, including the reason the child came into foster care, the child's legal status, and the permanency goal for the child; (3-15-22)

f. A history of the child's previous placements and reasons for placement changes, excluding information that identifies or reveals the location of any previous alternate care providers without their consent; (3-15-22)

g. The child's cultural and racial identity; (3-15-22)

h. Any educational, developmental, or special needs of the child; (3-15-22)

i. The child's interest and talents; (3-15-22)

j. The child's attachment to current caretakers; (3-15-22)

k. The individualized and unique needs of the child; (3-15-22)

l. Procedures to follow in case of emergency; and (3-15-22)

m. Any additional information, that may be required by the terms of the contract with the alternate care provider. (3-15-22)

~~03. Consent for Medical Care. Parent(s) or legal guardian(s) have signed a Departmental form of consent for medical care and keep the family services worker advised of where they can be reached in case of an emergency. Any refusal to give medical consent must be documented in the family case record. Whenever possible the parent(s) or legal guardian(s) should sign for medical, dental, or mental health appointments. The department will follow Section 16-1602(29), Idaho Code, when parent(s) or legal guardian(s) are unavailable and Section 16-1627, Idaho Code, when authorization for emergency medical treatment is needed.~~ (3-15-22)(____)

~~04. Financial Arrangements. The family services worker must assure that the alternate care provider understands the financial and payment arrangements and that necessary Department forms are completed and submitted.~~ (3-15-22)

~~05. Contact with Child. The family, the family services worker, and the alternate care provider have will established a schedule for frequent and regular visits with the child by the family and by the family services worker or designee.~~ (3-15-22)(____)

a. Face-to-face contact with a child by the assigned family services worker must occur at least monthly or more frequently depending on the needs of the child or the provider, or both, and the stability of the placement. Face-to-face contact may be made in settings other than where the child resides as long as contact between the assigned family services worker and the child occurs where the child resides a minimum of once every sixty (60) days. (7-1-24)

b. The Department will ~~have strategies in place to detect~~ assess for possible abuse, neglect, or abandonment of children in alternate care. (3-15-22)(____)

c. Frequent and regular contact between the child and parents and other family members will be encouraged and facilitated unless it is specifically determined not to be in the best interest of the child. Such contact will be face-to-face if possible, with this contact augmented by telephone calls, written correspondence, pictures, and the use of video and other technology as may be relevant and available. (3-15-22)

~~06. Discharge Planning. Planning for discharge from alternate care are developed with all concerned parties. Discharge planning will be initiated at the time of placement and completed prior to the child's return home or to the community.~~ (3-15-22)

~~07. Transition Planning. Planning for discharge from alternate care into a permanent placement are developed with all concerned parties. Discharge planning will be initiated at the time of placement and completed prior to the child's return home or to the community.~~ (3-15-22)

~~08. Financial and Support Services. As part of the discharge planning, Departmental resources are coordinated to expedite access to Department financial and medical assistance and community support services.~~ (3-15-22)

406. -- 421. (RESERVED)

422. ALTERNATE CARE PLANNING.
The elements of alternate care planning ~~for the family and the child~~ are mandated by the provisions of ~~Title IV-E, Sections 471(a)(16), 475(1), and 475(5)(A) and (D) of the Social Security Act~~ and Section 16-1621, Idaho Code. (3-15-22)(____)

~~01. Alternate Care Plan Required. Each child receiving alternate care under the supervision of the state must have a standardized written alternate care plan.~~ (3-15-22)

~~a. The purpose of the alternate care plan is to facilitate the safe return of the child to their own home as expeditiously as possible or to make other permanent arrangements for the child if such return is not feasible.~~

(3-15-22)

b. The alternate care plan must be included as part of the family service plan. (3-15-22)

02. Written Alternate Care Plan. The Department must complete a written alternate care plan within thirty (30) days after a child has been placed in alternate care and at least every six (6) months thereafter. A copy of the alternate care plan will be provided to the child's parent, legal guardian, foster parent, Indian custodian, tribe, and to the child if they are over twelve (12) years of age. (3-15-22)

423. -- 424. (RESERVED)

ELIGIBILITY AND FUNDING INFORMATION
(Sections 425-441)

425. TITLE IV-E ELIGIBILITY.

The state will claim Title IV-E funding for ~~a foster child who meets the following criteria:~~ foster care placement costs as allowed within the Social Security Act, sections 421, 422, 423, 424, 428, 471, 472, 473, 474, and section 475 (Effective February 9, 2018). Claims for Title IV-E maintenance may begin as early as the first day of placement in the month in which all initial Title IV-E eligibility factors are met. (3-15-22)(____)

01. Physical or Constructive Removal of the Child. ~~The child was physically or constructively removed from the home:~~ (3-15-22)

a. Under a voluntary placement agreement; or (3-15-22)

b. As the result of a judicial determination that: (3-15-22)

i. Remaining in the home would be contrary to the child's welfare; or (3-15-22)

ii. Placement in foster care would be in the best interest of the child. (3-15-22)

e. The determination that a situation is contrary to the child's welfare must be made in the first court ruling that sanctions, even temporarily, the removal of a child from the home. (3-15-22)

02. Child's Residence. ~~The child has been living in the home of a parent or other relative specified at 45 CFR 233.90(e)(1)(v) either in the month of, or within six (6) months prior to the month:~~ (3-15-22)

a. Removal court proceedings were initiated; or (3-15-22)

b. The voluntary placement agreement was signed. (3-15-22)

03. AFDC Eligibility. ~~The child was AFDC (Aid to Families with Dependent Children) eligible in the removal home during the month of the initiation of court proceedings that initiated the removal or the month the voluntary placement agreement is signed. AFDC eligibility is based upon the standards found in the State's IV-A Plan on July 16, 1996.~~ (3-15-22)

04. "Removal From" and "Living With" Requirements. ~~The "removal from" (01. of this rule) and "living with" (Subsection 425.02. of this rule) requirements must be satisfied by the same specified relative who meets AFDC eligibility (Subsection 425.03. of this rule).~~ (3-15-22)

05. Judicial Determination. ~~A judicial determination was obtained regarding reasonable efforts to prevent a child's removal from the home no later than sixty (60) days from the child's foster care entry date. When there is a judicial determination of "aggravated circumstances," the court order must state that no reasonable efforts to reunify the family are required.~~ (3-15-22)

06. Agency with Placement Care and Responsibility. ~~The IV-E agency, or another public agency or Tribe that has a plan approved under 42 U.S.C. 671 in accordance with 42 U.S.C. 679e with which the Title IV-E~~

~~agency has a written agreement in effect, has placement and care responsibility. (3-15-22)~~

~~07. **Child in Foster Care or Childcare Institution.** The child is in a fully licensed or approved foster family home, or childcare institution, or supervised independent living situation for young adults in extended foster care. (3-15-22)~~

~~08. **Compliance with Safety Requirements.** Compliance with the safety requirements was documented for the prospective foster family home or childcare institution. (3-15-22)~~

~~09. **Child's Age.** The child is under the age of eighteen (18), or up to age twenty one (21) if they meet the criteria under 42 U.S.C. 675(8)(B)(iv). (3-15-22)~~

~~10. **Child's Citizenship Status.** The child is a US citizen or qualified immigrant under Sections 403, 431, and 432 of the Personal Responsibility Work Opportunity Reconciliation Act (P.L. 104-193). (3-15-22)~~

426. ~~427.~~ (RESERVED)

~~427. **DETERMINATION OF ELIGIBILITY FOR TITLE IV-E.**~~

~~The family services workers must submit an application to the Child Welfare Funding Team to evaluate for Title IV-E eligibility. (3-15-22)~~

428. **CUSTODY AND PLACEMENT.**

01. **Interstate Placements.** In interstate placements, a child may be placed with an approved unlicensed relative when delaying the placement would be harmful to the child's well-being. In those cases, a subsequent request for foster care licensure will be made through the Interstate Compact on the Placement of Children. ~~However, in these instances, a child is ineligible for Title IV-E until the placement is licensed.~~

(3-15-22)()

02. **Intrastate Placements That Become Interstate Placements.** If a foster care placement that was initially intrastate becomes an interstate placement because the family with whom the child is placed relocates to another state, a request for foster care licensure will be made through the Interstate Compact on the Placement of Children immediately upon the decision to move the child. ~~If the state to which the family has moved accepts the family's Idaho foster care license as effective, the placement is considered licensed until a determination is made that the family is in compliance with the licensing and other applicable laws of the state to which the family has moved.~~

(3-15-22)()

429. **EFFECTIVE DATE.** (RESERVED)

~~Claims for Title IV-E maintenance may begin as early as the first day of placement in the month in which all initial Title IV-E eligibility factors are met. A child cannot receive SSI and Title IV-E foster maintenance payments during the same time period. (3-15-22)~~

430. **ONGOING ELIGIBILITY.**

To continue eligibility for Title IV-E, ~~a child must meet the following conditions:~~ (3-15-22)

~~01. **Child's Age.** The child is under the age of eighteen (18), or up to age twenty one (21) if they meet the criteria under 42 U.S.C. 675(8)(B)(iv). (3-15-22)~~

~~02. **Department Custody.** The child remains in the Department's custody through either a current court order or a voluntary placement agreement that has not been in effect more than one hundred and eighty (180) days. (3-15-22)~~

~~03. **Child's Residence.** The child continues to live in a fully licensed or approved foster family home, or childcare institution, or on a court ordered home visit. (3-15-22)~~

~~04. **Redetermination.** A redetermination is used for a child who: (3-15-22)~~

- ~~a. Left foster care; (3-15-22)~~
- ~~b. Was placed in a Title IV-E ineligible living situation such as: unlicensed placement, a hospital, or a detention center; (3-15-22)~~
- ~~c. Exceeded one hundred eighty (180) days in a voluntary placement agreement in which there was no judicial determination of "best interests." The child's Title IV-E eligibility ceases on the 181st day; and (3-15-22)~~
- ~~d. Is on a home visit that exceeds the time specified in the court order signed by the Judge without a new judicial determination granting an extension. (3-15-22)~~

~~05. Annual Redetermination. the department will complete an A~~ annual redetermination is required to assure that the court has determined that the ~~D~~ department has made reasonable efforts to finalize a permanency plan for the child within twelve (12) months of the date the child is considered to have entered foster care and at least once every twelve (12) months thereafter while the child is in foster care. (3-15-22)(____)

431. (RESERVED)

432. ~~TITLE XIX FOSTER CHILD~~ **MEDICAID ELIGIBILITY FOR CHILD IN FOSTER CARE.**
For Title XIX Medicaid eligibility for a foster child, please refer to IDAPA 16.03.01, "~~Eligibility for Health Care Assistance for Families and Children,~~" Section 536. (3-15-22)(____)

433. **INCOME, BENEFITS AND SAVINGS OF CHILDREN IN FOSTER CARE.**
~~On behalf of the child and with the assistance of CWFT staff, family services workers are required to identify and apply for income or benefits from (one (1) or) every available source including Social Security, tribal benefits, or estates of deceased parents. The address of the payee must be DHW-FACS-CWFT, 450 West State Street, P. O. Box 83720 Boise, ID 83720-0036~~ **FACS will apply for income or benefits including social security, tribal benefits, or estates of deceased parents. The payee will be DHW-FACS-CWFT.** (3-15-22)(____)

434. **FORWARDING OF BENEFITS.**
~~Child Support Services will be notified when a child goes on a trial home visit and be provided the name and address of the responsible party to discontinue accrual of child support owed to the state. (____)~~

~~01. Home Visit. If the Department is receiving benefits and the child is returned to the home of the parent(s) or legal guardian(s) or relatives for a trial visit, Child Support Services must be notified by a family services worker giving the name and address of the person in order to discontinue accrual of child support owed to the State. (3-15-22)~~

~~02. Return to Foster Care. If the child returns to foster care, the Department's Child Support Unit must be notified immediately of the correct payee. (3-15-22)~~

435. (RESERVED)

436. **PARENTAL FINANCIAL SUPPORT FOR CHILDREN IN ALTERNATE CARE.**
~~In accordance with Section 56-203B, Idaho Code, parents are responsible for costs associated with the care of their child in alternate care~~ **When a child enters care if there is a child support order already in effect for that child, the child support funds will be redirected to the department to contribute to the cost of the child's care. If there is no child support order already in effect, a new child support case will not automatically be opened. The department may initiate a child support case for a child in care, in its discretion, if the department concludes that doing so is in the best interest of the child. This provision does not limit the authority of the department to initiate or otherwise litigate child support on other grounds.** (3-15-22)(____)

~~01. Notice of Parental Responsibility. The Department will provide the parents(s) with written notification of their responsibility to contribute toward the cost of their child's support, treatment, and care, including clothing, medical, incidental, and educational costs. (3-15-22)~~

~~02. Financial Arrangements with Parent(s). Parent(s) are responsible to reimburse the Department~~

~~for the costs of alternate care when their child is placed in alternate care in accordance with a court order or voluntary placement agreement.~~ (3-15-22)

~~a. The amount of support is based on the parents' income, the costs of care for the child, and any unique circumstances affecting the parents' ability to pay.~~ (3-15-22)

~~b. Every parent is expected to contribute to the cost of their child's care, but no parent will be asked to pay more than the actual cost of care, including clothing, medical, incidental and educational costs. The cost of room and board must be paid by the parent(s) to the Department, and the Department will in turn reimburse the alternate care providers.~~ (3-15-22)

437. ACCOUNTING AND REPORTING.

The Department's Division of Family and Community Services, Child Welfare Funding Team must account for the receipt of funds and develop reports showing how much money has been received and how it has been utilized. (3-15-22)

438. SUPPORT AGREEMENT FOR VOLUNTARY PLACEMENTS.

If the placement is voluntary, the parent(s) must sign an agreement that specifies the amount of support to be paid, when it is to be paid to the payee, and the address to which it is to be paid. (3-15-22)

~~**439. SUPPORT IN COURT ORDERED PLACEMENT (RESERVED)**~~

~~In the case of a court ordered placement, if no support agreement has been reached with the parent(s) prior to the custody or commitment hearing, the Department's report to the Court will indicate the necessity to hold a support hearing.~~ (3-15-22)

440. INSURANCE COVERAGE.

The parent(s) or legal guardian(s) must inform the Department of all insurance policies covering the child, including names of carriers, and policy or subscriber numbers. If medical, health, and dental insurance coverage are available for the child, the parent(s) must acquire and maintain such insurance. (3-15-22)

441. REFERRAL TO CHILD SUPPORT SERVICES.

The Department will refer the parent(s) to the Bureau of Child Support Services for support payment arrangements. (3-15-22)

01. Assignment of Child Support. The Department through the Bureau of Child Support Services will secure assignment of any support due to the child while in alternate care. Social Security and Supplemental Security Income benefits are specifically aimed at meeting the child's needs and therefore will follow the child in placement and the Department must request to be named payee for all funds for placements extending over thirty (30) days. (3-15-22)

02. Collection of Child Support. The Department must take action to collect any child support ordered in a divorce or custody decree. (3-15-22)()

MEDICAL AND DENTAL FOR CHILDREN IN OUT-OF-HOME CARE
(Sections 442-479)

442. MEDICAID FOR CHILDREN IN ALTERNATE CARE.

Every child placed in alternate care will receive a medical card each month. (3-15-22)

443. EPSDT SCREENING.

Children in alternate care will receive the Early Periodic Screening, Diagnosis and Treatment (EPSDT) services allowable under Medicaid. Those children already receiving Medicaid at the time of placement will be screened within thirty (30) days after placement. Children not receiving Medicaid at the time of placement will receive a screening within thirty (30) days from the date Medicaid eligibility is established. (3-15-22)

444. MEDICAL EMERGENCIES.

In case of serious illness, the alternate care provider must notify the child's doctor and the Department immediately.

The parent(s) or legal guardian(s) or the court in an emergency, or the Department if it is the guardian of the child, have the authority to consent to major medical care or hospitalization. (3-15-22)

445. DENTAL CARE.

Each child age three (3) who is placed in alternate care must receive a dental examination as soon as possible after placement, but not later than ninety (90) days, and thereafter according to a schedule prescribed by the dentist. (3-15-22)

01. Costs Paid by Medicaid. If dental care not included in the state medical assistance program is recommended, a request for payment must be submitted to the state Medicaid dental ~~consultant~~ contractor. (3-15-22)()

02. Emergencies. For children in shelter care, emergency dental services will be provided for and paid for by the Department, if there are no other financial resources available. (3-15-22)

446. COSTS OF PRESCRIPTION DRUGS.

The Department will purchase prescribed drugs, at the Medicaid rate, for a child in alternate care through participating pharmacists, in excess of the Medicaid monthly maximum. (3-15-22)

447. MEDICAL EXAMINATION UPON ENTERING ALTERNATE CARE.

Within thirty (30) days of entering alternate care, each child will receive a medical examination to assess the child's health status, and thereafter according to a schedule prescribed by the child's physician or other health care professional. (3-15-22)

448. -- 450. (RESERVED)

451. DRIVERS' TRAINING, DRIVERS' LICENSES, AND PERMITS FOR CHILDREN IN ALTERNATE CARE.

No Department employee or foster parent is allowed to sign for any foster child's driver's license or permit without written authorization from the Child and Family Services Program Manager. Any Department employee or foster parent signing for a foster child's driver's license or permit without the approval of the Child and Family Services Program Manager assumes full personal responsibility and liability for any driving related damages that may be assessed against the child. Those damages will not be covered by the Department's insurance. (3-15-22)

01. Payments by Department. Subject to existing appropriations, the Department may make payments for driver's training, driver's license, and permits for a child in the Department's legal custody when driver's training or obtaining a driver's license or permit is part of the child's Independent Living Plan. In addition, subject to existing appropriations, the Department may reimburse a foster parent, licensed by the Department, for the cost of procuring owner's or operator's insurance listing a child residing in their home as a named insured with respect to the operation of a motor vehicle subject to the limits exclusive of interest and costs with respect to each motor vehicle as provided in Section 49-117, Idaho Code. (3-15-22)

02. Payment by Parent(s) or Legal Guardian(s). The parent(s) or legal guardian(s) of children in foster care may authorize drivers' training, provide payment and sign for drivers' licenses and permits. (3-15-22)

452. -- 479. (RESERVED)

LICENSURE AND REIMBURSEMENT OF ALTERNATE CARE PROVIDERS
(Sections 480-549)

480. ALTERNATE CARE LICENSURE.

All private homes and facilities providing care for children under these rules must be licensed in accordance with IDAPA 16.06.02, "Child Foster Care Licensing," unless foster care placement of an Indian child is made with a foster home licensed or approved by the Indian child's tribe, or an institution for children approved by an Indian tribe or operated by an Indian organization. (3-15-22)()

481. FACILITIES OPERATED BY THE STATE.

Facilities operated by the State and providing care for children under these rules must meet the standards for ~~child care licensure~~ Children's Residential Care Facilities in IDAPA 16.04.18. (3-15-22)()

~~482. PAYMENT FOR SHELTER CARE.~~

~~Payment for placement of children requiring temporary, emergency alternate care is twenty dollars (\$20) per day for children from birth through age seventeen (17), for a maximum of thirty (30) days of shelter care for each uninterrupted placement.~~ (3-15-22)

~~483.2. PAYMENT TO FAMILY ALTERNATE CARE PROVIDERS.~~

~~Monthly payments for care provided by family alternate care providers are:~~ The rates for alternate care providers are proposed by Child and Family Services to the Joint Finance and Appropriations Committee (JFAC) when the annual review of reimbursements rates indicates that the amount is not sufficient to support foster parents in meeting the needs of children and young adults in extended foster care. Current rates as approved by JFAC are posted on the Child and Family Services website and will include the following: ()

| Ages | 0-5 | 6-12 | 13-17 | 18-20 |
|------------------------|-------|-------|-------|-------|
| Monthly Room and Board | \$632 | \$702 | \$759 | \$876 |

(4-6-23)

~~01. Gifts. An additional thirty dollars (\$30) for Christmas gifts and twenty dollars (\$20) for birthday gifts will be paid in the appropriate months.~~ (3-15-22)

~~02. Clothing. Costs for clothing will be paid, based upon the Department's determination of each child's needs. All clothing purchased for a child in alternate care becomes the property of the child.~~ (3-15-22)

~~03. School Fees. School fees due upon enrollment will be paid directly to the school or to the alternate care providers, based upon the Department's determination of the child's needs.~~ (3-15-22)

01. Shelter Care. Reimbursement rate for placement of children requiring emergency alternate care for a maximum of thirty (30) days. ()

02. Room and Board. Reimbursement rates for placement of children in relative or non-relative foster care by age. ()

03. Additional Reimbursement. Based upon an ongoing assessment of the child's circumstances that necessitate special rates as well as the foster parent's ability, activities, and involvement in addressing those special needs. ()

04. Gifts. Additional payments to support gifts for children in foster care at Christmas and the child's birthday. ()

05. Crisis Level of Need. The director or designee may approve enhanced rates for foster parents when there are insufficient foster homes available to meet the needs of children needing placement including sibling groups. ()

~~483. REIMBURSEMENT IN THE HOME OF A RELATIVE.~~

~~Relatives licensed as a foster family must be afforded the opportunity to receive foster care reimbursement for any child(ren) placed in their home through the Department. A relative foster family may choose not to accept a foster care reimbursement and apply for a TAFI grant or provide for the child's care using their own financial resources.~~ ()

~~484. ADDITIONAL PAYMENTS TO FAMILY ALTERNATE CARE PROVIDERS.~~

~~For those children who require additional care above room, board, shelter, daily supervision, school supplies, personal incidentals, the Department may pay the family alternate care provider an additional amount to the amount~~

~~paid under Section 483 of these rules. This family alternate care rate is based upon a ongoing assessment of the child's circumstances that necessitate special rates as well as the care provider's ability, activities, and involvement in addressing those special needs. Additional payment will be made as follows: (3-15-22)~~

~~**01. Lowest Level of Need.** Ninety dollars (\$90) per month for a child requiring a mild degree of care for documented conditions including: (3-15-22)~~

~~**a.** Chronic medical problems; (3-15-22)~~

~~**b.** Frequent, time-consuming transportation needs; (3-15-22)~~

~~**c.** Behaviors requiring extra supervision and control; and (3-15-22)~~

~~**d.** Need for preparation for independent living. (3-15-22)~~

~~**02. Moderate Level of Need.** One hundred fifty dollars (\$150) per month for a child requiring a moderate degree of care for documented conditions including: (3-15-22)~~

~~**a.** Ongoing major medical problems; (3-15-22)~~

~~**b.** Behaviors that require immediate action or control; and (3-15-22)~~

~~**c.** Alcohol or other substance use disorder. (3-15-22)~~

~~**03. Highest Level of Need.** Two hundred forty dollars (\$240) per month for a child requiring an extraordinary degree of care for documented conditions including: (3-15-22)~~

~~**a.** Severe emotional or behavioral disturbance; (3-15-22)~~

~~**b.** Severe developmental disability; and (3-15-22)~~

~~**c.** Severe physical disability such as quadriplegia. (3-15-22)~~

~~**04. Reportable Income.** Additional payments for more than ten (10) qualified children received during any calendar year must be reported as income to the Internal Revenue Service. (3-15-22)~~

484. ADDITIONAL FINANCIAL SUPPORT TO FAMILY ALTERNATE CARE PROVIDERS.

~~**01. Clothing.** Costs for clothing will be paid, based upon the Department's determination of each child's needs. All clothing purchased for a child in alternate care becomes the property of the child. ()~~

~~**02. School Fees.** School fees due upon enrollment will be paid directly to the school or to the alternate care providers, based upon the Department's determination of the child's needs. ()~~

485. TREATMENT FOSTER CARE.

A family home setting in which treatment foster parents provide twenty-four (24) hour room and board as well as therapeutic services and a high level of supervision. Services provided in treatment foster care are at a more intense level than provided in foster care and at a lower level than provided in residential care. Services may include the following: participation in the development and implementation of the child's treatment plan, behavior modification, community supports, crisis intervention, documentation of services and the child's behavior, participation as a member of a multi-disciplinary team, and transportation. Placement into a treatment foster home for children in the custody of the Department under the purview of the Child Protective Act, is based on the documented needs of the child, the inability of less restrictive settings to meet the child's needs, and the clinical ~~judgement~~ judgment of the Department. (3-15-22)()

01. Qualifications. Prior to being considered for designation and reimbursement as a treatment foster parent, each prospective treatment foster parent must accomplish the following: (3-15-22)

- a. Meet all foster family licensure requirements as set forth in IDAPA 16.06.02, "~~Child~~Foster Care Licensing²"; (3-15-22)()
- b. Complete ~~D~~department-approved treatment foster care initial training; and (3-15-22)()
- c. Provide a minimum of two (2) references in addition to those provided to be licensed to provide foster care. The additional references must be from individuals who have worked with the prospective treatment foster parent. The additional references must verify that the prospective treatment foster parent has: (3-15-22)
- i. Training related to, or experience working with, children or youth with mental illness or behavior disorders; and (3-15-22)
- ii. Demonstrated cooperation and a positive working relationship with families and providers of child welfare or mental health services. (3-15-22)

02. Continuing Education. Following designation as a treatment foster home, each treatment foster home parent must complete fourteen (14) hours of additional training per year as specified in an agreement developed between the treatment foster parents and the ~~D~~department. (3-15-22)()

03. Availability. At least one (1) treatment foster parent, in each treatment family home, must be available twenty-four (24) hours a day, seven (7) days a week to respond to the needs of the foster child. (3-15-22)

04. Payment. The ~~D~~department will pay treatment foster parents up to one thousand eight hundred (\$1,800) dollars per month, per child, which includes the monthly payment rate ~~specified in Sections 483 and 484 of these rules posted on the Child and Family Services website.~~ The payment will be made to treatment foster parents in accordance with a contract with the Department. ~~The purpose of the contract is to make clear that the treatment foster parents must fulfill the requirements for treatment foster parents under the child's treatment plan referenced in Subsection 485.06 of this rule.~~ (3-15-22)()

05. Payment to Contractors. The ~~D~~department may also provide treatment foster care through a contract with an agency that is a private provider of treatment foster care. The ~~D~~department will specify the rate of payment in the contract with the agency. (3-15-22)()

06. Treatment Plan. The treatment foster parent(s) must implement the portions of the ~~D~~department ~~or Children's Agency~~-approved treatment plan for which they are designated as responsible, for each child in their care. ~~This plan is incorporated as part of the family services plan identified in Section 011.05 of these rules.~~ (3-15-22)()

486. ~~GROUP FOSTER~~ OTHER ALTERNATIVE CARE.

~~Group Foster care is~~ for children who generally require more structured services and activities ~~and discipline~~ than found in a family setting. ~~Examples are intermediate residential treatment, short term group care, and emancipation homes.~~ (3-15-22)()

01. Referral ~~Group Foster Care.~~ Any referral of a child to a ~~group foster care facility~~ other alternative care-setting where the ~~D~~department ~~would be making~~ will make full or partial payment must ~~be have~~ have prior authorized authorization by the Child and Family Services Program Manager or designee. (3-15-22)()

02. Placement. ~~Placement is based on~~ Determined by the documented ~~service~~ mental, medical or behavioral health needs of each child and the ability of ~~the group care~~ other alternate care provider to meet those needs. (3-15-22)()

03. Payment ~~Group Foster Care.~~ Payment will be in accordance with the contract authorized by the regional director or division administrator, based on the needs of the children being placed and the services to be provided. (3-15-22)()

487. RESIDENTIAL CARE FACILITIES.

Placement into a residential care facility for children with a severe emotional or behavioral problems is based on the documented needs of the child and the inability of less restrictive settings to meet the child's needs. (3-15-22)

~~01. Referral. Any referral of a child to a residential care facility where the Department would be making full or partial payment must be prior authorized by the Child Services and Family Program Manager or designee. (3-15-22)~~

~~02. Payment. When care is purchased from private providers, payment must be made in accordance with a contract authorized by the Child Services and Family Program Manager, based on the needs of each child being placed and the services to be provided. When care is provided in facilities operated by the Department, payment will be arranged in cooperation with Department fiscal officers. (3-15-22)~~

~~488. — 491. (RESERVED)~~

~~492. REIMBURSEMENT IN THE HOME OF A RELATIVE.~~

~~Relatives licensed as a foster family must be afforded the opportunity to receive foster care reimbursement for any child(ren) placed in their home through the Department. A relative foster family may choose not to accept a foster care reimbursement and apply for a TAFI grant or provide for the child's care using their own financial resources. (3-15-22)~~

~~493~~~~87.~~ -- 549. (RESERVED)

**CHILD PROTECTION SERVICES
(Sections 550-639)**

550. CHILD PROTECTION SERVICES.

~~Sections 56-204A, 56-204B, 16-1601, 16-1629 and 16-2001, Idaho Code, make the Department an official child protection agency of state government dealing with situations of reported child abuse, neglect, or abandonment. A respectful, non-judgmental approach should be the policy for assessments, especially during the initial contact with the family. Training in communication would include multicultural and diversity issues and interest-based conflict resolution. (3-15-22)~~

551. REPORTING ABUSE, NEGLECT, OR ABANDONMENT.

~~Professionals and other persons identified in Section 16-1605, Idaho Code, have a responsibility to report abuse, neglect, or abandonment and are provided protection for reporters. (3-15-22)~~

~~01. Ministers. Duly ordained ministers of religion are exempt from reporting child abuse, neglect, or abandonment if: (3-15-22)~~

~~a. The church qualifies as tax exempt under 26-U.S.C. 501(c)(3); (3-15-22)~~

~~b. The confession or confidential communication was made directly to the duly ordained minister of religion; and (3-15-22)~~

~~e. The confession was made in the manner and context that places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. (3-15-22)~~

~~02. Health and Welfare Employees. All Department of Health and Welfare personnel are responsible for recognizing and immediately reporting to Child and Family Services or to law enforcement any concern regarding abuse, neglect, or abandonment of a child or children. Failure to report as required by Section 16-1605, Idaho Code, is a misdemeanor. (3-15-22)~~

~~550 -- 551. (RESERVED)~~

552. REPORTING SYSTEM.

~~Each region of the Department maintains a system for receiving and responding to reports or complaints on a~~

twenty four (24) hour per day, seven (7) day per week basis ~~statewide throughout the entire region. The region will advertise the system to the public throughout the region and ensure the accurate recording of as many facts as possible at the time of the report.~~ (3-15-22)(____)

553. ASSIGNING REPORTS FOR SAFETY ASSESSMENT.

01. Child Reports. The Department ~~must will~~ assign all reports of possible abuse, neglect, or abandonment of children for safety assessment, unless ~~the field office has knowledge or information that discredits the report beyond a reasonable doubt~~ there is insufficient information to indicate assignment is necessary. (3-15-22)(____)

02. Infant Reports. To ensure the protection of infants in health care facilities throughout the state and who have been in continuously hospitalized since birth, who were born extremely prematurely, or who have a long-term disability, the department will assign reports of instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions in accordance with the department's response priorities. (____)

554. RESPONSE PRIORITIES.

The Department ~~must will~~ use the following ~~statewide standards~~ priorities for responding to allegations of abuse, neglect, or abandonment, ~~using the determination of risk to the child as the primary criterion. Any~~ If a variance is necessary from these response ~~standards must~~ priorities, it will be documented in the family's case file with a description of action taken, and ~~must will~~ be reviewed and signed by the Child and Family Services Supervisor. (3-15-22)(____)

01. Priority I. The ~~D~~department ~~must will~~ respond immediately if a child is in immediate danger involving a life-threatening or emergency situation and for cases of sexual abuse when a child may have contact with the alleged perpetrator. Emergency situations include sexual abuse when a child may have contact with the alleged perpetrator and circumstances indicate a need for immediate response. Law enforcement ~~must will~~ be notified and requested to ~~respond or to accompany a family services worker~~ assist. Every attempt ~~should will~~ be made to coordinate the ~~D~~department's assessment with law enforcement's investigation. The child ~~must will~~ be seen by a ~~Department~~ family services worker, law enforcement, and medical personnel if applicable, immediately unless written regional protocol agreements direct otherwise. All allegations of physical abuse of a child through the age of six (6) or with profound developmental disabilities ~~should will~~ be considered ~~under~~ Priority I unless there is reason to believe that the child is not in immediate danger. (3-15-22)(____)

02. Priority II. A child is not in immediate danger but allegations of abuse, ~~including physical or sexual abuse, or serious physical or medical~~ or neglect are clearly defined in the referral. ~~Law enforcement must be notified within twenty four (24) hours.~~ The child ~~must will~~ be seen by the family services worker within forty-eight hours (48) of the ~~D~~department's receipt of the referral. Law enforcement must be notified within twenty-four (24) hours of receipt of all Priority II referrals ~~that involve concerns of abuse, neglect, or abandonment.~~ (3-15-22)(____)

03. Priority III. A child may be in a vulnerable situation because of services needs which, if left unmet, may result in harm, or a child is without parental care for safety, health and well-being. ~~The child and parent(s) or legal guardian(s) will be interviewed for substantiation of the facts, and to assure that there is no abuse, neglect, or abandonment by parent(s) or legal guardian(s).~~ A family services worker must respond within three (3) calendar days and the child ~~must will~~ be seen by the worker within five (5) calendar days of the ~~D~~department's receipt of the referral. (3-15-22)(____)

04. Notification of the Person Who Made the Referral. The ~~D~~department ~~must must~~ notify the person who made the child protection referral of the receipt of the referral within five (5) days, unless notification is declined. (3-15-22)(____)

05. Disclosure of Information to Professionals. The Department has the discretion to disclose, on a need-to-know basis, minimally necessary information to individuals who are professionally involved in the ongoing care of the child who is the subject of a report of abuse, neglect, or abandonment. This includes information that the professional ~~will~~ needs to know in order to fulfill their role in maintaining the child's safety and well-being. This provision applies to: (3-15-22)(____)

- a. Physicians, residents on a hospital staff, interns, and nurses; (3-15-22)
- b. School teachers, school staff, and day care personnel; and (3-15-22)
- c. Mental health professionals, including psychologists, counselors, marriage and family therapists, and social workers. (3-15-22)

555. SUPERVISORY REVIEW - CERTAIN PRIORITY I AND II CASES.

In all Priority I and II cases where the alleged victim of abuse, neglect, or abandonment is ~~through the age of~~ six (6) ~~years old or younger~~, review by ~~a~~ supervisory or team of all case documentation and ~~other~~ facts will be conducted within forty-eight (48) hours of initiation of the safety assessment. Such review will be documented in the file with the signature of the supervisor or team leader, time and date, whether additional safety-related issues will be pursued and by whom, and any planning for initiation of services. (3-15-22)()

556. REPORTS INVOLVING INDIAN CHILDREN.

Possible abuse, neglect, or abandonment of a child who is known or believed to be Indian will be reported to appropriate tribal authorities immediately. If the reported incident occurs off a reservation, the ~~D~~department will perform the investigation. The ~~D~~department will also investigate incidents reported on a reservation if requested to do so by appropriate authorities of the tribe. A record of any response will be maintained in the case record and written documentation will be provided to the appropriate tribal authorities. (3-15-22)()

557. REPORTS INVOLVING MILITARY FAMILIES.

~~Reports of possible child abuse, neglect, or abandonment involving a military family must be reported in accordance with the provisions of any agreement with the appropriate military family advocacy representative, in accordance with the provisions of Section 811 of Public Law 99-145. Child abuse, neglect, or abandonment of a child on a military reservation falls under federal jurisdiction. The department will comply with notice requirements pertaining to child abuse or neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member) as required by 10 USC 1787.~~ (3-15-22)()

558. COMMUNITY RESOURCES. (RESERVED)

~~The Department will provide information and referral to community resources or may offer preventative services to the family. Information and referral services enable individuals to gain access to human services through providing accurate, current information on community and Department resources.~~ (3-15-22)

559. CHILD PROTECTION SAFETY AND COMPREHENSIVE ASSESSMENTS.

The ~~D~~department's safety and comprehensive assessments ~~must will~~ be conducted in a standardized format and utilize statewide assessment and multi-disciplinary team protocols. ~~The assessment must include contact with the child(ren) involved and the immediate family and a records check for history with respect to child protection issues.~~ (3-15-22)()

01. Assessment of a Child. The family services worker ~~must make will complete~~ an assessment of every child of concern. When the child is interviewed as part of a safety and comprehensive assessment, the interview of a child concerning a child protection report ~~must will~~ be conducted: (3-15-22)()

a. In a manner that protects all children involved from undergoing any unnecessary traumatic experience, ~~including multiple interviews~~; (3-15-22)()

b. By a professional with specialized training in using techniques that consider the natural communication modes and developmental stages of children; and (3-15-22)

c. In a neutral, non-threatening environment, ~~such as a specially equipped interview room~~, if available. (3-15-22)()

02. Assessment of the Family. The family services worker conducting the interview ~~must will~~: (3-15-22)()

a. Immediately notify the parent(s) or legal guardian(s) of the purpose and nature of the assessment.

(3-15-22)

b. Provide at the initial contact the name and work phone numbers of the family services worker and their supervisor to ensure the family has a contact for questions and concerns that may arise following the visit; (3-15-22)

c. Inquire if the family is Indian, or has Indian heritage, for the purposes of ICWA; (3-15-22)

d. Interview siblings who are identified as being at risk; and (3-15-22)

e. Not divulge the name of the person making the report of child abuse or neglect. (3-15-22)

03. Collateral Interviews. Any assessment of an abuse or neglect report ~~must will~~ include at ~~least~~ minimum one (1) collateral interview with a person who is familiar with the circumstances of the child ~~(ren) or children~~ involved. Collateral interviews will be conducted with discretion and preferably with the parent(s)' or legal guardian(s)' permission. (3-15-22)()

04. Completion of a Comprehensive Assessment. A Safety Assessment will be completed on each referral assigned for assessment of abuse or neglect, or both. When safety threats are identified in the safety assessment and the case remains open for services, ~~a comprehensive assessment must be completed.~~ (3-15-22)()

~~**05. Role of Law Enforcement.** Section 16-1617, Idaho Code, specifies that the Department may enlist the cooperation of peace officers for phases of the safety assessment for which they have the expertise and responsibility and consistent with the relevant multidisciplinary team protocol. Such areas include:~~ (3-15-22)

~~a. Interviewing the alleged perpetrator; (3-15-22)~~

~~b. Removing the alleged perpetrator from the child's home in accordance with Section 16-1608(b), Idaho Code, the "Domestic Violence Act"; and (3-15-22)~~

~~c. Taking a child into custody in accordance with Section 16-1608, Idaho Code, where a child is endangered and prompt removal from their surroundings is necessary to prevent serious physical or mental injury. (3-15-22)~~

065. Notification of the Person Who Made the Referral. The Department must notify the person who made the child protection referral when the safety assessment has been completed. (3-15-22)()

560. DISPOSITION OF CHILD PROTECTION REPORTS.

Within five (5) days following completion of safety assessments, the Department will determine whether the reports are substantiated or unsubstantiated. All persons who are ~~the subject of a child protection safety assessment~~ identified as a caretaker will be notified of the disposition of the assessment as it pertains to them. (3-15-22)()

01. Substantiated. Child abuse, neglect, or abandonment reports are substantiated by one (1) or more of the following: (3-15-22)

a. Witnessed by a family services worker, as defined in Section 011 of these rules; (3-15-22)

b. A court determines, in an adjudicatory hearing, that a child comes within the jurisdiction of ~~the Child Protective Act,~~ Title 16, Chapter 16, Idaho Code; (3-15-22)()

c. A confession by the alleged offender; (3-15-22)()

d. Corroborated by physical or medical evidence; or (3-15-22)

e. Established by evidence that it is more likely than not that abuse, neglect, or abandonment occurred. (3-15-22)

02. Unsubstantiated. Child abuse, neglect, or abandonment reports are unsubstantiated when they are not found to be substantiated under Subsection 560.01 of this rule. ~~For intradepartmental statistical purposes, the Department will indicate whether the unsubstantiated disposition of the safety assessment was due to:~~

(3-15-22)()

- a. Insufficient evidence; or (3-15-22)
- b. An erroneous report. (3-15-22)

561. CHILD PROTECTION CENTRAL REGISTRY.

~~The Adam Walsh Child Protection and Safety Act of 2006, In compliance with P.L. 109-248, July 27, 2006, 120 Stat. 587, has directed the states to establish a central registry for the purpose of sharing information about persons who have substantiated reports of abuse, neglect, or abandonment against children. The primary purpose of the Child Protection Central Registry is to aid the Department in protecting children and vulnerable adults from individuals who have previously abused, neglected, or abandoned children. The Child Protection Central Registry maintained by the Department is separate and apart from the central registry for convicted sexual offenders maintained by the Idaho State Police under Title 18, Chapter 83, Idaho Code. The Child Protection Central Registry provisions in this chapter of rules apply to safety assessments conducted by the Department after October 1, 2007.~~

(3-15-22)()

562. CONFIDENTIALITY OF THE CHILD PROTECTION CENTRAL REGISTRY AND REQUESTS TO CHECK THE REGISTRY.

01. Confidentiality of Child Protection Central Registry. The names on the Child Protection Central Registry are confidential and may only be released with the written consent of the individual on whom a criminal history and background check is being conducted, unless otherwise required by federal or state law. No information is released regarding the severity or type of child abuse, neglect, or abandonment. (3-15-22)

02. Child Protection Central Registry Check Fee. The fee for requesting a name-based check of the Child Protection Central Registry is twenty (\$20) dollars. The request must be accompanied with a signed written consent by the individual whose name is being checked. (3-15-22)

563. LEVELS OF RISK ON THE CHILD PROTECTION CENTRAL REGISTRY.

When an incident of abuse, neglect, or abandonment has been substantiated, a level of risk is assigned to the incident. ~~The level of risk is determined by the severity and type of the abuse, neglect, or abandonment and the potential risk of future harm to a child. The highest level of risk is designated as Level One and the lowest level of risk is Level Three.~~

(3-15-22)()

01. Child Protection Level One. ~~An individual with a Level One designation has been determined to pose a high to severe risk to children.~~ Names of individuals for whom an incident of abuse, neglect, or abandonment has been substantiated for any of the following will remain permanently on the Child Protection Central Registry at Level One. (3-15-22)()

- a. Sexual Abuse as defined in Sections 16-1602(1)(b) ~~and or~~ 18-1506, Idaho Code; (3-15-22)()
- b. Sexual Exploitation as defined in Sections 18-1507 ~~and or~~ 18-1507A, Idaho Code; (3-15-22)()
- c. ~~Physical a~~ Abuse as described in Section 16-1602(1)(a), Idaho Code, that causes life-threatening, disabling, or disfiguring injury or damage; (3-15-22)()
- d. Neglect as described in Section 16-1602(31), Idaho Code, that results in life-threatening, disabling, or disfiguring injury or damage; (3-15-22)
- e. Abandonment as described in Section 16-1602(2), Idaho Code, that results in life-threatening, disabling, or disfiguring injury or damage; (3-15-22)
- f. Death of a child as a result of abuse, neglect, or abandonment; (3-15-22)()

- g. Torture of a child as described in Section 18-4001, Idaho Code; (3-15-22)
- h. Aggravated Circumstances as described in Section 16-1602(6), Idaho Code; or (3-15-22)
- i. Occurrence of two (2) or more separate, substantiated incidents of abuse, neglect, or abandonment, ~~each of which falls under the circumstances~~ listed under Subsection 563.02 of this rule. (3-15-22)()

02. Child Protection Level Two. An individual with a Level Two designation ~~has been determined to pose a medium to high risk to children and~~ will remain on the Child Protection Central Registry for a minimum of ten (10) years. After the end of the ten-year (10) period, an individual may petition the Department to request their name be removed from the Child Protection Central Registry in accordance with Section 566 of these rules. Names of individuals for whom an incident of abuse, neglect, or abandonment has been substantiated for any of the following will be given the designation of Level Two. (3-15-22)()

- a. Prenatal use of any controlled substance as defined under Section 37-2701(e), Idaho Code, except as prescribed by a medical professional; (3-15-22)
- b. Administering or knowingly allowing a child to absorb or ingest one (1) or more controlled substances as defined under Section 37-2701(e), Idaho Code, except in the amount prescribed for the child by a medical professional; (3-15-22)
- c. Child exposed to: (3-15-22)
 - i. Drug paraphernalia, as defined in Section 37-2701(~~no~~), Idaho Code; (3-15-22)()
 - ii. Manufacture of controlled substances, as defined under Section 37-2701(e), Idaho Code, and Section 37-2701(~~st~~), Idaho Code; or (3-15-22)()
 - iii. Chemical components used in the manufacture of controlled substances, as defined under Section 37-2701(e), Idaho Code. (3-15-22)
- ~~d. Failure to thrive caused by abuse, neglect, or abandonment, as established by medical evidence;~~ (3-15-22)
- ~~ed. Physical abuse as described in Section 16-1602(1)(a), Idaho Code, that results in neither disabling nor disfiguring injury or damage, but requires medical treatment as recommended by a medical provider;~~ ()
- ~~e. Abandonment as described in Section 16-1602(2), Idaho Code, that results in neither disabling nor disfiguring injury or damage, but requires medical treatment as recommended by a medical provider;~~ ()
- ~~f. Neglect as described in Section 16-1602(31), Idaho Code, that results in neither disabling nor disfiguring injury or damage, but may require medical or other treatment~~ requires medical treatment as recommended by a medical professional; (3-15-22)()
- fg. The restraint or confinement of a child that poses a substantial risk of causing life-threatening, disabling, or disfiguring injury or damage; (3-15-22)
- gh. Medical neglect as described in Section 16-1602(31), Idaho Code, that poses a substantial risk of resulting in life-threatening, disabling, or disfiguring injury or damage; (3-15-22)
- hi. Malnutrition as established by medical evidence; or (3-15-22)
- ij. Occurrence of two (2) or more separate, substantiated incidents of abuse, neglect, or abandonment, ~~each of which falls under the circumstances~~ listed under Subsection 563.03 of this rule. (3-15-22)()

03. Child Protection Level Three. An individual with a Level Three designation ~~has been determined~~

~~to pose a mild to medium risk of harm to the health, safety, or well-being of a child. The name of that individual~~ will remain on the Child Protection Central Registry for a minimum of five (5) years. After the end of the five-year (5) period, an individual may petition the ~~D~~department to request their name be removed from the Child Protection Central Registry in accordance with Section 566 of these rules. Names of individuals for whom an incident of abuse, neglect, or abandonment has been substantiated for any of the following are given the designation of Level Three.

~~(3-15-22)()~~

- a. Lack of supervision; (3-15-22)
- b. Failure to protect from abuse, neglect, or abandonment as described in Section 16-1602, Idaho Code; (3-15-22)
- c. Failure to discharge parental responsibilities described under Section 16-1602(31)(b), Idaho Code; ~~(3-15-22)()~~
- d. ~~Physical a~~Abuse as described in Section 16-1602(1)(a), Idaho Code, that causes minor injuries or damage that does not require medical treatment; ()
- e. ~~or n~~Neglect as described in Section 16-1602(31), Idaho Code, that causes minor injuries or damage that does not require medical treatment. ~~(3-15-22)()~~

564. NOTIFICATION OF A SUBSTANTIATED INCIDENT OF ABUSE, NEGLECT, OR ABANDONMENT, AND RELATED ADMINISTRATIVE REVIEW AND CONTESTED CASE APPEAL RIGHTS.

01. **Notification of Substantiated Incident.** Prior to placement on the Child Protection Central Registry, the ~~D~~department will notify by certified mail, return receipt requested, each individual for whom an incident of abuse, neglect, or abandonment has been substantiated. The individual has twenty-eight (28) days from the date on the notification to file a request for an administrative review ~~under the requirements in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."~~ Failure to request a review will result in the individual's name being entered on the Child Protection Central Registry without further right for appeal. The ~~D~~department's written notice will state: ~~(3-15-22)()~~

- a. The risk level assigned to the incident; (3-15-22)
- b. The basis for the ~~D~~department's decision; ~~(3-15-22)()~~
- c. The individual's right to request an administrative review by the ~~D~~department's Family and Community Services (FACS) Division Administrator of the ~~D~~department's decision; and ~~(3-15-22)()~~
- d. The ~~D~~department's contact information. ~~(3-15-22)()~~

~~02. **Administrative Review Not Requested.** If the individual does not request an administrative review by the FACS Division Administrator within twenty-eight (28) days from the date on the notification, their name will automatically be entered on the Child Protection Central Registry without further notice or right for appeal. (3-15-22)~~

~~03.~~ **Administrative Review Requested.** If the individual requests an administrative review by the FACS Division Administrator within twenty-eight (28) days from the date on the notification, the appeal process will begin. The individual will receive redacted documents regarding the incident that is being appealed. The individual will have fourteen (14) days to submit additional documentation. At the end of the fourteen-day period, the incident will be reviewed by the FACS Division Administrator and a decision will be rendered to either affirm, reverse, or modify, the decision to substantiate the incident of abuse, neglect, or abandonment. The Department will notify the individual of the FACS Division Administrator's decision by mail. If the administrative review affirms or modifies the decision to substantiate, failure to timely request a contested case appeal will result in the individual's name being entered on the Child Protection Central Registry without further right for appeal. ~~(3-15-22)()~~

043. Reversal of Decision to Substantiate. When the FACS Division Administrator completes the administrative review and reverses the decision to substantiate the incident of abuse, neglect, or abandonment, ~~and determines that the incident is not substantiated,~~ then no further action is required by the individual. The individual's name will not be placed on the Child Protection Central Registry. (3-15-22)()

054. Contested Case Appeal. When the FACS Division Administrator completes the administrative review and affirms the decision to substantiate the incident of abuse, neglect, or abandonment, the individual will be notified by mail that ~~their name has been placed on the Child Protection Central Registry and~~ the individual has twenty-eight (28) days to continue the appeal process and will be informed of: (3-15-22)()

- a. The basis for the ~~D~~department's decision; (3-15-22)()
- b. The procedures for filing a contested case appeal ~~under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings," Section 101;~~ (3-15-22)()
- c. The procedures for filing a petition for removal from the Child Protection Central Registry after the applicable minimum time has passed under Section 566 of these rules; ~~and~~ (3-15-22)()
- d. The ~~D~~department's contact information; ~~and~~ (3-15-22)()
- e. That failure to respond at any point in the appeal process will end the appeal process and the individual's name will automatically be entered on the Child Protection Central Registry without further notice or right to appeal. ()

05. Child Protection Central Registry. Following a decision by the hearing officer to affirm the decision to substantiate, an individual's name will be placed on the Child Protection Central Registry. ()

565. ~~PETITION FOR REMOVAL OF AN INDIVIDUAL'S NAME ON THE CHILD PROTECTION CENTRAL REGISTRY PRIOR TO OCTOBER 1, 2007. (RESERVED)~~
~~After January 1, 2008, an individual whose name was placed on the Child Protection Central Registry prior to October 1, 2007, may file a petition to have their name removed from the registry in accordance with Subsection 566.01 of these rules. The petitioner will be assigned a child protection risk level in accordance with criteria under Section 563 of these rules and the case will be reviewed to determine if it meets the requirements for removal.~~ (3-15-22)

566. PETITION FOR REMOVAL OF AN INDIVIDUAL'S NAME FROM THE CHILD PROTECTION CENTRAL REGISTRY.
Any individual whose name is on the Child Protection Central Registry and whose required minimum time on the registry has elapsed, may petition the Department to remove their name from the Registry. If not previously assigned a risk level, the petitioner will be assigned a child protection risk level in accordance with the criteria under Section 563 of these rules. An individual whose name appears with a Level One designation on the Child Protection Central Registry is not eligible to petition for removal. (3-15-22)()

01. Petition for Removal From the Child Protection Central Registry. Any individual whose name appears on the Child Protection Central Registry with a designation of either Level Two or Level Three, may petition to have their name removed from the Child Protection Central Registry after the minimum period of time has elapsed for the applicable level. The petition must include a written statement from the petitioner to the ~~D~~department's FACS Division Administrator requesting that the petitioner's name be removed from the Child Protection Central Registry. (3-15-22)()

02. Criteria for Granting Petition for Removal From the Child Protection Central Registry. The petition for removal from the Child Protection Central Registry will be granted if: (3-15-22)

- a. There are no additional substantiated reports on the Child Protection Central Registry or that of other states in which the petitioner has resided since the last substantiated report of abuse, neglect, or abandonment in Idaho; and (3-15-22)

b. There are no convictions, adjudications, or withheld judgments for any of the crimes listed under Subsection 566.03 of this rule: (3-15-22)

i. On Idaho’s central repository of criminal history records as established and maintained by the Idaho State Police under Title 67, Chapter 30, Idaho Code; or (3-15-22)

ii. On the criminal history repository of other states in which the petitioner has resided since the last substantiated report of abuse, neglect, or abandonment in Idaho. (3-15-22)

03. Criminal History Checks. It is the responsibility of the petitioner to request, pay for, and obtain the criminal history checks and submit them to the Department. (3-15-22)()

~~**a.** The Department will not remove a petitioner from the Child Protection Central Registry if a criminal history check reveals any of the following, within five (5) years of the receipt of the petition: (3-15-22)~~

~~i. Physical Assault; (3-15-22)~~

~~ii. Battery; or (3-15-22)~~

~~iii. A drug-related offense. (3-15-22)~~

~~**b.** The Department will not remove a petitioner from the Child Protection Central Registry if a criminal history check reveals any of the following: (3-15-22)~~

~~i. Child abuse or neglect; (3-15-22)~~

~~ii. Spousal abuse; (3-15-22)~~

~~iii. A crime against children, including child pornography; or (3-15-22)~~

~~iv. A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery. (3-15-22)~~

a. The department will not remove a petitioner from the Child Protection Central Registry when the petitioner’s criminal history and background check reveals a conviction for a disqualifying crime under IDAPA 16.05.06, “Criminal History & Background Checks”, Section 210, except the department may remove a petitioner from the Child Protection Central Registry where the conviction arose from the same events for which the person was placed on the registry. ()

04. Granting or Denying Removal From the Child Protection Central Registry. The Department will issue a letter granting or denying removal of the petitioner’s name from the Child Protection Central Registry within twenty-eight (28) days of receipt of the petition. (3-15-22)()

05. Appeal of a Denial of Removal From the Child Protection Central Registry. The individual may appeal the denial of removal of their name from the Child Protection Central Registry ~~under IDAPA 16.05.03, “Contested Cases Proceedings and Declaratory Ruling,” Section 101.~~ (3-15-22)()

567. “SAFE HAVEN” EXEMPTION FOR PARENTS OF CERTAIN ABANDONED INFANTS.

No disposition will be made on the parent(s) and no information will be entered into the Child Protection Central Registry when a parent(s) relinquishes their infant within the first thirty (30) days of life to a “Safe Haven” according to Title 39, Chapter 82, Idaho Code, ~~Idaho Safe Haven Act.~~ (3-15-22)()

568. COURT-ORDERED CHILD PROTECTION SAFETY ASSESSMENT.

When, in any divorce proceeding or upon request for modification of a divorce decree, an allegation of child abuse or child sexual abuse is made, implicating either party, the court may order that an investigation/safety assessment be conducted by the Department. Court orders for preliminary child protective safety assessment and for any subsequent assessment the court may deem necessary will be served on the Department supervisor for child

protection services in the field office in which the court has geographical jurisdiction. The child protection supervisor must immediately initiate the safety assessment and consult with the court promptly if there are any obstacles preventing its completion. Immediately upon completing the report, the Ddepartment must make a written report to the court. (3-15-22)()

569. PETITION UNDER THE CHILD PROTECTIVE ACT.

If any incident of child abuse, neglect, or abandonment is substantiated through a safety ~~or comprehensive~~ assessment, ~~or both~~, or during the provision of services, and cannot be resolved through informal processes or voluntary agreement that is adequate for protection of the child, the Ddepartment will request the prosecuting attorney to file a Child Protective Act petition. (3-15-22)()

570. ~~COOPERATION WITH LAW ENFORCEMENT (RESERVED)~~

~~The Department will cooperate with law enforcement personnel in their handling of criminal investigations and the filing of criminal proceedings.~~ (3-15-22)

571. CHILD CUSTODY INVESTIGATIONS FOR THE DISTRICT COURT.

Where no other community resources are available and when ordered by the district courts, the Ddepartment will, for a fee of thirty-five dollars (\$35) per hour, conduct safety ~~and comprehensive~~ assessments ~~and provide social information to assist the court in child custody actions, that will provide information~~ to assist the court ~~to determine the most therapeutic placement for the child.~~ (3-15-22)()

01. Requests From Private Attorney. If a parent’s attorney requests a safety ~~or comprehensive~~ assessment, ~~or both~~, and a report of findings regarding the fitness of a parent, the attorney must be advised that such service is provided on behalf of a child but not on behalf of a litigant, and that any such assessment and report would be provided to the court pursuant to a court order. (3-15-22)()

02. Conduct of the Assessment. In conducting the assessment, the family services worker must explain to the family the purpose for which the information is being obtained. If the judge intends to treat the report as evidence, the family must be informed that any information they provide will be brought out at the court hearing. If the family refuses to give information to the family services worker, the Ddepartment has no authority to require cooperation. However, the judge may issue an order directing the family to provide information to the family services worker for the purpose of making a report to the court. (3-15-22)()

03. Report to Court. The family services worker will provide a report only to the Magistrate judge who ordered the assessment, and must use the Ddepartment’s ~~format for the assessment of need~~ **standardized format**. The report must describe what was observed about the home conditions and the care of the child(ren). (3-15-22)()

04. Department Clients. If the family is or has been a client of the Department, disclosure of information must comply with IDAPA 16.05.01, “Use and Disclosure of Ddepartment Records.” (3-15-22)()

572. -- 699. (RESERVED)

ADOPTION SERVICES
(Sections 700-710)

700. ADOPTION SERVICES POLICY.

Where reasonable efforts to reunite or preserve a family are unsuccessful, or where relinquishment is requested by the parent(s), the Ddepartment will consider whether termination of parental rights is in the best interests of the child. The Ddepartment must make every effort to place any child legally free for adoption in an appropriate adoptive home. Each child will be placed with an adoptive family who can support the racial, ethnic or cultural identity of the child, and is able to cope with any forms of discrimination the child may experience. (3-15-22)()

701. SERVICES TO BE PROVIDED IN ADOPTIONS.

In addition to the ~~core~~ services provided under these rules, the Ddepartment ~~must assure provision of~~ **provides** the following: (3-15-22)()

~~01. Response to Inquiries. Written or personal inquiries from prospective adoptive families must be answered within two (2) weeks. (3-15-22)~~

~~02. Pre-Placement Child/Family Assessment. An assessment of the child's family of origin history, needs as an individual and as part of a family, and completion of a life story book for each child preparing for adoptive placement. (3-15-22)(____)~~

~~03. Compliance with Multi Ethnic Placement Act and Interethnic Adoption Provisions. Selection of the most appropriate adoptive family consistent with the Multi-Ethnic Placement Act and Interethnic Adoption Provisions, if the child is not an Indian. (3-15-22)~~

~~04. (Pre-Placement) Home Study. An adoptive home study to ensure selection of an appropriate adoptive home. (3-15-22)~~

~~05. Preparation for Placement. Preparation of the child by an assigned family services worker who will assist Assistance to the child in addressing anticipated grief and loss due to separation from their parents and assisting the child with the transition into to an adoptive home placement. (7-1-24)(____)~~

~~06. Technical Assistance. Assistance in completing the legal adoption, including compliance with the Indian Child Welfare Act. (3-15-22)~~

~~07. Adoption Assistance. A determination of eligibility for adoption assistance must be made for each child placed for adoption through the Department prior to the finalization of their adoption. Eligibility for adoption assistance is determined solely on the child's need. No means test may be applied to the adoptive family's income or resources. Once eligibility is established, the Division will negotiate a written agreement with the adoptive family. The agreement must be fully executed by all parties prior to the finalization of the adoption in order to be valid. (3-15-22)~~

~~08. Period of Support Supervision. Once a child is placed with an adoptive family, a period of support and supervision by the Department lasting at least six (6) months must be completed prior to the finalization of the adoption. If the child has been a foster child placed with the family for a period of at least six (6) months, the family may submit a written request to the Department's Child and Family Services Program Manager to reduce the supervisory period to a minimum of three (3) months. (3-15-22)~~

~~09. Post Adoption Services. Services after an adoption is final Post adoption services are provided within available resources. Children with negotiated adoption assistance agreements, whether from Idaho or from another any state, are eligible for any services available to Idaho children. International adoptees residing in Idaho are also eligible for any services available to Idaho children under the Inter-Country Adoption of 2000 (P.L.106-279). Children with either IV-E or state adoption assistance agreements are eligible for Medicaid in Idaho. A referral from an Interstate Compact on Adoption and Medical Assistance member state will serve as a formal application for services in Idaho. Applications for Medicaid are made through the Department in accordance with IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children." (3-15-22)(____)~~

~~702. CONDITIONS FOR GUARDIANSHIP ASSISTANCE.~~

~~The following conditions must be met for a child to be eligible for federally funded or state funded guardianship assistance. (3-15-22)~~

~~01. Assessment of Suitability. The Department or its contractor will determine the suitability of an individual to become a legal guardian for a specific child or sibling group through a guardianship study. (3-15-22)~~

~~02. Eligibility for Guardianship Assistance. The Department will determine eligibility for guardianship assistance for each child placed in the legal custody of the Department prior to the finalization of the guardianship. The child will first be considered for eligibility for a federally funded subsidy. Should the child be found ineligible for a federally funded subsidy, the child will then be considered for a state funded subsidy. (3-15-22)~~

~~03. Guardianship and Foster Care Licensure. To receive guardianship assistance, a potential legal guardian must apply for and receive a foster care license. (3-15-22)~~

~~**04. Guardianship Assistance Agreements and Payments.** The Department and the prospective legal guardian must enter into a written agreement prior to the finalization of the guardianship. Benefits may include both a monthly cash payment and Medicaid benefits. The cash payment may not exceed the published foster care rate a child would receive if living in family foster care in Idaho. Eligibility for guardianship assistance is based on the child's needs. No means test may be applied to the prospective legal guardian family's income or resources in a determination of eligibility. The Department will provide the prospective legal guardian with a copy of the agreement. All Guardianship Assistance Agreements must contain the following: (3-15-22)~~

~~**a.** The amount and manner in which the guardianship assistance payment will be provided to the prospective legal guardian; (3-15-22)~~

~~**b.** The manner in which the payment may be adjusted periodically in consultation with the legal guardian, based on the circumstances of the legal guardian and the needs of the child; (3-15-22)~~

~~**c.** Any additional services and assistance for which the child and legal guardian will be eligible under the agreement; (3-15-22)~~

~~**d.** The procedure by which the legal guardian may apply for additional services; (3-15-22)~~

~~**e.** A statement that the agreement will remain in effect without regard to the state of residency of the legal guardian; (3-15-22)~~

~~**f.** The procedure by which the Department will make a mandatory annual evaluation of the need for continued assistance and the amount of the assistance; and (3-15-22)~~

~~**g.** Guardianship assistance payments are prospective only. There will be no retroactive benefits or payments. (3-15-22)~~

~~**h.** In Title IV-E Relative Guardianship Assistance Agreements, the prospective relative guardian may identify a successor legal guardian to be appointed guardianship of the child due to the death or incapacitation of the relative legal guardian. (3-15-22)~~

~~**05. Termination of Guardianship Assistance.** Federally funded or state funded guardianship assistance benefits and cash payments are automatically terminated when: (3-15-22)~~

~~**a.** A court terminates the legal guardianship or removes the legal guardian; (3-15-22)~~

~~**b.** The child no longer resides in the home of the legal guardian, and the legal guardian no longer provides financial support for the child; (3-15-22)~~

~~**c.** The child has reached the age of eighteen (18) years if the guardianship was finalized prior to the child's sixteenth (16) birthday or twenty-one (21) years if finalized after the child's sixteenth (16) birthday, regardless of the child's educational status or physical or developmental delays; or (3-15-22)~~

~~**d.** The child marries, dies, or enters the military. (3-15-22)~~

~~**e.** Title IV-E relative guardianship assistance benefits do not end upon the death or incapacitation of the relative legal guardian if the relative legal guardian identified a successor legal guardian in the child's Title IV-E Relative Guardianship Assistance Agreement and the successor legal guardian assumes legal responsibility for the child. (3-15-22)~~

~~**06. Administrative Review for Guardianship Assistance.** The prospective legal guardian has twenty-eight (28) days from the date of the Department's notification of the guardianship assistance determination, to request an administrative review. The determination will be reviewed by the FACS Division Administrator, and a decision will be rendered to either affirm, reverse, or modify, the decision. The Department will notify the individual, by mail, of the FACS Division Administrator's decision, of their right to appeal, and procedures for filing an appeal~~

according to requirements in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (3-15-22)

703. ~~FEDERALLY FUNDED GUARDIANSHIP ASSISTANCE ELIGIBILITY, REQUIREMENTS, AND BENEFITS.~~

In addition to Section 702 of these rules, the following requirements and benefits are applicable to a federally funded guardianship assistance for an eligible child and a relative guardian. (3-15-22)

01. ~~Eligibility.~~ A child is eligible for a federally funded guardianship if the Department determines the child meets the following: (3-15-22)

a. Is fourteen (14) years of age, or older, sometime during the consecutive six (6) month residence with the prospective relative legal guardian as specified in Subsection 703.01.e. of this rule; (3-15-22)

b. Has been removed from their home under a voluntary placement agreement, or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child; (3-15-22)

e. Being returned home or adopted are not appropriate permanency options for the child; (3-15-22)

d. Has been eligible for Title IV-E foster care maintenance payments during at least six (6) consecutive months during which the child resided in the home of the prospective relative legal guardian who was licensed or approved as meeting the licensure requirements as a foster family home. While it is not required that Title IV-E foster care maintenance payments have been paid on behalf of the child during the six-month timeframe, it is required the child meet all Title IV-E foster care maintenance payment eligibility criteria in the home of the fully licensed or approved relative foster parent for a consecutive six (6) month period to be eligible for Title IV-E guardianship assistance payment with that prospective relative legal guardian; (3-15-22)

e. Has been consulted regarding the legal guardianship arrangement; and (3-15-22)

f. Has demonstrated a strong attachment to the prospective relative legal guardian, and the relative legal guardian has a strong commitment to caring permanently for the child. (3-15-22)

g. When a successor legal guardian has been named in the child's most recent Title IV-E Relative Guardianship Assistance Agreement, the child remains eligible for guardianship assistance benefits upon the death or incapacitation of the relative legal guardian with any cash assistance paid to the successor legal guardian. (3-15-22)

02. ~~Siblings of an Eligible Child.~~ (3-15-22)

a. The Department may make guardianship assistance payments in accordance with a guardianship assistance agreement on behalf of each sibling of an eligible child, under the age of twenty-one (21), who is placed with the same relative under the same legal guardianship arrangement if the Department and the relative legal guardian agree that the placement is appropriate. (3-15-22)

b. Nonrecurring expenses associated with obtaining legal guardianship of the eligible child's siblings are available to the extent the total cost does not exceed two thousand dollars (\$2,000). (3-15-22)

e. The agency is not required to place siblings with the relative legal guardian of the child at the same time with the eligible child for the siblings to qualify for a cash payment. (3-15-22)

d. A sibling of the eligible child does not have to meet the eligibility criteria for the relative legal guardian to receive a guardianship assistance payment or for the relative legal guardian to receive nonrecurring expenses. (3-15-22)

03. ~~Medicaid.~~ A child who is eligible for federally funded relative guardianship assistance is eligible for Title XIX Medicaid in the state where the child resides. (3-15-22)

04. ~~Case Plan Requirements.~~ A child who is eligible for federally funded relative guardianship assistance must have a case plan that includes: (3-15-22)

- ~~a. How the child meets the eligibility requirements; (3-15-22)~~
- ~~b. Steps the agency has taken to determine that return to the home or adoption is not appropriate; (3-15-22)~~
- ~~c. The efforts the agency has made to discuss adoption with the child's relative foster parent and the reason why adoption is not an option; (3-15-22)~~
- ~~d. The efforts the agency has made to discuss the legal guardianship and the guardianship assistance with the child's parent or parents, or the reason the efforts were not made; (3-15-22)~~
- ~~e. The reason why a permanent placement with a prospective relative legal guardian and receipt of a guardianship assistance payment is in the child's best interests; and (3-15-22)~~
- ~~f. If the child is not placed with siblings, a statement as to why the child is separated from their siblings. (3-15-22)~~

~~05. **Criminal History and Background Checks.** To be eligible for a federally funded guardianship assistance payment, all prospective legal guardians and other adult members of the household must receive a criminal history and background check clearance, according to the provisions in IDAPA 16.05.06, "Criminal History and Background Checks." As a licensed foster parent, if the prospective relative legal guardian has already received a clearance, another check is not necessary. (3-15-22)~~

~~06. **Nonrecurring Expenses.** The Department will reimburse the cost, up to two thousand dollars (\$2,000), of nonrecurring expenses associated with obtaining a federally funded legal guardianship for an eligible child. (3-15-22)~~

~~**704. STATE FUNDED GUARDIANSHIP ASSISTANCE ELIGIBILITY, REQUIREMENT, AND BENEFITS.**~~

~~In addition to Section 702 of these rules, the following requirements and benefits are applicable to a state funded guardianship assistance for an eligible child and their legal guardian. (3-15-22)~~

~~01. **Eligibility for State Funded Guardianship Assistance.** A child is eligible for a state funded guardianship assistance if the Department determines the child meets the following: (3-15-22)~~

- ~~a. Assistance is based on the child's identified needs; (3-15-22)~~
- ~~b. The child's parents have had their parental rights legally terminated; and (3-15-22)~~
- ~~c. There is documentation of unsuccessful efforts to place the child for adoption. (3-15-22)~~

~~02. **Limitations on State Funded Guardianship Assistance.** State funded guardianship assistance is subject to state appropriations and availability of state general funds. (3-15-22)~~

~~03. **Medicaid Benefits Under State Funded Guardianship Assistance.** State funded guardianship assistance may include Medicaid benefits for the child(ren) receiving payment. These Medicaid benefits may only be used in Idaho. If the legal guardian moves to another state, they will be required to apply for Medicaid for the child(ren) in the new state of residency. (3-15-22)~~

~~04. **Nonrecurring Expenses.** In cases where state funded guardianship assistance is being considered, if the potential legal guardian is not able to afford the attorney and court costs to obtain legal guardianship of a child in the legal custody of the Department of Health and Welfare, financial assistance may be available from the Department. Financial assistance for legal fees may be provided regardless of the legal guardian's state of residence. (3-15-22)~~

~~7052. -- 709. (RESERVED)~~

710. FAMILY HISTORY.

If the ~~family case plan~~ child's permanency goal is termination of parental rights and adoption ~~is considered a part of the total planning for the child~~, the following information will be obtained and placed in the child's permanent adoption record: (3-15-22)()

- 01. Informational Forms.** ~~Informational b~~ B Background forms regarding the birth mother, birth father, and ~~the child~~ including demographic, medical, social, and genetic information. (3-15-22)()
- 02. Hospital Records.** ~~Hospital~~ Child's birth records ~~on child~~. (3-15-22)()
- 03. Evaluations/Assessments.** ~~Evaluations/Assessments previously~~ Any evaluations and assessments completed on child. (3-15-22)()
- 04. Current Picture.** Current picture of child. (3-15-22)
- 05. Narrative Social History.** ~~Child and family's narrative s~~ S Social history that addresses: (3-15-22)()
 - a.** Family dynamics and history; (3-15-22)
 - b.** Child's current functioning and behaviors; (3-15-22)
 - c.** Interests, talents, abilities, strengths; (3-15-22)
 - d.** Child's cultural and racial identity needs. ~~The ability to meet the cultural and racial needs of the child does not necessitate a family have the same culture or race as the child;~~ (3-15-22)()
 - e.** Child's L life story, including placement moves, and reasons, key people; (3-15-22)()
 - f.** Child's attachments to current caretakers, siblings and other significant ~~others; i.e., special friends, teachers, etc.~~ connections; (3-15-22)()
 - g.** Medical, developmental and educational needs; (3-15-22)
 - h.** Child's ~~history~~ past experiences, and ~~previous~~ trauma; (3-15-22)()
 - i.** Membership Indian child's ancestry including membership or eligibility for membership in, and social and cultural ~~contacts with~~ connections to the parent's tribe, ~~if any~~, including names and addresses of extended family; (3-15-22)()
 - j.** ~~Indian child's Indian ancestry~~; (3-15-22)
 - ki.** Individualized recommendations regarding each child's need for permanency; and (3-15-22)
 - lk.** Reasons for requesting termination of parental rights. (3-15-22)

TERMINATION OF PARENT-CHILD RELATIONSHIP
(Sections 711-749)

~~**711. DECISION AND APPROVAL PROCESS FOR TERMINATION OF PARENT AND CHILD RELATIONSHIP (TPR).**~~

~~Any recommendation to the Child and Family Services Program Manager regarding the termination of parental rights will be based on the outcome of a team decision making process and must receive written approval by the program manager before a petition may be filed.~~ (3-15-22)

~~712~~ **1.** -- 713. (RESERVED)

714. VOLUNTARY TERMINATION.

~~The Department becomes involved in voluntary terminations when a parent(s) requests the Department to place their special needs child or children for adoption and when voluntary termination is a goal in the family case plan. Parent(s) requesting placement of a potentially healthy unborn or healthy newborn child should be are referred to the Idaho's licensed private adoption agencies in Idaho. Parent(s) requesting placement of a newborn Indian child are referred to tribal social services agencies. (3-15-22)()~~

~~**715. VOLUNTARY CONSENT.**~~

~~In obtaining a parent's consent to terminate their parental rights through the Department, a Consent to Terminate Parental Rights and Waiver of Rights to Hearing must be signed before the Magistrate Judge. Once a parent's consent has been given before the court, a corresponding petition under the Termination of Parent and Child Relationship Act will be filed by legal counsel representing the Department. (3-15-22)~~

~~**716. VOLUNTARY TERMINATION OF PARENTAL RIGHTS TO AN INDIAN CHILD.**~~

~~Consent to voluntary termination of parental rights by the parent(s) or Indian custodian(s) of an Indian child is not valid unless executed in writing and recorded before a court of competent jurisdiction, which may be a tribal court. The written consent must be accompanied by the presiding judge's certificate that: (3-15-22)~~

~~**01. Explanation of Consent.** The terms and consequences of the consent were fully explained in detail and were fully understood by the parent(s) or Indian custodian(s); and (3-15-22)~~

~~**02. Interpretation If Necessary.** The parent(s) or Indian custodian(s) fully understood the explanation in English or it was interpreted into a language the parent(s) or Indian custodian(s) understood. (3-15-22)~~

~~**717. FILING OF PETITION FOR VOLUNTARY TERMINATION.**~~

~~The petition for a voluntary termination of parental rights may be filed by an authorized agency, by the guardian(s) of the person or the legal custodian of the child or the person standing in loco parentis to the child, or by any other person having a legitimate interest in the matter. (3-15-22)~~

~~**718. REPORT TO COURT—VOLUNTARY TERMINATION.**~~

~~If a voluntary consent to termination has been signed by the parent(s) before the Magistrate Court, an investigation or Report to the Court under the Termination Act is at the court's discretion. If the petition has been filed by the Department of Health and Welfare, Division of Family and Community Services, a report is required to accompany the petition, under Section 16-2008(2), Idaho Code. (3-15-22)~~

~~**715. -- 718. (RESERVED)**~~

719. INVESTIGATION.

An investigation ~~of the allegations in the petition~~ and a report ~~recommending disposition of the petition~~ under the Termination of Parent and Child Relationship Act may be completed by an authorized agency, certified adoption professional or the department. will be completed and submitted to the court within thirty (30) days, unless an extension of time is granted by the court. The purpose of this investigation is to verify the allegations through all available sources, including the petitioner, parent(s) and possibly the extended family of the child. The Report to the Court under the Termination of Parent and Child Relationship Act, is to serve as an aid to the court in determining a disposition that complies with the Indian Child Welfare Act where applicable, or that will be in the best interest of the child. If a petition is filed by a party other than the Department, the court may order such an investigation by the Department. The law also allows completion of an investigation by an authorized agency or a certified adoption professional, prior to adjudication and disposition. If the Department is the petitioner, the report will accompany the petition. Reports submitted under the Termination of Parent and Child Relationship Act based on a parent's voluntary consent In addition to the factors set forth in Section 16-2008(2), Idaho Code, completed reports will include: (3-15-22)()

01. Description of Investigation. The circumstances of allegations contained in the petition ~~and the facts determined from the investigation;~~ and (3-15-22)()

02. The Process of the Assessment and Investigation: ()

- 023. Child-Related Factors.** ~~Child related factors,~~ The child's circumstances, including: (3-15-22)(____)
- a. ~~Child's e~~Current functioning and behaviors; (3-15-22)(____)
 - b. Medical, educational and developmental needs ~~of the child;~~ (3-15-22)(____)
 - c. ~~Child's h~~History and past experiences; (3-15-22)(____)
 - d. ~~Child's i~~Identity needs; (3-15-22)(____)
 - e. ~~Child's i~~Interests and talents; (3-15-22)(____)
 - f. ~~Child's a~~Attachments to current caretakers and any absent parent; (3-15-22)(____)
 - g. ~~Child's e~~Current living situation; (3-15-22)(____)
- 04. Documentation.** Documentation of compliance with the Indian Child Welfare Act, including identification of whether the child or parent is Indian and if so: (____)
- ~~ha. Indian child's membership or eligibility for membership in tribe(s)~~ Notification of the pending proceedings to the parent(s) or Indian custodian(s) and the Indian child's tribe, or the Secretary of the Interior if their identity or location is unknown; (3-15-22)(____)
 - ~~ib. Indian child's contacts with tribe(s)~~ Notification of the right of the parent(s) or Indian custodian(s) and the Indian child's tribe to intervene in the proceeding and their right to be granted up to twenty (20) additional days to prepare for the proceeding; (3-15-22)(____)
 - ~~c. Evidence, including identity and qualifications of expert witnesses, that continued custody of the child by the parent(s) or Indian custodian(s) is likely to result in serious emotional or physical damage to the child;~~ (____)
- 05. Circumstances.** ~~The present circumstances, history, condition and desire~~ of the parent(s) whose rights are being terminated ~~regarding plans for the child; including:~~ (3-15-22)(____)
- a. Present circumstances, history, and condition; (____)
 - b. Desires regarding plans for the child; (____)
 - c. Reasonable efforts made by the petitioner(s) to locate an absent parent(s) and provisions of notification to an unmarried father of the paternity registration requirement under Section 16-1513, Idaho Code; (____)
 - d. Contact with the parent(s) of a minor parent, unless lack of contact is explained; and (____)
 - e. The advertisement of any parent with a disability of their right to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child; (____)
- 06. Facts.** ~~Such o~~ Other facts as which may be pertinent to the parent and child relationship and this particular case; i.e., compliance with Interstate Compact Placement on Children; and (3-15-22)(____)
- 07. Recommendation.** A recommendation and reasons as to whether or not the termination of the parent and child relationship should be granted. (3-15-22)(____)

~~720. FILING OF A PETITION FOR INVOLUNTARY TERMINATION OF PARENT AND CHILD RELATIONSHIP.~~

~~Unless there are compelling reasons it would not be in the interest of the child, the Department is required to file a Petition to Terminate the Parent and Child Relationship within sixty (60) days of a judicial determination that one (1) or more of the following has occurred: (3-15-22)~~

~~01. **Abandonment.** An infant has been abandoned; (3-15-22)~~

~~02. **Reasonable Efforts to Reunify the Family Are Not Required.** That reasonable efforts, as defined in Section 16-1610(2)(i)(iii), Idaho Code, are not required because the court determines the parent(s) has subjected a child or children to aggravated circumstances. (3-15-22)~~

~~721. REPORT TO THE COURT—INVOLUNTARY TERMINATION.~~

~~If a petition for an involuntary termination of parental rights has been brought before the Magistrate Court, an investigation or report to the court under the Termination Act is required. If the petition has been filed by the Department, a report is required under Section 16-2008(2), Idaho Code. Reports submitted under the Termination Act based on an involuntary termination of parental rights must include: (3-15-22)~~

~~01. **Allegations.** The allegations contained in the petition. (3-15-22)~~

~~02. **Investigation.** The process of the assessment and investigation. (3-15-22)~~

~~03. **Family Circumstances.** The present condition of the child and parent(s), especially the circumstances of the parent(s) whose rights are being terminated and contact with the parent(s) of a minor parent, unless lack of contact is explained. (3-15-22)~~

~~04. **Medical Information.** The information forms regarding the child, birth mother, and birth father will be submitted with the Report to the Court. Reasonably known or available medical and genetic information regarding both birth parents and source of such information, as well as reasonably known or available providers of medical care and services to the birth parents. (3-15-22)~~

~~05. **Efforts to Maintain Family.** Other facts that pertain to the parent and child relationship including what reasonable efforts have been made to keep the child with the family, or what active efforts to prevent the breakup of the Indian family have been made. (3-15-22)~~

~~06. **Absent Parent.** Reasonable efforts made by the petitioner to locate an absent parent(s) and provision of notification to an unmarried father of the paternity registry requirement under Section 16-1513, Idaho Code. (3-15-22)~~

~~07. **Planning.** Proposed plans for the child consistent with: (3-15-22)~~

~~a. The Indian Child Welfare Act, including potential for placement with the Indian child's extended family, other members of the Indian child's tribe, or other Indian families; and (3-15-22)~~

~~b. The Adoption and Safe Families Act of 1997, which prohibits states from delaying or denying cross-jurisdictional adoptive placements with an approved family, and requires individualized documentation regarding the child's needs in permanent placement. (3-15-22)~~

~~08. **Compliance with the Indian Child Welfare Act.** Documentation of compliance with the Indian Child Welfare Act, including identification of whether the child is Indian and if so: (3-15-22)~~

~~a. Notification of the pending proceedings to the parent(s) or Indian custodian(s) and the Indian child's tribe, or to the Secretary of the Interior if their identity or location is unknown according to Section 051 of these rules; (3-15-22)~~

~~b. Notification of the right of the parent(s) or Indian custodian(s), and the Indian child's tribe, to intervene in the proceeding and their right to be granted up to twenty (20) additional days to prepare for the~~

~~proceeding;~~ (3-15-22)

~~e. Notification that if the court determines indigency, the parent(s) or Indian custodian(s) have the right to court-appointed counsel;~~ (3-15-22)

~~d. Evidence, including identity and qualifications of expert witnesses, that continued custody of the child by the parent(s) or Indian custodian(s) is likely to result in serious emotional or physical damage to the child;~~ (3-15-22)

~~09. Termination of Parent-Child Relationship.~~ (3-15-22)

~~a. A recommendation and the reasons whether or not termination of the parent and child relationship is in the best interest of the child; and~~ (3-15-22)

~~b. Upon the court's written decision to terminate parental rights, two certified copies of the "Findings of Fact, Conclusions of Law and Decree" are to be placed in the child's permanent record.~~ (3-15-22)

7220. -- 749. (RESERVED)

BECOMING AN ADOPTIVE PARENT
(Sections 750-850)

750. APPLICATION TO BE ADOPTIVE PARENT(S).

~~Each field office is responsible for compiling the names and addresses of adoptive applicant(s), along with the dates of inquiry and membership in an Indian tribe, if any. A database or register must be maintained in order to assure the orderly completion of home studies.~~ An applicant must participate in the process and tasks to complete an adoptive home study. (3-15-22)()

01. Initial Application. Each adoptive applicant must: (3-15-22)

a. Cooperate with and allow the ~~D~~d department, or certified adoption professional, to determine compliance with these rules to conduct an adoption home study; (3-15-22)()

b. Inform the ~~D~~d department, or certified adoption professional, if the applicant has previously applied to become a foster or adoptive parent, is currently licensed as a foster parent, or has been involved in the care and supervision of children or adults; (3-15-22)()

c. Provide a medical statement for each applicant, signed by a qualified medical professional, within the twelve (12) months period prior to application for adoption, indicating the applicant is in such physical and mental health so as to not adversely affect either the health or quality of care of the adopted child; (3-15-22)

d. Provide the name of, and a signed release to obtain the following information about, each member of the household: (3-15-22)

i. Admission to, or release from, a facility, hospital, or institution for the treatment of an emotional, intellectual, or substance abuse issue; (3-15-22)

ii. Outpatient counseling, treatment, or therapy for an emotional, intellectual, or substance abuse issue. (3-15-22)

e. Provide three (3) satisfactory references, one (1) of which may be from a person related to the applicant. Each applicant must provide additional references upon the request of the ~~D~~d department or certified adoption professional; (3-15-22)()

f. All applicants for adoption and other adult members of the household must comply with the provisions in IDAPA 16.05.06, "Criminal History and Background Checks" and IDAPA 16.06.02, "~~Child~~Foster Care Licensing," Section ~~404~~202. (3-15-22)()

02. Psychological Evaluation. An evaluation by a psychologist or a psychiatrist can be required ~~by the family services worker or certified adoption professional~~ when an applicant has received or is currently receiving treatment for psychological problems or mental illness or when the family services worker, or certified adoption professional, in consultation with their supervisor, determines that there appear to be emotional problems in the family that merit further evaluation. (3-15-22)(____)

03. Orientation of Potential Applicants. Initial meetings with individual families or groups of applicants, ~~or with individual families,~~ must be scheduled promptly ~~by the Department or the certified adoption professional, whichever received the inquiry and initial application from the family.~~ These initial meetings must be used to explain policies and procedures regarding adoptive placement, the kinds of children available, and the nature of the home study. (3-15-22)(____)

04. Denial of Application. Following an initial interview, an applicant who does not appear to meet the ~~Department's~~ requirements at the time of initial application may be denied a full home study. The family will be advised why they were ineligible for a full home study and notice provided to the applicant of their right to appeal this decision. Upon resolution of the factors leading to the denial, the applicant may again file an application and receive a home study. (3-15-22)(____)

05. Application for Subsequent Adoptions. Following the finalization of an adoption, a family may apply to be considered for another placement. (3-15-22)

a. ~~Adoptive p~~Parents who have ~~experienced a successful~~ finalized an adoption and wish to reapply must complete an adoption application and financial statement, complete a ~~Criminal History and~~ Background Check, and submit medical reports and three (3) personal references. One (1) reference may be from a person related to the applicant. When requested by the ~~D~~department or certified adoption professional, an applicant must provide additional references. (3-15-22)(____)

b. The prospective adoptive family will assist in amending the original adoption study to include information concerning the acceptance and adjustment of the child previously placed in the home and their request for another placement. (3-15-22)

c. Prospective adoptive parent(s) applying for subsequent adoption with an agency with whom they have maintained a foster care license since their previous adoption may have the requirement for a new ~~Criminal History and~~ Background Check, medical reports and personal references waived by the agency. (3-15-22)(____)

751. -- 761. (RESERVED)

762. COMPLETING THE ADOPTION HOME STUDY.

~~Upon application by a potential adoptive family, the family services worker or certified adoption professional will conduct the pre-placement adoptive home study and issue a recommendation.~~ The initial home study ~~must be is~~ completed prior to placement of any child for adoption in that home. (3-15-22)

01. Interviews. Family assessment interviews as well as individual interviews ~~must be~~ are held with the prospective adoptive parent(s). (3-15-22)(____)

02. Content. Adoption home studies for foster care, special needs, independent, relative, and step-parent adoptions must include an assessment of the following: (3-15-22)

a. Names, including maiden or other names used by the applicant(s); (3-15-22)

b. Legal verification that the person(s) adopting is at least fifteen (15) years older than the child, or twenty-five (25) years of age or older, except in cases where the adopting person is a spouse of the child's parent, must be accomplished by viewing: (3-15-22)(____)

i. Viewing a certified copy of the birth certificate filed with the Bureau of Vital Statistics; or (3-15-22)

- ii. ~~Viewing e~~One (1) of the following documents for which a birth certificate was presumably required prior to its issuance, ~~such as~~: armed services or other governmental identification, including a valid Idaho driver's license, passport, visa, alien identification cards, or naturalization papers. (3-15-22)()
- iii. If verifying documentation is not available, the report must indicate the date and place of birth and reason for lack of verification. (3-15-22)
- c. Verification ~~that~~ the family has resided and maintained a dwelling within the State of Idaho for at least six (6) consecutive months prior to the filing of the petition; (3-15-22)()
- d. Adequacy of the family's house, property, and neighborhood for the purpose of providing adoptive care as determined by on-site observations; (3-15-22)
- e. Educational background of the applicant(s); (3-15-22)
- f. A statement of employment, family income, and financial resources, including access to health and life insurance and the family's management of these resources; (3-15-22)
- g. Current and historical mental illness, drug or alcohol abuse, and medical conditions and how they may impact the adoptive parent(s) ability to care for an adopted child; (3-15-22)
- h. Previous criminal convictions and history of child abuse and neglect; (3-15-22)
- i. Family history, including childhood experience and the applicant(s) parents' methods of discipline and problem-solving; (3-15-22)
- j. Verification of marriages and divorces; (3-15-22)
- ~~k. Decision-making, communication, and roles within the marital relationship, if applicable;~~ (3-15-22)
- ~~k.~~ ~~The n~~Names, ages, and addresses of all biological and adopted children currently residing inside or outside the home. Information regarding the current adjustment and special needs of the applicant(s) children; (3-15-22)()
- ~~m.~~ The religious and cultural practices of the family, including their interest and ability to ~~nurture and validate parent and support~~ a child's particular knowledge of and involvement in that child's cultural, racial, ethnic, and religious, and ethnic background different than their own; (3-15-22)()
- ~~m.~~ For an Indian child, the study will ~~also~~ determine the prevailing social and cultural standards of the Indian community in which the parent(s) or extended family resides or maintains social and cultural ties; (3-15-22)()
- ~~n.~~ Individual and family functioning including inter-relationships with each member of the household and the family's ability to help a child integrate into the family; (3-15-22)
- ~~p.~~ Activities, interests, and hobbies; (3-15-22)
- ~~q.~~ Child care and parenting skills, including historical and current methods of discipline used in the home; (3-15-22)
- ~~r.~~ Reasons for applying for adoption; (3-15-22)
- ~~s.~~ ~~The family's p~~Prior and current experiences with adoption, understanding of adoption, and ability to form relationships and bond with a specific child or general description of children; (3-15-22)()

~~ts.~~ ~~The a~~Attitudes toward adoption by immediate and extended members of the family and other persons who reside in the home; (3-15-22)

~~tt.~~ Specifications of the child preferred by the family that include the number of children, age, gender, race, ethnic background, social, emotional, and educational characteristics. The family's ability to accept the behavior and personality of a specific child (if known) or general description of children and their ability to meet the child's particular educational, developmental, and psychological needs; (3-15-22)

~~tu.~~ Emotional stability and maturity in dealing with the needs, challenges, and related issues associated with the placement of a child into the applicant(s) home; (3-15-22)

~~wy.~~ ~~The family's a~~Attitude about an adopted child's birth family including: (3-15-22)()

i. ~~Their a~~Ability to accept a child's background and help the child cope with their past; and (3-15-22)()

ii. ~~Their w~~Willingness to work with the child's family or tribe; (3-15-22)()

~~w.~~ Training needs of the applicant(s); and (3-15-22)

~~yx.~~ A recommendation regarding the family's ability to provide adoptive care to a specific child (if known) or general description of children. (3-15-22)

763. PRE-ADOPTIVE PARENT RESPONSIBILITIES.

The pre-adoptive parent is responsible to keep the ~~department~~, agency or ~~C~~ertified ~~A~~adoption ~~P~~rofessional that completed the home study informed of any changes in the family's circumstances, or of any subsequent decision against adoption. (3-15-22)()

764. ~~ADOPTIVE~~ADOPTION HOME STUDY.

An adoption home study is valid for the purposes of new adoptive placement for a period of one (1) year following the date of completion. Upon completion of an adoptive placement agreement, an adoption home study remains valid for a period of two (2) years from the date of completion for the purpose of finalizing the adoption of the child(ren) for whom the adoptive placement agreement was written. (3-15-22)

765. -- 769. (RESERVED)

770. CLOSURE OF ~~ADOPTIVE~~ADOPTION HOME STUDIES.

Upon pre-adoptive placement of a child or children in the home ~~of a pre-adoptive parent~~, the ~~parent's~~ adoption home study closes for the placement of an additional child or children for the purpose of adoption until a home study update is completed. (3-15-22)()

771. ~~ADOPTION~~HOME STUDY UPDATE.

An ~~adoptive adoption~~ home study must be updated on an annual basis ~~to remain valid for new adoptive placements. A current home study is defined as a home study completed within the previous twelve (12) months.~~ ~~Adoption H~~ome study updates must include the following: (3-15-22)()

01. Initial Adoption Home Study and Subsequent Home Study Updates. All ~~C~~hanges to the ~~I~~nformation ~~C~~ontained in the ~~I~~nitial Adoption Home Study and ~~any S~~ubsequent ~~A~~doption Home Study Updates. (3-15-22)()

02. Family Functioning and Inter-Relationships. ~~All~~ Information on any ~~C~~hanges in ~~F~~amily Functioning and ~~I~~nter-~~R~~elationships. (3-15-22)()

03. Circumstances Adversely Impacting Child Placed for Adoption. ~~Any~~ Information ~~R~~egarding ~~C~~ircumstances ~~W~~ithin the ~~F~~amily that may ~~A~~dversely ~~I~~mpact a ~~C~~hild ~~P~~laced for ~~A~~adoption. (3-15-22)()

04. A Home Study Update Completed for the Purpose of Adoptive Placement of an Additional

Child or Children in the Home. A home study update completed for the purpose of adoptive placement of an additional child or children in the home where a child or children are already placed for adoption and that adoption has not yet finalized must include agreement for the placement of the additional child or children by the individual or agency responsible for the placement of the initial child or children, and the individual or agency responsible for the additional child or children. (3-15-22)

772. -- 789. (RESERVED)

790. FOSTER PARENT ADOPTIONS.

The procedure and requirements are the same for all adoptive applicants. ~~This includes foster parents who want to be considered as adoptive parents for a child who has a plan of adoption.~~ Licensed foster parents with a current home study recommending them for both foster care and adoption do not need an adoption specific home study to adopt a child matching the characteristics of a child or children for whom they are approved or recommended for placement. They are eligible to be considered for adoption as part of the home study process completed to provide foster care. These requirements include compliance with the Indian Child Welfare Act, the Multi-Ethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996. (3-15-22)()

791. -- ~~799~~832. (RESERVED)

~~800. PLACEMENT OF THE CHILD.~~

~~Adoptive placement of a child in the custody or guardianship of the Department will be determined as follows:~~ (3-15-22)

~~01. Factors to be Considered in Determining Suitability of Adoptive Placements.~~ (3-15-22)

~~a. For an Indian child, absent good cause to the contrary, the following preferences for placement under the Indian Child Welfare Act must be followed:~~ (3-15-22)

~~i. Extended family;~~ (3-15-22)

~~ii. Other members of the child's tribe; or~~ (3-15-22)

~~iii. Other Indian families.~~ (3-15-22)

~~b. The primary factor in the review of a prospective adoptive family's eligibility is the ability to protect and promote the best interests of a child to be placed in their home.~~ (3-15-22)

~~e. The Department will not delay or deny the placement of a child with an approved family that is located outside of the jurisdiction responsible for the care and planning for the child.~~ (3-15-22)

~~02. Selection of Adoptive Placement.~~ The adoptive placement of a child in the custody or legal guardianship of the Department will be selected using a committee process of no less than three (3) individuals and be approved by a field program manager as described by the practice standards of the Department. (3-15-22)

~~03. Disclosure.~~ The field office must provide full confidential background information and discuss the child's history fully with the prospective adoptive parent(s) prior to the placement. The disclosure of background information must be confirmed at the time of placement by a written statement from the family services worker to the prospective adoptive family, which they will be asked to acknowledge and sign. A copy of this statement must be provided to the adoptive family and one (1) copy will be kept in the child's permanent record. (3-15-22)

~~801.—829.~~ (RESERVED)

830. ADOPTION APPLICATION FEE.

The adoption application fee covers the costs of processing the adoption application and does not guarantee that the applicant family will receive a child for adoption. The application fee is non-refundable. Money collected through the Department's adoption program may be utilized to pay state adoption assistance payments for children with special needs and pay the service fees, recruitment costs, and placement fees for private agencies serving children who have

special needs- (3-15-22)

~~831. HOME STUDY, SUPERVISORY REPORTS, AND REPORTS OF THE COURT FEES.~~

~~A family who cares for a child, or children, with special needs who is in the custody of the Department is not required to pay the costs of the Department adoption services identified in Section 832 of these rules for the adoption of that child, or children. A relative or kin family being considered by the Department for adoption of a child from foster care who is their relative or kin, is not required to pay the costs referenced in Section 832 of these rules. If a family who did not pay the fee uses that home study to pursue adoption of a child not in the Department's custody, the family must pay the Department for the full cost of the study and any other applicable fees identified in Section 832 of these rules.~~ (3-15-22)

~~832. FEE SCHEDULE—ADOPTIONS THROUGH DEPARTMENT.~~

| TABLE 832 | |
|--|---------------|
| Service | Fee |
| General Information/Adoption Inquiries | No-Charge |
| Health and Welfare Application:- | |
| -Couple- | \$50 |
| -Single Parent- | \$25 |
| Second Placement or Reapplication | \$25 |
| Pre-placement Home Study—Payment due at time of study or per agreement | \$450 |
| Report to Court under the Adoption Act | \$150 |
| Second Placement | \$150 |
| Placement Supervision Fee—Charged at the time of placement | \$300 |
| Closed Adoption Home Study/Court Report Retrieval Fee | \$50 |
| Report to the Court Under the Termination Act | \$40-per-hour |

(3-15-22)

833. PLACEMENT SUPERVISION -- TRANSFER FROM OUT OF STATE PRIVATE AGENCY.

When a prospective adoptive parent(s) moves to Idaho, with a child who has been placed with them by a private agency in their former state of residency, ~~the sending state agency must arrange through the Interstate Compact on the Placement of Children;~~ supervision services are provided through one of Idaho's private, licensed adoption agencies, or a certified adoption professional. (3-15-22)()

834. -- 849. (RESERVED)

~~850. INDEPENDENT, RELATIVE AND STEPPARENT ADOPTIONS.~~

~~Independent adoptive placements are handled under Section 16-1506, Idaho Code.~~ (3-15-22)

~~851.—859. (RESERVED)~~

THE ADOPTIVE PLACEMENT
(Sections 860-888)

860. PLACEMENT OF THE CHILD.

The adoptive placement of a child in the custody or legal guardianship of the department will be selected using a committee process of no less than three (3) individuals and be approved by a regional program manager. ()

01. Factors Considered in Determining Adoptive Placements. ()

- a. For an Indian child, Indian Child Welfare Act (1978) placement preferences must be followed: ()
 - i. A member of the child's extended family; ()
 - ii. Other members of the Indian child's tribe; ()
 - iii. Other Indian families. ()
- b. The primary factor in determining adoptive placement is the prospective family's ability to protect and promote the best interests of the child to be placed in their home. ()
- c. The ability to meet the cultural and racial needs of the child does not necessitate the family have the same culture or race of the child. ()

02. Disclosure. Full background information and the child's history must be discussed with the prospective adoptive parent(s) prior to pre-adoptive placement. The disclosure of background information is confirmed at the time of placement by a written acknowledgment signed by the family services worker and prospective adoptive family. A copy of this statement must be provided to the adoptive family and one (1) copy is kept in the child's permanent record. ()

8601. PROCEDURES FOLLOWING ~~THE~~ ADOPTIVE PLACEMENT.

~~Following the adoptive placement, a~~ period of support and supervision ~~by the Department~~ lasting at least six (6) months must be completed following the adoptive placement prior to the finalization of the adoption. In situations where a foster family has a significant relationship with a child and the child has been placed in their home for at least the last six (6) months, the supervisory period may be reduced to a minimum of three (3) months. ~~The family services worker will make s~~ Scheduled visits to the home will be made at least monthly during this period to assist the child and the family in their adjustment ~~to each other and will update the child's permanent record by means of monthly progress reports. When completion of the adoption is recommended by the field office and approved by the Permanency Program Specialist, the Department will request the prospective adoptive parent(s) contact their attorney. The regional family services worker will provide the attorney with the necessary documentation to file the petition for adoption.~~ (3-15-22)()

8642. PROGRESS REPORTS.

~~Progress r~~Reports documenting the progress of the child's placement will be prepared at least every thirty (30) days. regularly and will be based on Reports include the family services worker's or certified adoption professional's findings based on their observation of each child and prospective adoptive parent(s) with an emphasis on: (3-15-22)()

01. Initial and Subsequent Reports. ~~Progress reports must be made at intervals not to exceed thirty (30) days. These reports will include the family services worker's or certified adoption professional's observation of each child and the prospective adopting parent(s), with emphasis on:~~ (3-15-22)()

- a. ~~Special needs, special~~ and/or ~~circumstances, or both,~~ of each child ~~at time of placement;~~ (3-15-22)()
- b. Services planned or provided to each child and the family ~~during the report period;~~ (3-15-22)()
- e. ~~Services to be provided to each child and the family;~~ (3-15-22)
- d.c. ~~General appearance and adjustment of each child during the report period (may include eating, sleep patterns, responsiveness, bonding);~~ (3-15-22)()
- ed. ~~Adjustment of each child to all of the following that apply: school, and/or daycare, and day treatment program;~~ (3-15-22)()

- ~~fe.~~ Health and developmental progress, and medical practitioner information for each child; (3-15-22)
 - ~~gf.~~ ~~Whether each child has been accepted~~Acceptance of each child for coverage on the family's medical insurance, when coverage begins, and whether there will be any limitations, exclusions, or both; (3-15-22)()
 - ~~hg.~~ ~~Family's~~Each family member's adjustment to adoptive placement; (3-15-22)()
 - ~~ih.~~ Adoption assistance negotiation; (3-15-22)
 - ~~ji.~~ Changes in family situation or circumstances; and (3-15-22)()
 - ~~kj.~~ Areas of concern during the report period as addressed by each child and the adoptive parent(s); (3-15-22)
- and
- ~~l.~~ The date of the next required six (6) month review or twelve (12) month permanency hearing. (3-15-22)
- ~~02. Monthly Foster Care Payments — Pre Adoptive Placement. To receive Title IV E monthly foster care payments during the period pending completion of adoption, the prospective adoptive parent(s) must have a foster care license. (3-15-22)~~

~~862. PETITION TO ADOPT UNDER THE ADOPTION OF CHILDREN ACT.~~

~~01. Filing a Petition. When the family and the child who was placed for adoption in that home are ready to finalize the adoption, the family's attorney files a petition to adopt with the court. A copy of that petition is served upon the director of the Department. Upon receipt of a copy of the petition to adopt, the family services worker, licensed children's adoption agency worker or certified adoption professional verifies the allegations set forth in the petition and make a thorough investigation of the matter and report the findings in writing to the court within thirty (30) days. (3-15-22)~~

~~02. Registration and Acknowledgment. Upon receipt of the petition to adopt, the field office registers the petition and acknowledge receipt to the court and to the petitioner(s) or private adoption agency. If the licensed adoption agency or certified adoption professional who completed the pre-placement home study is not identified, the information should be obtained from the petitioner(s)' attorney. The register will indicate the date the petition was received, the date the study is due in court, the date the completed study was sent to the court, whether an Indian child is involved, and other pertinent data. (3-15-22)~~

~~863. INVESTIGATION OF PETITION TO ADOPT AND REPORT TO THE COURT.~~

~~According to Section 16-1506, Idaho Code, an Written reports of investigation regarding the allegations stated in the petitions and subsequent written report of findings must be filed with the court unless the investigation is waived by order of the court. The filed under Section 16-1506, Idaho Code, are filed at the same time as the prospective adoptive family's pre-placement adoption home study will be filed at the same time as the written report of investigation. If the family services worker, The investigation and report may be completed by the department, licensed child placing adoption agency staff, or certified adoption professional is unable to complete the study within thirty (30) days, an extension of time must be requested in writing of the court, stating the reasons for the request. supervising the adoptive placement. Caution is exercised discussing identifying information to avoid revealing information in the petition while attempting to secure the necessary facts for the report. If the worker has there is reason to believe that the child may be an Indian child and the child's tribe or the Secretary of the Interior has not received written Notice of Pending Proceedings, the worker must inform the court, and the petitioner's attorney for the petitioner(s) and the independent agency of the need to comply with the Indian Child Welfare Act. This adoption. The report to the court must address the following: (3-15-22)()~~

~~01. Legal Availability of the Child. It is the responsibility of the petitioners, through their attorney, to present documentary evidence to the court so the judge can examine it and be satisfied that the identity, birthdate, and~~

~~parentage of the child are as represented in the petition.~~ The family services worker or certified adoption professional will interview the family and any other person(s) having knowledge in the matter, review all documentary evidence presented by the petitioner(s), and record the information and source of the information, noting any discrepancies. Such documentary evidence must include the following: (3-15-22)()

- a. ~~The b~~ Birth certificate of the child; (3-15-22)()
- b. ~~The e~~ Consent(s) of the child's parent(s) to terminate their parental rights, termination decrees for any parent(s) whose parental rights have been terminated involuntarily by the court, and documentation of marriage and divorce; (3-15-22)()
- c. Termination decrees for any parent(s) whose parental rights have been terminated involuntarily by the court; ()
- d. Documentation of marriage and divorce; ()
- e. If the child is an Indian child, a copy of the Notice of Pending Proceedings for Termination of Parental Rights, and the return receipts showing that the notice was received by the Indian child's parent(s) or Indian custodian(s), and the child's tribe; (3-15-22)
- f. Consent to adoption has been secured for all persons from whom it is required, including a legal guardian(s), to make the child legally available for adoption; (3-15-22)
- g. ~~The d~~ Death certificate of a deceased parent; (3-15-22)()
- h. Verification from the Bureau of Vital Statistics of the registry of any putative father; and (3-15-22)
- i. The Interstate Compact on the Placement of Children Form 100-A, for a child born outside of the state of Idaho, to determine if required state authorizations have been given, or if the Compact does not apply. (3-15-22)

02. **Needs of the Child.** ~~The report to the court must address the needs of the child;~~ History of the child and the child's birth family including ~~but~~: (3-15-22)()

- a. ~~The history of the child and the child's birth family;~~ (3-15-22)
- ba. ~~The family history for a child who has been previously adopted, should include i~~ Information about the child's previous adoptive family and the circumstances of the disruption if the child was previously adopted; (3-15-22)()
- eb. ~~A d~~ Detailed description of the circumstances that brought about the placement with the prospective adoptive family; (3-15-22)()
- dc. ~~The state of Idaho~~ Social, Mmedical, and Ggenetic Hhistory forms must be completed, made available to the prospective adoptive family, and submitted to the court, showing reasonably known or available medical and genetic information regarding both birth parents and the child, as well as reasonably known or available providers of medical care and services to birth parents and child; and (3-15-22)()
- ed. The appropriateness of the prospective adoptive family for the particular child or children who are the subject of the petition including any alleged relative or stepparent relationship between the child and the prospective adoptive parent(s) specifying any documentary evidence of that relationship. (3-15-22)()

03. **Degree of Relationship of the Child to Petitioners.** ~~In those cases where the court has ordered an investigation of petitions to adopt by relatives or step parents, the study must record such alleged relationship and specify the documentary evidence the petitioners have of that relationship.~~ (3-15-22)

04. **Evaluation and Recommendation.** ~~The family services worker or certified adoption professional~~

~~must provide a~~ ^Δ brief summary of data presented in prior sections and the ~~pre-placement~~ adoption home study, supporting the recommendation regarding the adoption. (3-15-22)()

~~05. **Medical Information.** A copy of medical and genetic information compiled in the investigation must be made available to the prospective adoptive family by the family services worker or certified adoption professional prior to the final order of adoption.~~ (3-15-22)

~~06. **Confidentiality of Information.** The family services worker must exercise caution in discussing identifying information and avoid revealing that information in the petition while attempting to secure the necessary facts for the study.~~ (3-15-22)

~~07. **Financial Accounting.** A financial accounting must be approved by the court of any financial assistance given to the birth parent(s) that exceeds five hundred dollars (\$500), in accordance with Section 18-1511, Idaho Code.~~ (3-15-22)

864. -- 869. (RESERVED)

870. REMOVAL OF A CHILD FROM A PROSPECTIVE ADOPTIVE HOME.

~~Despite careful assessment of the child and the family prior to placement, circumstances may arise that make it necessary to remove the child from the prospective adoptive home prior to adoption. The child may manifest problems the family is unable to accept or to handle constructively; or changed circumstances may develop that make it inadvisable for the placement to continue.~~ The final decision to remove a child from a prospective adoptive home will be made by the Department as the legal guardian of the child. (3-15-22)()

~~**871. TEMPORARY REPLACEMENT AFTER DISRUPTION.**~~

~~When a disruption occurs and it becomes necessary to remove a child from a prospective adoptive home, the field office where the child has been placed is responsible for finding a temporary arrangement for the child until another permanent placement can be arranged. In the case of the adoption of an Indian child, the consent of the parent(s) may be withdrawn for any reason at any time prior to the entry of a final decree of adoption, and the child returned to the parent(s).~~ (3-15-22)

~~872.1.~~ -- 880. (RESERVED)

881. CLOSURE OF CASE.

~~The family services worker must request from the adopting parent(s)' attorney, a~~ ^Δ certified copy of the final order of adoption; and a copy of the ~~family service worker's~~ executed consent to adoption ~~taken at the time of the adoption finalization.~~ These documents are necessary to close the adoption file and initiate the child's adoption assistance benefits. (3-15-22)()

882. RECORDS OF PLACEMENT.

Upon finalization of the adoption, the complete record from the local field office, regarding the child and family will be ~~requested by the State Adoption Program Specialist for permanent storage~~ permanently stored. ~~Records of adoption involving Indian children must be forwarded by the State Adoption Program Specialist to the Secretary of the Interior.~~ (3-15-22)()

~~**883. POST-LEGAL ADOPTION SERVICES.**~~ (RESERVED)

~~Upon finalization of the adoption, the Department can offer post legal adoption services upon request, including case management services, referrals for counseling or other supportive services.~~ (3-15-22)

884. OPENING SEALED ADOPTION RECORDS ~~OF ADOPTIONS~~.

In addition to the exceptions noted in Section 16-1511, Idaho Code, ~~a~~ sealed adoption proceedings may be opened in the following circumstances according to the Indian Child Welfare Act: (3-15-22)()

01. Motion of an Indian Individual. Upon motion of an Indian individual who has reached the age of eighteen (18) and was the subject of an adoption, the court must provide tribal affiliation, if any, of the individual's biological parent(s) and other information necessary to protect any rights flowing from the individual's tribal relationship. (3-15-22)

02. Request From the Secretary of the Interior or the Indian Child's Tribe. Upon request of the Secretary of the Interior or the Indian child's tribe, evidence of efforts to comply with the Indian Child Welfare Act must be made available to the parties requesting such information. (3-15-22)

885. -- 888. (RESERVED)

CERTIFIED ADOPTION PROFESSIONAL
(Sections 889-899)

889. CERTIFIED ADOPTION PROFESSIONAL REQUIREMENTS.

An applicant requesting to become a Certified Adoption Professional must meet the following criteria: (3-15-22)

01. College Degree. A minimum of a bachelor's degree in a field deemed related to adoptions by the Department's Child and Family Services Program, such as social work, psychology, family counseling or other related behavioral science; (3-15-22)

02. Adoption Training. ~~Must have completed a~~ **A** minimum of twenty (20) hours of training in adoption services within the last four (4) years; (3-15-22)()

03. ~~Department Criminal History and Background Clearance.~~ **Must e **C**omplete a ~~Department criminal history and~~ background check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks," and receive a clearance; (3-15-22)()**

04. License. A current license to practice social work in the state of Idaho; (3-15-22)

05. Experience. A minimum of two (2) years **of** experience as a paid full-time employee providing adoption services with a licensed private or public children's agency; (3-15-22)()

06. References. Three (3) satisfactory references, one (1) of which must be from a previous employer for whom the applicant worked providing adoption services; (3-15-22)

07. Insurance. Verification of malpractice insurance that will provide coverage for the applicant's work as a certified adoption professional; and (3-15-22)

08. Application Fee. An application fee of one hundred dollars (\$100) to be reimbursed, less a twenty-five dollar (\$25) processing fee, in the event the application is denied. (3-15-22)

890. TERMS OF CERTIFICATION FOR ADOPTION PROFESSIONALS.

01. Certification. Certification for adoption professionals ~~will be~~ **is** completed through the Division of Family and Community Services ~~and will be~~ **Certifications are** effective for a period of two (2) years. (3-15-22)()

02. Types of Certification. Certified adoption professionals may ~~be certified for~~ **provide** any, some, or all of the following services: (3-15-22)()

- a.** Adoption home studies for families seeking domestic infant adoption. (3-15-22)
- b.** Adoption home studies for families seeking domestic special needs adoption. (3-15-22)
- c.** Adoption home studies for families seeking step-parent or relative adoption. (3-15-22)
- d.** Court ordered investigations for termination of parental rights for domestic private or independent adoptions. (3-15-22)
- e.** Court reports for domestic private or independent adoptions. (3-15-22)

- f. Supervision of adoptive placements for domestic private or independent adoptions. (3-15-22)
- 03. Limits of Certification.** Certified adoption professionals may not provide the following services: (3-15-22)
- a. Birth parent education or counseling. (3-15-22)
- b. Services related to international adoption. (3-15-22)
- 04. Recertification.** Certified adoption professionals must apply for renewal of their certificate every two (2) years and must provide the following: (3-15-22)
- a. Documentation of ten (10) hours of adoption training taken during the previous two (2) years; (3-15-22)
- b. Verification of malpractice insurance; (3-15-22)
- c. A satisfactory recommendation from the Division of Family and Community Services designee responsible for the review of the certified adoption professional's work; ~~and~~ (3-15-22)()
- ~~d. Satisfactory recommendations from a minimum of two (2) families for whom the certified adoption professional has provided adoption services during the previous two (2) years; and~~ (3-15-22)
- ~~ed.~~ A certification fee of one hundred dollars (\$100) to be reimbursed, less a twenty-five dollar (\$25) processing fee, in the event the recertification is denied. (3-15-22)
- 05. Lapse of Certification.** If a certified adoption professional does not apply for recertification within two (2) years in accordance with Subsection 890.04 of this rule, this will result in a lapse of certification. Any lapse in certification will require completion of a new certified adoption professional application, documentation of ten (10) hours of adoption training during the two (2) years previous to this new application, and a new ~~criminal history and background check.~~ (3-15-22)()
- a. If the individual applying for certification has received a ~~Department criminal history and background check clearance~~ background check clearance in accordance with IDAPA 16.05.06 "Criminal History and Background Checks within three (3) years of the date of this application and has not lived outside the state of Idaho since their last ~~criminal history and background check~~, all of the following must be conducted and no disqualifying crimes or appearance on a registry found: (3-15-22)()
- i. A name-based background check by the Idaho State Police; (3-15-22)
- ii. A check of the Idaho Child Protection Central Registry; (3-15-22)
- iii. A check of the Idaho Adult Protection Registry; and (3-15-22)
- iv. A check of the Idaho Sexual Offender Registry. (3-15-22)
- b. If the individual has lived outside the state of Idaho for any amount of time during the three (3) years since the previous ~~Department criminal history and background check clearance~~, ~~was completed, they must get~~ a new Department criminal history and background check clearance is required. (3-15-22)()
- 06. Denial of Recertification.** The ~~D~~department may choose not to recertify a certified adoption professional. Notification of denial will be made ~~by the Department~~ by certified mail. The notice will state the specific grounds for denial of recertification. This decision may be appealed within twenty-eight (28) days of receipt of notification under the provisions in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." Grounds for denial of recertification are one (1) or more of the following: (3-15-22)()

- a. Substandard quality of work following the development of a quality improvement plan; (3-15-22)
- b. Failure to gain ten (10) additional hours of adoption continuing education required for recertification; ~~or~~ (3-15-22)()
- c. A demonstrated pattern of negligence or incompetence in performing the duties of a certified adoption professional. (3-15-22)
- d. Failure to maintain malpractice insurance; ~~or~~ (3-15-22)()
- e. Failure to maintain a license to practice social work in the state of Idaho. This requirement does not apply to a certified adoption professional who has maintained their initial certification that occurred prior to July 1, 2012. (3-15-22)

07. Decertification. A certified adoption professional can be decertified by the Department at any time during a two (2) year period of certification. Notification of decertification will be made by the Department by certified mail. The notice will state the specific grounds for decertification. This decision may be appealed within twenty-eight (28) days of receipt of notification under the provisions in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." Grounds for decertification are one (1) or more of the following: (3-15-22)()

- a. Conviction for a felony; (3-15-22)
- b. Negligence in carrying out the duties of a certified adoption professional; (3-15-22)
- c. Misrepresentation of facts regarding their qualifications or the qualifications of a prospective adoptive family to adopt, or both; (3-15-22)
- d. Failure to obtain Departmental review and approval of ~~pre-placement~~ home studies ~~and~~ court reports, ~~and~~/or placement supervision reports, or both, on more than one (1) occasion; (3-15-22)()
- e. Failure to maintain malpractice insurance; (3-15-22)
- f. Suspension or loss of a license to practice social work in Idaho; or (3-15-22)
- g. Practice as a certified adoption professional outside the scope of the certification. (3-15-22)

891. CERTIFIED ADOPTION PROFESSIONAL'S CLIENT RELATIONSHIP.

A certified adoption professional may not assume a legal relationship with any child for whom they have been contracted to perform services and may not provide services for anyone with whom they have had a personal or professional relationship during the previous two (2) years. (3-15-22)

892. MINIMUM STANDARDS FOR SERVICE.

A certified adoption professional must meet the following service requirements: (3-15-22)

01. Description of Services Available. A written description of services will be provided to families by the certified adoption professional before any work is completed. The description of services must include information regarding Department oversight of the certified adoption professional and any limitations related to the use of the completed home study; (3-15-22)

02. Education. Provision of, or referral to, educational resources to adoptive applicants requesting non-relative adoption; (3-15-22)

03. Content. Standards for ~~pre-placement~~ home studies, home study updates, court reports, and supervisory reports must, at a minimum, meet the standards for adoption services established ~~by the Department~~ in these rules; (3-15-22)()

04. Release of Information. A written release of information that gives consent to the exchange of information between the certified adoption professional and Child and Family Services must be obtained from a family that receives services from a certified adoption professional; and (3-15-22)

05. Disclosure of Non-Identifying Information. When providing adoption supervision or adoption finalization court report services, the certified adoption professional must provide disclosure of all known non-identifying information about the child, the child's birth parents, and the circumstances leading to the decision to place the child for adoption. (3-15-22)

893. RECORDS OF THE CERTIFIED ADOPTION PROFESSIONAL.

Records of the ~~pre placement~~ home studies, court reports, and supervisory reports provided by the certified adoption professional must be made available to the Division of Family and Community Services designee two (2) weeks prior to the required court filing date. The designee will be responsible for monitoring of quality of the services provided. (3-15-22)()

894. FEES CHARGED BY THE DEPARTMENT.

Monitoring fees will accompany the submission of each report and be paid directly to the Department through the Division of Family and Community Services as follows:

| Table 894 - Qualified Individuals | |
|---|------|
| Home Study or Court Report | \$50 |
| Supervision Report or Home Study Update | \$30 |

(3-15-22)

895. DEPARTMENT RESPONSIBILITY TO CERTIFIED ADOPTION PROFESSIONAL.

The Division of Family and Community Services is responsible for: (3-15-22)

- a. Reviewing and responding to submitted reports within five (5) business days; (3-15-22)
- b. Initiation of corrective action plans when the documentation of a certified adoption professional is determined to be incorrect or substandard; and (3-15-22)
- c. Dissemination of information to certified adoption professionals that may impact provided services. (3-15-22)

896. -- 899. (RESERVED)

**ADOPTION AND GUARDIANSHIP ASSISTANCE
(Sections 900-999)**

900. CONDITIONS FOR ADOPTION ASSISTANCE.

The purpose of the adoption assistance program is to encourage the legal adoption of children with special needs who would not be able to have the security of a permanent home without support payments. Applications are made through the Division of Family and Community Services, ~~Resource Development Unit~~ for a determination of eligibility. Eligibility is determined solely on the child's need. No means test may be applied to the adoptive family's income or resources. Once an application for adoption assistance is submitted to the Division of Family and Community Services, the Division will respond with a determination of the child's eligibility within forty-five (45) days. (3-15-22)()

~~**01. Determination of Eligibility for Title IV-E Adoption Assistance.** Child and Family Services will determine whether a child is a child with special needs. Children applying for adoption assistance benefits must meet Idaho's definition of a child with special needs according to Section 473 (c) of P.L. 96-272 (The Adoption Assistance and Child Welfare Act of 1980). There are five (5) ways a child can be eligible for Title IV-E adoption assistance.~~ (3-15-22)

~~a. Child is Aid to Families with Dependent Children (AFDC) eligible, is in the custody or care of the public child welfare agency or an Indian tribe with whom the state has a IV-E agreement and meets the definition of a child with special needs. For children whose adoption assistance eligibility is based on the child's AFDC eligibility, the child must meet the AFDC criteria at the time of removal from their home. (3-15-22)~~

~~i. If the child is removed from their home in accordance with the first judicial determination, such determination must indicate that it was contrary to the welfare of the child to remain in the home. (3-15-22)~~

~~ii. If the child is removed from the home in accordance with a voluntary out-of-home placement agreement, the child must receive at least one (1) Title IV-E foster care payment to be eligible for Title IV-E adoption assistance. (3-15-22)~~

~~b. Child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs. (3-15-22)~~

~~i. A child is eligible for adoption assistance if, at the time the adoption petition is filed, the child has met the requirements for Title XVI (SSI) benefits; (3-15-22)~~

~~ii. The circumstances of a child's removal from their home or whether the public child welfare agency has responsibility for the child's placement and care are not relevant. (3-15-22)~~

~~e. Child has been voluntarily relinquished to a private non profit adoption agency and meets the definition of a child with special needs. (3-15-22)~~

~~i. The child must meet the requirements, or would have met the requirements, of the AFDC program as such sections were in effect on July 16, 1996, in or for the month in which the relinquishment occurred, or court proceedings were held that led to the removal of the child from their home; (3-15-22)~~

~~ii. At the time of the voluntary relinquishment, the court must make a judicial determination that it would be contrary to the welfare of the child for the child to remain in the home. (3-15-22)~~

~~d. Child is eligible for Title IV-E adoption assistance as a child of a minor parent and at the time of the adoption petition the child meets the definition of a child with special needs. (3-15-22)~~

~~i. The child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and child at the time the adoption petition is filed; and (3-15-22)~~

~~ii. The child continues to reside in the foster home with their minor parent until the adoption petition has been filed. If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for Title IV-E adoption assistance must be determined based on the child's current and individual circumstances. (3-15-22)~~

~~e. Child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs. (3-15-22)~~

~~i. A child whose adoption later dissolves or the adoptive parent(s) die, may continue to be eligible for Title IV-E adoption assistance in a subsequent adoption. (3-15-22)~~

~~ii. The subsequent adoption of a child may be arranged through an independent adoption, private agency, or state agency. (3-15-22)~~

~~iii. No needs or eligibility redetermination is to be made upon a subsequent adoption. The child's need and eligibility remain unchanged from what they were prior to the initial adoption. (3-15-22)~~

~~iv. It is the responsibility of the placing state to determine whether the child meets the definition of special needs and to pay the subsidy in a subsequent adoption. (3-15-22)~~

- 021. Special Needs Criteria.** The definition of special needs includes the following factors: (3-15-22)
- a. The child cannot or should not be returned to the home of the parents as evidenced by an order from a court of competent jurisdiction terminating parents rights or its equivalent; and (3-15-22)
 - b. The child has a physical, mental, emotional, or medical disability, or is at risk of developing such disability based on the child's experience of documented physical, emotional, or sexual abuse, or neglect; or (3-15-22)
 - c. The child's age makes it difficult to find an adoptive home; or (3-15-22)
 - d. The child is being placed for adoption with at least one (1) sibling; and (3-15-22)
 - e. ~~The State must make a r~~Reasonable but unsuccessful effort to place the child with special needs without a subsidy must be made, except in cases where it is not in the best interests of the child due to their significant emotional ties with the foster parent(s) or relative(s) who are willing to adopt the child. (3-15-22)()

~~**03. Determination of Eligibility for State Funded Adoption Assistance.** Children in state custody who meet the special needs criteria found in Subsection 900.02 of these rules and do not meet any of the criteria for Title IV-E adoption assistance found at Subsection 900.01 in these rules, may be eligible for state-funded adoption assistance benefits. If the child is determined ineligible for Title IV-E adoption assistance, the application will be evaluated for a state-funded subsidy. (3-15-22)~~

~~**04. Interjurisdictional Adoptions.** When a child's adoption is arranged through the care and placement of a private non-profit adoption agency in another state and the adoptive family are residents of Idaho, the state of Idaho is responsible for the eligibility determination, negotiation, and payment of any subsequent Title IV-E adoption assistance benefits. (3-15-22)~~

~~**05. International Adoptions and Adoption Assistance.** A child who meets the criteria for special needs under Subsection 900.02 of this rule, who is not a citizen or resident of the United States, and who was adopted outside of the United States or was brought into the United States for the purpose of being adopted, is not eligible to receive adoption assistance. This restriction does not prohibit adoption assistance payments for a child described in this Subsection who is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of the child by the adoptive parents. (3-15-22)~~

~~**901. ATTEMPT TO PLACE WITHOUT ADOPTION ASSISTANCE.**~~

~~The Department is required to attempt to place all children for adoption without adoption assistance. However, all adoptive families are entitled to full information and disclosure regarding the adoption assistance program. Once the most suitable family is located for the child, the family will be informed of the needs and history of the child and asked if they can adopt the child without adoption assistance. If the family indicates that they need adoption assistance, the Department will begin the process of determining the amount and type of benefits for the child. (3-15-22)~~

~~**9021. -- 9097. (RESERVED)**~~

908. TITLE IV-E ADOPTION ASSISTANCE.

The department will remain in compliance with the requirements and benefits for federally funded adoption assistance benefits per the Social Security Act, most recently updates by the Family First Prevention Services Act of 2018 (P.L. 115-123). ()

909. STATE FUNDED ADOPTION ASSISTANCE.

Children in state custody who meet the special needs criteria found in Subsection 900.01 of these rules and do not qualify for Title IV-E adoption assistance found at Section 908 in these rules, may be eligible for state-funded adoption assistance benefits. If the child is determined ineligible for Title IV-E adoption assistance, the application will be evaluated for a state-funded subsidy. ()

910. TYPES AND AMOUNTS OF ASSISTANCE.

The needs of the child and the family, including any other children in the family, will be considered in determining the amount and type of support to be provided. Assistance may include the following: (3-15-22)

01. Nonrecurring Adoption Reimbursement. Payment for certain one-time expenses necessary to finalize the adoption may be paid when a family adopts a special needs child. The child's eligibility must be determined and the contract for reimbursement must be fully executed prior to the finalization of the adoption. The reimbursement is paid only after the adoption finalizes. (3-15-22)

a. The expenses are defined as reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption finalization of a child with special needs and which are not incurred in violation of state or federal law. They may include mileage and lodging involved in visiting the child before placement occurs. These expenses cannot be reimbursed if they are paid for the adoptive parents by other sources such as an employer. (3-15-22)()

b. Documentation of expenses must be submitted. (3-15-22)

c. Costs are reimbursable up to two thousand dollars (\$2,000) per child and are entered on the Adoption Assistance Program Agreement. (3-15-22)()

d. Children for whom the adoption has been finalized without a negotiated Nonrecurring Expenses Reimbursement Agreement are not eligible to apply for these benefits. (3-15-22)()

02. Monthly Cash Payment. Financial assistance in the form of a monthly cash payment may be established to assist the adoptive family in meeting the additional expenses of the child's special needs. The amount of the payment must be negotiated with the family by the adoption family services worker and based on the family's circumstances and what additional resources are needed to incorporate the child into the adoptive family. (3-15-22)()

a. The amount must not exceed the rate for family foster care found in Subsections 483 and 484 of these rules, which would be made if the child were in a family foster home in Idaho. (3-15-22)()

b. Payments received for treatment foster care, gifts, clothing, and school fees are not considered part of the family foster care rate. (3-15-22)

e. For children who meet the definition of special needs at Subsection 900.02 of these rules, no monthly cash payment is allowable until such time as the specific disability for which the child is known to be at risk becomes evident. (3-15-22)

d.c. For children who are currently eligible for Personal Care Services (PCS), the treatment foster care rate of up to a maximum of one thousand dollars (\$1,000) per month may be used in negotiating the adoption assistance upon prior approval of the Department's Family and Community Services (FACS) Division Administrator. (3-15-22)

e. Benefits will continue until the child reaches eighteen (18) if the adoption was finalized prior to the child's sixteenth (16) birthday or twenty-one (21) years if finalized after the child's sixteenth (16) birthday, based upon an annual determination of continuing need. (3-15-22)

03. Title XIX -- Medicaid Coverage. Any child with special needs who has an adoption assistance agreement in effect is also eligible for medical coverage. (3-15-22)()

a. A Title IV-E adoption assistance agreement provides Medicaid coverage in the state of Idaho and in all other states. Under a state funded adoption assistance agreement, a child living in Idaho is eligible for Medicaid. If the family moves to another state, Medicaid may or may not be available. If Medicaid is not available in the new state, provisions for medical coverage must be contained in the adoption assistance agreement or in an amendment to the agreement. (3-15-22)

~~b.~~ Families enrolled in a group health plan who plan to request to use Medicaid as the child's primary health care coverage must apply to the Idaho Health Insurance Premium Payment (HIPP) program at the time of benefit negotiation. Medicaid provides secondary coverage after the family's health insurance has reached its benefit limit. (3-15-22)

~~e.~~ All services reimbursed by Medicaid must be determined to be medically necessary. (3-15-22)

~~d.~~ Prior authorization may be required for some Medicaid reimbursable services. (3-15-22)

~~e.~~ Medicaid benefits are available until the child reaches the age of eighteen (18) if the adoption was finalized prior to the child's sixteenth (16) birthday or twenty one (21) years if finalized after the child's sixteenth (16) birthday, based upon an annual determination of continuing need. (3-15-22)

04. Title XX -- Social Services. Any child with special needs who has an Aadoption Aassistance Agreement is also eligible for state-authorized Title XX - Federal Social Services Block Grant funded services. (3-15-22)()

911. ADOPTION ASSISTANCE PROGRAM AGREEMENT.

A written agreement must be negotiated and fully executed between the Ddepartment and adopting family prior to the finalization of adoption and implementation of benefits. (3-15-22)()

01. Agreement Specifications. The agreement specifies the following: (3-15-22)

a. The type and amount of assistance to be provided; (3-15-22)

b. That there will be a~~An~~ annual review of each agreement will be conducted by the Ddepartment to evaluate the need for continued ~~subsidy~~ monthly cash payment and the amount of the ~~subsidy~~ payment; (3-15-22)()

c. ~~That~~The ~~agreed upon~~ type and amount of assistance may be adjusted only with the concurrence of the adoptive parent(s) based upon changes in the needs of the child or changes in the circumstances of the adoptive family; (3-15-22)()

d. ~~That~~The adoptive parent(s) are required to inform the Ddepartment of any circumstances that would make them ineligible for adoption assistance payments, or eligible for adoption assistance payments in a different amount. (3-15-22)()

02. Termination of Adoption Assistance. Adoption assistance ~~will be~~ benefits are terminated if: ()

~~a.~~ The adoptive parent(s) no longer have legal responsibility for the child; ()

~~b.~~ ~~as a result of termination of parental rights,~~ The child is no longer receiving any financial support from the parents, or ()

~~c.~~ The child has reached the age of eighteen (18) years if the adoption was finalized prior to the child's sixteenth (16) birthday or twenty-one (21) years if finalized after the child's sixteenth (16) birthday regardless of the child's educational status. (3-15-22)()

03. Suspension of Adoption Assistance. Adoption assistance monthly cash payments will be suspended if the child is placed in foster care in any state. Benefits will be reinstated upon the child's reunification with the adoptive parent(s). ()

~~034.~~ Adoption Assistance Follows the Child. If the adoptive parents are located in a state other than Idaho, or move out of Idaho with the child, the adoption assistance payments initiated by Idaho will continue for the child. ~~If the child is IV E or state funded adoption assistance eligible,~~ Referral for Medicaid or other state medical insurance and social service benefits will be forwarded to the new state of residence through the Interstate Compact

on Adoption and Medical Assistance. ~~Non IV-E eligible e~~ Children receiving a state funded adoption subsidy, may not be eligible for Medicaid in a state other than Idaho. (3-15-22)(____)

912. -- 919. (RESERVED)

920. ~~REQUEST FOR RECONSIDERATION~~ ADMINISTRATIVE REVIEW FOR ADOPTION ASSISTANCE.

~~Families who adopted a child, or children with special needs on or after April 1, 1982, through either the Department or a licensed Idaho children's adoption agency, may be eligible for benefits through the Adoption Assistance program. Persons who adopted their relative children, may also be eligible for these adoption assistance benefits~~ Adoptive parents have twenty-eight (28) days from the date of the department's notification of Title IV-E adoption assistance eligibility determination or change in adoption assistance benefits to request an administrative review. Notification will be made by mail of their right to appeal and procedures for filing an appeal. (3-15-22)(____)

01. ~~Adoption Assistance Agreement~~ Request for Reconsideration. ~~Per Public Law 96-272, the adoptive family must sign an adoption assistance agreement prior to the finalization of the adoption in order for the child to receive benefits. Adoptive families~~ parents who were not informed of these benefits or who were wrongly denied these benefits of adoption assistance benefits prior to the finalization of their child's adoption may submit an application to the Ddepartment prior to the eighteenth birthday of the adopted child ~~for a determination of eligibility for these benefits.~~ (3-15-22)(____)

02a. ~~Eligibility Determination~~ Eligibility Determination. ~~The Division of Family and Community Services determines e~~ Eligibility is determined based on the eligibility factors ~~determining for~~ a special needs child that were in effect at the time of the child's adoption. (3-15-22)(____)

ab. If the ~~IV-E~~ eligibility determination finds ~~that~~ a child was eligible for ~~these~~ benefits at ~~the~~ that time of the child's adoption, and an agreement was not signed prior to the finalization, the Ddepartment is required to deny benefits to the child, since no contract was in effect at the time of the adoption finalization. (3-15-22)(____)

bc. The adoptive ~~family~~ parent(s) may request an administrative ~~fair~~ hearing for ~~adoption assistance~~ Title IV-E adoption assistance eligibility determination. (3-15-22)(____)

i. The determinations to be made at ~~this and administrative review~~ hearing ~~are~~ is whether extenuating circumstances exist or whether the family was wrongly denied eligibility, or both. (3-15-22)(____)

ii. ~~The Division of Family and Community Services may not change its eligibility determination for a child eligible for IV-E adoption assistance benefits~~ A favorable ruling from a fair hearing officer is required for the department to change Title IV-E eligibility and provide adoption assistance based on extenuating circumstances ~~without obtaining a favorable ruling from a fair hearing officer.~~ (3-15-22)(____)

921. ~~BURDEN OF PROOF~~ EXTENUATING CIRCUMSTANCES.

~~The family has the burden of proving extenuating circumstances at the fair hearing, although, if the state agency is in agreement that the family had erroneously been denied benefits, the agency may provide such facts to the family or present corroborating facts on behalf of the family to the fair hearing officer. Once the hearing officer rules in favor of a family that extenuating circumstance exist and that the child is eligible for IV-E adoption assistance benefits, the agency must negotiate an agreement with the adoptive family consistent with these rules.~~ (3-15-22)

921. ~~RETROACTIVE ADOPTION ASSISTANCE BENEFITS~~ RETROACTIVE ADOPTION ASSISTANCE BENEFITS.

~~The D~~department of Health and Welfare, ~~Division of Family and Community Services~~ may negotiate retroactive adoption assistance benefits for a maximum of twenty-four (24) months from the date of adoption assistance application, identified in Section 920.01 of these rules. (3-15-22)(____)

922. ~~CONDITIONS FOR GUARDIANSHIP ASSISTANCE~~ CONDITIONS FOR GUARDIANSHIP ASSISTANCE.

The purpose of the guardianship assistance program is to encourage legal permanency of children with special needs who would not be able to have the security of a permanent home without support payments. Applications are made through the Division of Family and Community Services for a determination of eligibility. Eligibility is determined

solely on the child's need. No means test may be applied to the income or resource of the prospective legal guardian(s). The following conditions must be met for a child to be eligible for guardianship assistance. ()

01. Assessment of Suitability. The suitability of an individual to become a legal guardian for a specific child or sibling group will be determined through a home study. ()

02. Eligibility for Guardianship Assistance. Guardianship assistance will be determined for each child placed in the legal custody of the department prior to the finalization of the guardianship. Eligibility is based on the child's needs. No means test may be applied to the prospective legal guardian family's income or resources in a determination of eligibility. The child will first be considered for eligibility for a federally-funded subsidy. Should the child be found ineligible for a federally-funded subsidy, the child will be considered for a state-funded subsidy. ()

03. Guardianship and Foster Care Licensure. To receive guardianship assistance, a potential legal guardian must be licensed or approved to provide foster care. ()

923. TITLE IV-E GUARDIANSHIP ASSISTANCE.
In addition to Sections 922 and 926-928 of these rules, the department will comply with the requirements and benefits of the Title IV-E Guardianship Assistance Program in the Social Security Act, made available by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). ()

924. STATE-FUNDED GUARDIANSHIP ASSISTANCE.

01. A Child Is Eligible For State-funded Guardianship Assistance If The Department Determines The Child Meets The Requirements In Section 922 Of These Rules In Addition To The Following: ()

- a.** The child meets the special needs criteria in Subsection 900.01 of these rules; ()
- b.** The child's parents have had their parental rights legally terminated or are deceased; and ()
- c.** There is documentation of unsuccessful efforts to place the child for adoption. ()

925. TYPES AND AMOUNTS OF GUARDIANSHIP ASSISTANCE.

01. Nonrecurring Expenses. The department will reimburse the cost, up to two thousand dollars (\$2,000) of nonrecurring expenses associated with obtaining legal guardianship of a child eligible for Title IV-E or state-funded guardianship assistance. Financial assistance for legal fees may be provided regardless of the legal guardian's state of residence. ()

02. Monthly Cash Payment. The cash payment for Title IV-E or state-funded guardianship assistance may not exceed the published foster care rate a child would receive if living in family foster care in Idaho. Monthly cash payments are prospective only. There will be no retroactive benefits or payments. ()

03. Title XIX Medicaid. ()

a. A child eligible for Title IV-E guardianship assistance is eligible for Medicaid in the state where the child resides. ()

b. A child eligible for state-funded guardianship assistance living in Idaho is eligible for Medicaid benefits. If the legal guardian moves to another state, they will be required to apply for Medicaid for the child in the new state of residency. ()

926. GUARDIANSHIP ASSISTANCE PROGRAM AGREEMENTS.
The department and the prospective legal guardian(s) must enter into a written agreement prior to the finalization of the guardianship. The department will provide the prospective legal guardian(s) with a copy of the agreement. ()

01. Agreement Specifications. All guardianship assistance agreements will specify the following: ()

a. The amount and manner in which the guardianship assistance payment will be provided to the prospective legal guardian; ()

b. The manner in which the payment may be adjusted periodically in consultation with the legal guardian, based on the circumstances of the legal guardian and the needs of the child; ()

c. Any additional services and assistance for which the child and the legal guardian will be eligible under the agreement; ()

d. The procedure by which the legal guardian may apply for additional services; ()

e. A statement that the agreement will remain in effect without regard to the state of residency of the legal guardian; ()

f. The procedure by which the department will make a mandatory annual evaluation of the need for continued assistance and the amount of the assistance; and ()

02. Termination of Guardianship Assistance. Guardianship assistance benefits and cash payments are automatically terminated when: ()

a. A court terminates the legal guardianship or removes the legal guardian; ()

b. The child no longer resides in the home of the legal guardian, and the legal guardian no longer provides financial support for the child; ()

c. The child has reached the age of eighteen (18) years if the guardianship was finalized prior to the child's sixteenth (16) birthday or twenty-one (21) years if finalized after the child's sixteenth (16) birthday, regardless of the child's educational status or physical or developmental delays; or ()

d. The child marries, dies, or enters the military. ()

03. Suspension of Guardianship Assistance. Guardianship assistance monthly cash payments will be suspended if the child is placed in foster care in any state. Benefits will be reinstated upon the child's reunification with the legal guardian(s). ()

927. ADMINISTRATIVE REVIEW FOR GUARDIANSHIP ASSISTANCE.

The prospective legal guardian has twenty-eight (28) days from the date of the department's notification of the guardianship assistance determination, to request an administrative review. The determination will be reviewed by the FACS Division Administrator, and a decision will be rendered to either affirm, reverse, or modify, the decision. The department will notify the individual, by mail, of the FACS Division Administrator's decision, of their right to appeal, and procedures for filing an appeal. ()

923~~8~~. -- 999. (RESERVED)

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE

DOCKET NO. 18-0801-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This pending rule adds clarifying language to Section 017, regarding licensed sprinkler contractors. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 493-494](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No fee or charge imposed or increased.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 4th day of November, 2024.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0801-2401 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 24-9, September 4, 2024, pages 493 through 494.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR DOCKET NO. 18-0801-2401

**(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)**

18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE

017. VIOLATION PENALTIES, IFC SECTION 110.4.

In Section 110.4, replace “shall be guilty of a [SPECIFY OFFENCE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment” with “may be charged with a misdemeanor by prosecuting authorities if the violation is not resolved after written notice by the fire code official”. *This section does not apply to the actions of a licensed fire protection sprinkler contractor when acting within the scope of that license. Any such violations are governed by the provisions of IDAPA 18.08.02.* (7-1-24)()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.01 – RULES PERTAINING TO FOREST FIRE PROTECTION
DOCKET NO. 20-0401-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 3, 2024 Idaho Administrative Bulletin, [Vol. 24-7, pages 162-171](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: No Fiscal Impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

DATED this 6th day of November, 2024.

Joshua J. Harvey
Fire Management Chief
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d'Alene, Idaho, 83815
Phone: (208) 666-8650
Fax: (208) 769-1524

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.04.02 – RULES PERTAINING TO THE IDAHO FORESTRY ACT
AND FIRE HAZARD REDUCTION LAWS
DOCKET NO. 20-0402-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The amendment in Section 110 was incorporated to address a concern expressed by PotlatchDeltic Corporation that the original verbiage in IDAPA 20.04.02.110.01 was vague. Specifically the phrase, “air quality standards are met,” is open to interpretation. The Idaho Department of Lands consulted with the Idaho Department of Environmental Quality and determined that PotlatchDeltic’s concern was valid. The text was modified to imply that individual burners must comply with air quality requirements when performing a prescribed burn.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 3, 2024 Idaho Administrative Bulletin [Vol. 24-7, pages 172-186](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal Impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brooke Heasty at bheasty@idl.idaho.gov.

DATED this 6th day of November, 2024.

Joshua J. Harvey
Fire Management Chief
Forestry and Fire Division
Idaho Department of Lands
3284 W Industrial Loop
Coeur d’Alene, Idaho, 83815
Phone: (208) 666-8650
Fax: (208) 769-1524

DOCKET NO. 20-0402-2301 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-7, July 3, 2024, pages 172 through 186.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR ZBR DOCKET NO. 20-0402-2301
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

20.04.02 – RULES PERTAINING TO THE IDAHO FORESTRY ACT
AND FIRE HAZARD REDUCTION LAWS

110. BURNING OF SLASH REQUIREMENTS FOR PRESCRIBED FIRE IN FOREST LAND.

~~01. **Permits.** Any burning operation conducted for the purpose of hazard reduction must be in accordance with the law requiring burning permits during the closed fire season. Persons conducting burning operations must have sufficient men, tools and equipment on hand to immediately stop the uncontrolled spread of any fire. Burning operations must be planned, prepared and executed in such a manner that forest resources are not damaged and air quality standards are met. (3-18-22)~~

~~02. **Burn Plan.** Burning of specifically designated blocks or areas of forest land for any purpose must be conducted in accordance with a prescribed burn plan approved by the fire warden in whose area of responsibility the burn occurs. (3-18-22)~~

01. **Burning.** Burning for Forest Operations must be planned, prepared, and executed in a way that protects forest resources and maintains air quality (Title 38, Chapter 13 Idaho Code and IDAPA 20.02.01), controls smoke, and complies with air quality requirements (IDAPA 58.01.01.) ()

02. **Burn Plans.** Burning within specifically designated blocks or areas of Forest Land at any time must be conducted under a prescribed burn plan approved by the Fire Warden of the District's Fire Warden in which the burn occurs. ()

a. **For piled Slash burning, the District Fire Warden will provide a burn plan with the Agreement.** ()

b. **For other burning, the Contractor must submit to the District Fire Warden a detailed prescription for executing the burn.** ()

03. **Burn Crew.** A Person conducting burning operations must have a permit, when required, and sufficient people, tools, and equipment on hand to immediately stop the uncontrolled spread of any fire. ()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 47, Chapter 3, Idaho Code and Title 67, Chapter 52, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are required for the Oil and Gas Conservation Commission to fulfill their duty to prevent waste, protect correlative rights, and prevent pollution of fresh water supplies during the exploration and production of oil and gas resources. The rules define and clarify the procedures for regulating oil and gas exploration and development activities on public and private lands in the state. Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2024 with the goal of simplifying the rules for increased clarity and ease of use. Revisions are also needed to better align the rules with statute revisions that occurred in 2017 and 2023. The Department aims to right-size its rule chapter and achieve several objectives, including, but not limited to:

1. Eliminating duplicative statutory language or any rule language that conflicts with governing statutes;
2. Removing rule language that is not absolutely necessary, is outdated, or is overly restrictive; and
3. Removing any language that merely relates to the internal processes of the Department.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 47-87](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No change in fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: No Fiscal Impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact James Thum, Oil & Gas Program Manager at (208) 334-0243 or via email at jthum@idl.idaho.gov. Materials pertaining to this rulemaking can be found on the Idaho Oil & Gas Conservation Commission web page at: <https://ogcc.idaho.gov/rulemaking/docket-20-0702-2401-oil-gas/>.

DATED this 6th day of November, 2024.

James Thum
Oil & Gas Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050

Phone: (208) 334-0243
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.04.01 – RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

DOCKET NO. 24-0401-2401 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and 54-2801 through 54-2822, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Board of Registration for Professional Geologists is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. There are no changes to the pending rule, and it is being adopted as originally proposed.

The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 252-258](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-2808, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. The pending rules increase the annual renewal fee from \$60 to \$100.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 8th day of November, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.21.01 – RULES OF THE IDAHO STATE CONTRACTORS BOARD

DOCKET NO. 24-2101-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, and 54-5201 through 54-5219, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Under [Executive Order 2020-01, Zero Based Regulation](#), the Idaho State Contractors Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 261-263](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Sections 54-5210, 54-5211, and 54-5213, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. The pending rules do not make any changes to the fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 8th day of November, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as 54-5301 through 54-5318, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Rule 002 Incorporation by Reference: Updates the Liquefied Petroleum Gas Code from the 2017 edition to the 2024 edition.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 511-516](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-5313, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. These pending rules do not make any adjustments to the fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 8th day of November, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-2201-2401 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 511 through 516.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR ZBR DOCKET NO. 24-2201-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

0042. INCORPORATION BY REFERENCE.

The document titled Liquefied Petroleum Gas Code, ~~2017~~ 2024 Edition, commonly known as NFPA 58, published by National Fire Protection Association (NFPA), is herein incorporated by reference and is available for public inspection at the Board's office. Copies of the ~~2017~~ 2024 Liquefied Petroleum Gas Code are available for purchase from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322. ~~(3-28-23)~~ ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.30.01 – IDAHO ACCOUNTANCY RULES

DOCKET NO. 24-3001-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Section 54-204, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

During the 2023 and 2024 Legislative sessions, the Joint Finance Appropriations Committee required the Division to report on year-end cash balances for all boards and to present a plan for all boards where the cash balances either exceed 125% or drops below 30% of the Division's five-year rolling average of expenditures, pursuant to intent language found in Senate Bill 1201 (2023) and Senate Bill 1442 (2024) passed by the Legislature.

In response to the report and the plan, the board voted to address the board's cash balance by decreasing the following fees in Rule 400:

- Initial exam fee from \$100 to \$50;
- Re-exam fee from \$50 to \$25;
- Inactive or Retired License fee from \$100 to \$25;
- Transfer of Grades fee from \$175 to \$100; and
- Removed the wall certificate fee.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 517-519](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-204, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. In response to legislative intent language found in Senate Bill 1201 from 2023 and Senate Bill 1442 from 2024, fees were decreased to address the board's cash balance that exceeded 125% of the five-year rolling average of expenditures. No fees were increased during this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 8th day of November, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-3001-2401 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is ***double underscored*** indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 517 through 519.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR DOCKET NO. 24-3001-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.30.01 – IDAHO ACCOUNTANCY RULES

400. FEES.

01. Examination and License.

| Exam/License | Initial Fee |
|-----------------------------|--|
| Initial Exam | \$400 <i>50</i> |
| Re-Exam | \$50 <i>25</i> |
| Active License | \$120 <i>(Biennial: \$240)</i> |
| Inactive or Retired License | \$400 <i>25 (Biennial: \$50)</i> |
| Reciprocity | \$175 + license fee |
| International Reciprocity | \$175 + license fee |

| Exam/License | Initial Fee |
|-----------------------|---|
| Transfer of Grades | \$ 175 <u>100</u> + license fee |
| Reinstatement License | Sum of unpaid license fees for the preceding 3 license renewal cycles |
| Re-entry License | \$20 |
| Firm Registration | \$20 firm plus \$5 per licensee up to \$200 maximum <u>(Biennial: \$40 firm plus \$10 per licensee up to \$400 maximum)</u> |

(3-28-23)()

02. Administrative Services.

| Category | Fee |
|------------------------------------|-----------------|
| Interstate Exchange of Information | \$10 |
| Wall Certificate | \$20 |

(3-28-23)()

03. Late Fees.

| Category | Fee |
|---------------------------------------|--------------------|
| Late License Renewal | \$100 |
| Non-compliance with CPE Filing: | |
| February | \$100 |
| March | \$150 |
| April | \$200 |
| May | \$250 |
| June | \$300 |
| Non-compliance with Firm Registration | \$100 per licensee |

(3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD

DOCKET NO. 24-3910-2402

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as Title 54, Chapter 10, Idaho Code and 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

- Technical, non-substantive edits throughout the docket.
- Rule 600.01.g.: Clarifying language for better understanding of amendments to the National Electrical Code 2023 Edition (NEF).
- Rule 600.01.l.: Removal of Section 210.52(C) item 3 from the amendments.
- Rule 600.01.n.: Section 215.18 of the NEF shall apply in full with the exception for dwelling units.
- Rule 600.01.p.: Section 225.42 of the NEF shall apply in full with the exception for dwelling units.
- Rule 600.01.q.: Section 230.67 of the NEF shall apply in full with the exception for dwelling units.
- Rule 600.01.ee.: Addition of Article 690.12 Rapid Shut Down with exceptions for detached structures and PV system circuits.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 272-280](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 8th day of November, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-3910-2402 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-10, October 2, 2024, pages 272 through 280.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR DOCKET NO. 24-3910-2402
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD

600. IDAHO ELECTRICAL CODE.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2023 Edition, (herein NEC) is amended as follows: ()

a. Sections 110.3(A) and 110.3(B). Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()

b. Section 210.8(A). Delete reference to 250-volt receptacles. ()

c. Section 210.8(A)(5). Delete section 210.8(A) list item (5) and replace with the following: Unfinished areas of basements. ()

d. Section 210.8(A)(7). Delete section 210.8(A) list item (7). Areas with sinks and permanent provisions for food preparation, beverage preparation, or cooking. ()

- e. Section 210.8(A)(8). Delete section 210.8(A) list item (8) and replace with the following: Sinks - located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the inside edge of the sink. ()
- f. Section 210.8(A)(11). Delete section 210.8(A) list item (11) Laundry Areas. ()
- g. Article 210.8(B). Delete list items (3) Areas with sinks and permanent provisions for food preparation, beverage preparation, or cooking, (4) -serving areas with permanent provisions for food serving, or cooking, and (14) Laundry areas. ()
- h. Section 210.8(B)(7). Delete section 210.8(B) list item (7) and replace with the following: Sinks - located in kitchens and any other area where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the inside edge of the sink. ()
- i. Section 210.8(D). In dwelling units only, delete list items (7) Dishwashers, (8) Electric ranges, (9) Wall-mounted ovens, (10) Counter-mounted cooking units, (11) Clothes dryers, and (12) Microwave ovens. ()
- j. Section 210.8(F). Delete list items (1) Garages that have floors that are located at or below grade level and (2) Accessory buildings. ()
- k. Section 210.12(B). Shall apply in full. Exception: In one- and two-family dwelling units, Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in such units are exempt from the requirements of section 210.12(B). ()
- l. Section 210.52 (C) add list item (4) - Island Countertop Spaces and Peninsular Countertop Spaces. If installed, receptacle outlets shall also be permitted to be mounted not more than 300 mm (12 in.) below the countertop or work surface. Receptacles mounted below a countertop or work surface in accordance with this exception shall not be located where the countertop or work surface extends more than 150 mm (6 in.) beyond its support base. ()
- m. Section 210.52(E)(3). Delete section 210.52(E) list item (3) and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. ()
- n. Section 215.18 Surge Protection shall apply in full. Exception: for dwelling units, surge protection device shall be permitted when installed in compliance with 215.18(B) through (E). Delete section 215.18(A) list item (1). ()
- o. Article 225.41 Emergency Disconnects. For one- and two-family dwelling units, an emergency disconnecting means shall be permitted when installed in compliance with sections 225.41(A), (B), and (C). ()
- p. Section 225.42 Surge Protection shall apply in full. Exception: For dwelling units, a surge protection device shall be permitted when installed in compliance with 225.42 (B) though (E). Delete section 225.42(A) list item (1). ()
- q. Section 230.67 Surge Protection shall apply in full. Exception: For dwelling units, a surge protection device shall be permitted when installed in compliance with 230.67 (B) through (E). Delete section 230.67(A) list item (1). ()
- r. Article 230.85 Emergency Disconnects. For one- and two-family dwelling units, an emergency disconnecting means shall be permitted when installed in compliance with sections 230.85(A), (B), (D), and (E). Delete section 230.85(C). ()

- s.** Section 314.27(C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets. Delete second paragraph. ()
- t.** Section 334.10(3). Delete and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15) minute finish rating as identified in lists of fire-rates assemblies. For the purpose of this section, cable located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. ()
- u.** Section 334.15(C). Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet, it shall be permissible to secure NM cables, that run at angles with joist, to the bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with article 320.23. ()
- v.** Pole Lighting. Poles used as lighting standards along roadways only (parking areas are not roadways) that are forty (40) feet or less in nominal height and that support no more than four (4) luminaries operating at a nominal voltage of three hundred (300) volts or less to the ground, shall not be considered a structure as it is defined as equipment by the NEC. The disconnecting means may be mounted to the pole or elsewhere in accordance with NEC, section 225.31(B), exception 3. Special purpose fusible connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to article 230 – Services. Overcurrent protection shall be provided by a (fast-acting – minimum 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaries shall be protected by supplementary overcurrent device (time -delay – minimum 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the handhole. Any poles supporting of incorporating utilization equipment or exceeding the prescribed number of luminaries, or in excess of forty (40) feet, may be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire – supporting poles shall be appropriately grounded and bonded per the NEC. A service may not need a Watt Hour Meter. ()
- w.** Section 422.5(A)(7). Delete section 422.5(A) list item (7) dishwashers. ()
- x.** Section 675.8(B). Compliance with section 675.8(B) shall include the additional requirement that a disconnecting means always be provided at the point of service then the utility no matter where the disconnecting means for the machine is located. ()
- y.** Article 682.10. Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()
- z.** Article 682.11. Add the following exception: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. ()
- aa.** Article 682.13. Add the following exceptions: ()
- i.** Exception No. 1. Wiring methods such as HDPE schedule eighty (80) conduit or its equivalent or greater and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical conductors shall be approved. It shall be buried wherever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: when internal conductors are jacketed submersible pump cable; when used in continuous lengths, directly buried, or secured on a shoreline above and below the water line; when submersible pump wiring terminations in the body of water according to section 682.13 Exception No. 2 are met. ()
- ii.** Exception No. 2. Any listed and approved splices required to be made at the submersible well pump itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy-duty heat shrink or other equivalent method approved by the authority having jurisdiction. (e.g.

install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. ()

iii. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. ()

bb. Article 682.14. Add the following additional exception: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. ()

cc. Section 682.14(A). Add the following exception: For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as “Emergency Pump Stop”, or “Emergency Stop” with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. ()

dd. Article 682.15. Add the following exceptions: ()

i. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. ()

ii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. ()

ee. Article 690.12 Rapid Shut Down. Add following Exemptions: ()

i. Detached structures whose sole purpose is to house PV system equipment shall not be subject to the requirements outlined in article 690.12. ()

ii. PV system circuits installed on or in buildings without the presence of a utility supplied power source shall not be required to comply with article 690.12 where all of the following apply: the minimum distance to bring electric utility power lines or service conductors to the building is 1,000 feet or greater; the building has a minimum setback distance of 100 feet from any building or structure located on adjacent properties; A lockable service entrance rated AC disconnect is installed outside at a readily accessible location; and the AC disconnect has a permanent placard or label with the following words or equivalent:

WARNING
SOLAR PV SYSTEM IS NOT EQUIPPED WITH RAPID SHUTDOWN

The warning placard or label shall comply with Section 110.21(B). ()

ff. Section 690.12(A) Exception. PV system circuits originating within or from arrays not attached to buildings that terminate on the exterior of buildings or inside nearest the point of entrance, and PV system circuits installed in accordance with article 230.6 shall not be considered controlled conductors for the purposes of this section. ()

gg. Article 706.5: Listing. Energy storage systems shall be listed. This shall not apply to lead-acid batteries. ()

hh. Section 706.15(B) Off Grid Systems. Add the following exception: For one-family and two-family dwellings, a disconnecting means or its remote control shall be located at a readily accessible location. ()

02. Availability. A copy of the 2023 National Electrical Code is available at the offices of the Division of Occupational and Professional Licenses. ()

601. – 999. **(RESERVED)**

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION

(THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 61, and the Public Records Act, Section 74-107(13), Idaho Code, and Executive Order No. 2020-01.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being adopted by the Idaho Public Utilities Commission in compliance with the Governor's [Executive Order No. 2020-01 – Zero Based Regulation](#). Negotiated Rulemaking was conducted on August 29, 2024. A summary of the rulemaking can be found at the Commission's website [here](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 283-304](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 30th day of October, 2024.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

IDAPA 34 – IDAHO SECRETARY OF STATE
34.08.01 – RULES GOVERNING PAID SIGNATURE GATHERERS
DOCKET NO. 34-0801-2401 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 34-1807, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to S1377, effective July 1, 2024, the Secretary of State implemented a temporary and proposed rule relating to the badge required to be worn by paid signature gatherers for initiatives and referendums. The rule sets forth the badge's font, shape, color, and size requirements.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 557-558](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Robert McQuade at (208) 334-2300.

DATED this 31st day of October, 2024.

Robert H. McQuade, Jr.
Assistant Chief Deputy
Idaho Secretary of State
700 W. Jefferson Street, Room E205
P.O. Box 83720
Boise, ID 83720-0080
(208) 334-2300

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Property Tax Administrative Rule 617 addresses the income capitalization approach used for Animal Units per Month (AUM) for grazing land assessments in Idaho. The rule provides the formula used by county assessors to properly value specific types of Agricultural land. The statute, Section 63-205C, Idaho Code, doesn't specify the formula and corrected calculation instruction is needed.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Volume 24-9, pages 559-562](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan Dornfest at (208) 334-7742.

DATED this 4th day of December, 2024.

Kimberlee Stratton
Rules Coordinator, Government Affairs
Idaho State Tax Commission
11321 W. Chinden Blvd., Boise ID 83714
PO Box 36. Boise ID 83722-0036
(208) 334-7544

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-2402

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Current Property Tax Administrative Rule 810 conflicts with statute due to the passage of House Bill 521 during the 2024 legislative session. The pending version of Rule 810 eliminates these inconsistencies and guides local county governments on procedures necessary to distribute property tax relief payments as appropriated by the Idaho Legislature. Procedures changed with the passage of House Bill 521 include the elimination of one of the three original property tax relief programs.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Volume 24-9, pages 563-565](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan Dornfest at (208) 334-7742.

DATED this 4th day of December, 2024.

Kimberlee Stratton
Rules Coordinator, Government Affairs
Idaho State Tax Commission
11321 W. Chinden Blvd., Boise ID 83714
PO Box 36, Boise ID 83722-0036
(208) 334-7544

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0105-2401 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Tax Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01: Zero-Based Regulation.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Volume 24-9, pages 566-590](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Elena Gonzalez at (208) 334-7855.

DATED this 4th day of December, 2024.

Kimberlee Stratton
Rules Coordinator, Government Affairs
Idaho State Tax Commission
11321 W. Chinden Blvd., Boise ID 83714
PO Box 36, Boise ID 83722-0036
(208) 334-7544

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAXES ADMINISTRATIVE RULES

DOCKET NO. 35-0110-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Tax Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01: Zero-Based Regulation.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Volume 24-9, pages 591-602](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Elena Gonzalez at (208) 334-7855.

DATED this 4th day of December, 2024.

Kimberlee Stratton
Rules Coordinator, Government Affairs
Idaho State Tax Commission
11321 W. Chinden Blvd., Boise ID 83714
PO Box 36, Boise ID 83722-0036
(208) 334-7544

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.01 – ADJUDICATION RULES

DOCKET NO. 37-0301-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-1805(8), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 305-316](#). Adoption of this pending rule removes unnecessary language, revises language for readability and sets the minimum requirements for completing a notice of claim to a water right acquired under state law. The rule establishes clear criteria for calculation of claim filing fees and sets clear criteria for rejecting incomplete claims.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

IDAPA 37.03.01 establishing clear criteria for calculation of claim filing fees including flat fees, variable fees, and late fees, as authorized in Section 42-1414, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 15th day of November, 2024.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.02 – BENEFICIAL USE EXAMINATION RULES

DOCKET NO. 37-0302-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-1805(8), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule governs the examination requirements necessary to consider and determine the extent of application of water to beneficial use accomplished under a water right permit, establishes the procedures and requirements for qualification to become a certified water right examiner, and governs licensing examination fees which are used to offset costs incurred by IDWR in reviewing and determining the extent of beneficial use.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 317-329](#). Adoption of the pending rule simplifies and clarifies substantive language while reducing the overall length of the rule.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The rule governs the certification of water right examiners, the filing of proof of beneficial use, and beneficial use examination reports as well as the collection of fees for the same pursuant to Sections §§ 42-217, 42-217a, 42-218a, and 42-221K, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Erik Boe at rulesinfo@idwr.idaho.gov, 208-287-4935.

DATED this 19th day of November, 2024.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
37.03.03 – RULES AND MINIMUM STANDARDS FOR THE CONSTRUCTION
AND USE OF INJECTION WELLS

DOCKET NO. 37-0303-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-1805(8), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule offers a clear set of procedures and minimum standards for the construction and use of waste disposal and injection wells that protect groundwater resources and promotes public health. Adoption of the pending rule removes unnecessary provisions and language, reorganizes the rules to improve ease of use, and modifies rules to improve clarity.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 330-365](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 42-3905(1) and 42-3905(2), Idaho Code, the fee(s) in this rulemaking consist of a one-hundred-dollar (\$100) fee for each deep injection well requiring a permit and a seventy-five-dollar (\$75) fee for each submittal of a notice of construction form for a new shallow injection well.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 15th day of November, 2024.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.09 – WELL CONSTRUCTION STANDARDS RULES

DOCKET NO. 37-0309-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-1805(8), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 366-406](#). Adoption of the pending rule removes unnecessary language, revises language for readability, removes unnecessary provisions, and sets the procedures for drilling and constructing wells to prevent waste and contamination of Idaho's ground water resources.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 42-235, Idaho Code, the fee(s) in this rulemaking consist of a seventy-five-dollar (\$75) fee for each domestic or monitoring well permit and two-hundred-dollars (\$200) for wells other than domestic or monitoring wells.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 15th day of November, 2024.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.11 – RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES

DOCKET NO. 37-0311-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-1805(8), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 407-408](#). Adoption of the pending rule aligns IDAPA 37.03.11.050 (Rule 50) with Section 42-233c, Idaho Code. Section 42-233c, Idaho Code, effective on and after July 1, 2024, clarifies the area having a common ground water supply for the Eastern Snake Plain Aquifer (ESPA).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 15th day of November, 2024.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.03 – RULES GOVERNING VEHICLE DEALER’S PRINCIPAL PLACE OF BUSINESS AND CLAIMS TO THE IDAHO CONSUMER ASSET RECOVERY FUND

DOCKET NO. 39-0203-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 49-201(1) and 49-1608F(9), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule clarifies terms used in the statutory definition of “principal place of business” and provides for definitions and processes for payment of claims from the Idaho Consumer Asset Recovery Fund. This rule was reviewed in accordance with the agency’s [Zero-Based Regulation review schedule](#). The proposed edits clarify several provisions and are non-substantive in nature.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 412-415](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 8th day of November, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.75 – RULES GOVERNING NAMES ON DRIVERS' LICENSES AND IDENTIFICATION CARDS

DOCKET NO. 39-0275-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 49-201(1), 49-319(5), and 49-2444(15), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule provides standardization to record and format names for credentials. The proposed changes align the recording of an individual's name with their verified identity documentation and remove unnecessary and prohibitive language.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 416-419](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 8th day of November, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.41 – RULES GOVERNING TRAFFIC CONTROL DEVICES

DOCKET NO. 39-0341-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312(1), 40-313(2), and 49-201(3), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to 23 CFR § 655.603(a)(1) and (3), states are required to be in substantial conformance with the federal Manual on Uniform Traffic Control Devices (MUTCD) within two years of the effective date of the final rule (December 2023). This rule articulates the portions of the MUTCD that Idaho does not comply with.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 420-442](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 8th day of November, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.60 – RULES GOVERNING OUTDOOR ADVERTISING, ACCIDENT MEMORIALS, AND OTHER OFFICIAL SIGNS

DOCKET NO. 39-0360-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Chapters 1, 3, and 19, Title 40, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule establishes provisions concerning the control of outdoor advertising signs, structures or displays along the interstate, primary system of highways, and National Highway System roads of the state of Idaho. This rule was reviewed in accordance with the agency's [Zero-Based Regulation review schedule](#). The proposed edits remove several definitions that are already established through Idaho Code.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 443-457](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 8th day of November, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.65 – RULES GOVERNING TRAFFIC MINUTE ENTRIES

DOCKET NO. 39-0365-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 49-201(1) and 49-202(22), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule establishes the procedures for making traffic minute entries regulating speed zoning, parking, traffic control devices, and the selective exclusion of traffic on the State Highway System. This rule was reviewed in accordance with the agency's [Zero-Based Regulation review schedule](#). The proposed edits remove minor provisions that are no longer applicable.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 458-460](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 8th day of November, 2024.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
50.01.01 – RULES OF THE COMMISSION OF PARDONS AND PAROLE
DOCKET NO. 50-0101-2401
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-Eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-1004(3), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule is being adopted to address the enhancements created by House Bill 600 (passed during the 2023-2024 legislative session) regarding felony offenses of Idaho Code Section 18-918 *Domestic Violence* and Idaho Code Section 18-923 *Attempted Strangulation*.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, pages 467-469](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with the rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There are no impacts to the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance regarding technical questions concerning this pending rule, contact:

Mary Schoeler
208.334.2520

DATED this 28th day of October, 2024.

Christine Starr
Executive Director
Commission of Pardons and Parole
3056 Elder St.
Boise, ID 83705
Phone (208) 334-2520
Fax (208) 334-3501

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act (CAA) programs.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update federal regulations incorporated by reference. This rulemaking also removes obsolete text and brings back definitions that were inadvertently struck during previous rulemaking with the intention of moving to other rule sections. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 4, 2024, Vol. 24-9, pages 605 through 629. After consideration of public comments, the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/air-quality-docket-no-58-0101-2401/>.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and Chapter 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to remove Sections 851, Petroleum Release Reporting, Investigation, and Confirmation, and 852, Petroleum Release Response and Corrective Action, from IDAPA 58.01.02, and move to IDAPA 58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. This is a companion rulemaking to Docket No. 58-0124-2401. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2024, [Vol. 24-8, pages 194 through 200](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Water Quality: [Docket No. 58-0102-2401](#) | Idaho Department of Environmental Quality.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES AND RULES FOR CLEANING OF SEPTIC TANKS

DOCKET NO. 58-0103-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 5, 2024, [Vol. 24-6, pages 99 through 131](#). After consideration of public comments, the proposed rule has been revised at Subsection 013.04.j., a revision to fix a typographical error was made at Subsection 007.08.a. and editorial revisions were made in Sections 004-007, 010, 013, and 050. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/individual-subsurface-sewage-disposal-docket-no-58-0103-2301/>.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

DOCKET NO. 58-0103-2301 – ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 24-6, June 5, 2024, pages 99 through 131.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR ZBR DOCKET NO. 58-0103-2301
(Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.)

**58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES
AND RULES FOR CLEANING OF SEPTIC TANKS**

004. GENERAL REQUIREMENTS.

01. Intent of Rules. The Idaho Board of Environmental Quality, ~~in order~~ to protect the health, safety, and environment of the people of the state of Idaho establishes these rules governing the design, construction, siting and abandonment of individual and subsurface sewage disposal systems. These rules are intended to ensure that blackwastes and wastewater generated in the state of Idaho are safely contained and treated and that blackwaste and wastewater contained in or discharged from each system: (3-31-22)()

- a. Are not accessible to insects, rodents, or other wild or domestic animals; (3-31-22)
- b. Are not accessible to individuals; (3-31-22)
- c. Do not ~~give rise to~~ create a public nuisance due to odor or unsightly appearance; (3-31-22)()
- d. Do not injure or interfere with existing or potential beneficial uses of the waters ~~of the State; and~~ (3-31-22)()
- e. Do not have an adverse impact on public health or the environment. ()

02. Compliance with Intent ~~Required~~. The Director ~~shall will~~ not authorize or approve any system if, in the ~~opinion of the Director's opinion~~, the system will not ~~be~~ (is/does) not ~~in compliance~~ comply with the intent of these rules. (3-31-22)()

03. System Limitations. Cooling water, backwash or backflush water, hot tub or spa water, air conditioning water, water softener brine, groundwater, oil, ~~or~~ roof drainage, or other substances detrimental to the system's performance or to groundwater quality cannot be discharged into any system unless that discharge is approved by the Director. (3-31-22)()

04. Increased Flows. Unless authorized by the Director, ~~no person shall~~ it is unlawful for any person to provide for or connect additional blackwaste or wastewater sources to any system if the resulting flow or volume would exceed the approved design flow of the system. (3-31-22)()

05. Failing System. The owner of any failing system ~~shall must~~ obtain a permit and ~~cause repair~~ the failing system's repair: (3-31-22)()

- a. As soon as practical after the owner becomes aware of its failure; or (3-31-22)
- b. As directed ~~in~~ with proper notice from the Director. (3-31-22)()

06. Subsurface Disposal System Replacement Area. An area of land ~~which is~~ suitable ~~in all respects~~ for the complete replacement of a new subsurface disposal system disposal field ~~shall must~~ be reserved as a

replacement area. This area ~~will~~ must be kept vacant, free of vehicular traffic, and free of any soil modification ~~which that~~ would negatively affect its use as a replacement disposal field construction site. (3-31-22)()

07. Technical Guidance Committee (TGC). The Director ~~shall~~ s appoints a TGC composed of three (3) representatives from the seven (7) Hhealth Districts, one (1) representative from the Department ~~of Environmental Quality~~, one (1) professional engineer licensed in the state of Idaho and one (1) licensed installer. ~~Initially two (2) committee members shall be appointed to each of one (1), two (2) and three (3) year terms.~~ Appointments to vacancies ~~thereafter shall be to~~ are three (3) year terms. (3-31-22)()

08. TGC Duties ~~of the TGC~~. The TGC ~~shall~~ s maintains the TGM ~~to be~~ used in the design, construction, alteration, operation, and maintenance of conventional systems, their components, and alternatives. The TGC ~~shall~~ s reviews r variances r requests and commercially manufactured wastewater treatment components and systems at the request of the Director and provides s recommendations. (3-31-22)()

09. TGM. The TGM maintained by the TGC ~~shall~~ s provides s ~~state of the art~~ technical guidance on alternative sewage disposal components and systems, soil type determination methodology, and other information pertinent to the best management practices of individual and subsurface sewage disposal. (3-31-22)()

10. Alternative System. If a standard system ~~as described in these rules~~ cannot be installed on a parcel of land, an alternative system may be permitted if that system is installed in accordance with the TGC's recommendations ~~of the TGC~~ and is approved by the Director as ~~set forth~~ stated in Section 009. (3-31-22)()

005. PERMIT AND PERMIT APPLICATION.

01. Permit Required. Except as specified in Subsection 005.02 ~~it shall be unlawful for any no~~ person ~~to cause or to perform the modification~~ may modify, repair or expand or ~~construction of~~ install any individual or subsurface sewage disposal system within the state of Idaho unless there is a valid installation permit authorizing that activity. (3-31-22)()

02. Exceptions to Permit Requirement Permit Exceptions. The activities listed in this subsection may be lawfully performed in the absence of a valid installation permit. ~~They are, however,~~ but are subject to all other relevant rules and regulations. (3-31-22)()

a. Portable nondischarging systems may be installed ~~where needed~~ as temporary blackwater or wastewater systems if ~~they are~~ properly maintained and ~~if they are~~ of a design ~~which has been~~ approved by the Director. (3-31-22)()

b. Individual and subsurface disposal systems may be repaired when needed ~~as a result of due to~~ clogged or broken solid piping or ~~of~~ malfunctions in an electrical or mechanical system. ~~Such repair~~ Repairs may not expand the system unless authorized by the Director. (3-31-22)()

03. Permit Application. The owner of the system or ~~the owner's~~ their authorized representative ~~shall~~ make must submit the application to the Director ~~in writing and in a manner or form prescribed by the Director~~ in an approved form. (3-31-22)()

04. Contents of Application Application Contents. ~~A permit application will be used to help determine if the proposed construction will be in conformance with applicable rules and regulations.~~ Information required in the application may include, but is not limited to: (3-31-22)()

- a. ~~The n~~ Name and address of the owner of the system and of the applicant, if different; (3-31-22)()
- b. ~~The l~~ Legal description of the parcel of land; (3-31-22)()
- c. ~~The t~~ Type of establishment served; (3-31-22)()
- d. ~~The m~~ Maximum number of persons served, number of bedrooms, or other appropriate measure of (3-31-22)()

- wastewater flow; (3-31-22)()
- e. ~~The~~ Type of system; (3-31-22)()
 - f. ~~The~~ Construction activity (new construction, enlargement, repair); (3-31-22)()
 - g. ~~As~~ Scaled or dimensioned plot plan including, if needed, adjacent properties illustrating: (3-31-22)()
 - i. ~~The~~ Location and size of all existing and proposed wastewater systems including disposal field replacement areas; (3-31-22)()
 - ii. ~~The~~ Location of all existing water supply system features; (3-31-22)()
 - iii. ~~The~~ Location of all surface waters; (3-31-22)()
 - iv. ~~The~~ Location of scarps, cuts, and rock outcrops; (3-31-22)()
 - v. Land elevations, ~~surface contours, and ground slopes~~ between features of interest; (3-31-22)()
 - vi. Property lines, easements, and rights-of-way; and (3-31-22)
 - vii. Location and size of buildings and structures. (3-31-22)
 - h. ~~The~~ Plans and specifications of the proposed system ~~which include~~ including: (3-31-22)()
 - i. Diagrams of all system facilities ~~which are to be~~ made or fabricated at the site; (3-31-22)()
 - ii. ~~The~~ Manufacturer's name and identification of any component approved ~~pursuant to~~ under Sections 007 and 009; and (3-31-22)()
 - iii. List of materials. (3-31-22)
 - i. Site evaluation report that includes but is not limited to a Soil description and profile, and groundwater data, ~~percolation or permeability test results and/or a site evaluation report;~~ (3-31-22)()
 - j. ~~The~~ Nature and quantity of blackwaste and wastewater ~~which~~ the system ~~is to~~ will receive, including the basis for that estimate; (3-31-22)()
 - k. Proposed operation, maintenance, and monitoring procedures to ~~insure~~ ensure the system's performance and failure detection; (3-31-22)()
 - l. Copies of legal documents relating to access and to responsibilities for operation, maintenance, and monitoring; (3-31-22)
 - m. ~~As~~ Statement from the local zoning or building authority indicating ~~that~~ the proposed system would not be contrary to local ordinances; (3-31-22)()
 - n. ~~The~~ Signature of the owner of the ~~proposed~~ system and, if different, of the applicant; and (3-31-22)()
 - o. Any other information, document, or condition ~~that may be~~ required by the Director to substantiate that the ~~proposed~~ system will comply with applicable rules and regulations. (3-31-22)()
- 05. ~~Basis for~~ Permit Application Denial.** The Director may deny a permit application if in the Director's judgment: (3-31-22)()

- a. The application is incomplete, inaccurate, or misleading; (3-31-22)
- b. The system as proposed is not in compliance with applicable rules and regulations; (3-31-22)
- ~~e.~~ ~~The system as proposed would, when put into use, be considered a failing system;~~ (3-31-22)
- ~~d.~~ ~~The design and description of a public system was not made by a professional engineer;~~ (3-31-22)
- ~~ec.~~ ~~The P~~public or central wastewater treatment facilities are reasonably accessible. (3-31-22)()
06. **Notice of Denial.** Upon denial of an application the Director ~~shall~~ will notify the applicant of the reason for denial. (3-31-22)()
07. ~~Permit Issuance of Permit.~~ When, in the ~~Director's~~ Director's opinion ~~of the Director~~ the system as proposed will ~~be in conformance~~ conform with applicable rules ~~and regulations~~, the Director ~~shall~~ will issue an "Individual and Subsurface System Installation Permit"; (3-31-22)()
08. **Valid Application and Permit** ~~Valid for One Year.~~ Unless otherwise stated on the application or permit, it ~~shall~~ will become invalid if the authorized construction or activity is not completed and approved within ~~one two~~ (2) years of the date of issuance. (3-31-22)()
09. **Permit Renewal.** At the ~~Director's~~ Director's discretion ~~of the Director~~, a permit may be renewed ~~one (1) or more times~~ upon request by the applicant or owner ~~provided that if~~ the request is received by the Director ~~prior to before~~ the permit's date of expiration. (3-31-22)()
10. ~~Immediate Effect of the Permit Effect.~~ A valid permit authorizes the construction of an individual or subsurface disposal system and requires ~~that~~ the construction be conducted in compliance with plans, specifications, and conditions contained in the approved permit application. Any deviation from the plans, specifications, ~~and or~~ conditions is prohibited unless it is approved in advance by the Director. (3-31-22)()
- ~~11. Cottage Site Facility Certification.~~ A valid permit ~~shall constitute certification and approval for the purposes of Section 39-3637, Idaho Code.~~ (3-31-22)
- ~~12. Existing Installation Permits.~~ Individual and subsurface sewage disposal installation permits or other lot specific approvals for systems issued prior to February 7, 1978, pursuant to Idaho Code Title 39, Chapter 1 and Title 39, Chapter 36, will become invalid one (1) year after written notice is given by the Director notifying the owner or holder of such a permit or approval that the permit or approval will no longer be valid unless construction or installation of the system provided for in the permit or approval is commenced within one (1) year after giving of the notice. This provision does not apply to certificates filed to satisfy a sanitary restriction pursuant to Section 50-1326, Idaho Code. (3-31-22)
- ~~131. Abandonment May Be Required.~~ The Director may require as a condition for issuing a permit that the system be abandoned by a specified date or ~~under~~ specific predetermined circumstances. The date or circumstances will be established before ~~the issuance of~~ issuing the permit and be contained in the permit application. These conditions may relate to a specific date, dwelling density, ~~completion of a~~ municipal system completion or other circumstances ~~relative to the~~ regarding availability of central sewerage system services. (3-31-22)()
142. **Operation, Maintenance, and Monitoring.** (3-31-22)()
- a. The Director may require, as a condition of issuing a permit, ~~that~~ specific operation, maintenance, and monitoring procedures be observed. Those procedures will be contained in the installation permit. (3-31-22)()
- b. All operation, maintenance, and monitoring requirements of installation permits including effluent sampling ~~shall~~ must be perpetual unless: (3-31-22)()
- i. The system is not installed; (3-31-22)

- ii. The system is removed, abandoned, or replaced; or (3-31-22)
- iii. The permit is amended or revoked by the Director. (3-31-22)
- c. If a system ~~gains approval~~ is approved as described by the TGM, sampling requirements may be removed. (3-31-22)()

~~15. As Built Plans and Specifications.~~ The Director may require as a condition of issuing a permit, that complete and accurate record drawings and specifications depicting the actual construction be submitted to the Director within thirty (30) days after the completion of the construction. Alternately, if the construction proceeded in compliance with the approved plans and specifications, a statement to that effect may be submitted. (3-31-22)

~~163. Permit Fee.~~ All applications ~~shall~~ must be accompanied by payment ~~of the fee~~ specified in IDAPA 58.01.14, ~~Section 110,~~ “Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services”. (3-31-22)()

~~006. INSTALLER’S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION~~ REGISTRATION PERMITS FOR INSTALLERS AND SERVICE PROVIDERS.

~~01. Permit and Certification Required.~~ Every installer and service provider ~~shall~~ must secure from the Director ~~an installer’s registration permit.~~ ~~Service providers must also obtain a service provider’s certification.~~ Two (2) types of installer permits and one (1) type of service provider ~~certification~~ permit are available. (3-31-22)()

a. A ~~standard and~~ basic alternative system installer’s ~~registration~~ permit is required to install all individual systems not listed under Subsection 006.01.b. (3-31-22)()

b. A complex ~~alternative~~ system installer’s ~~registration~~ permit is required to install evapotranspiration systems, ETSPs, lagoon systems, ~~large soil absorption systems~~ LSASs, pressure distribution systems, ~~proprietary wastewater treatment~~ PWTP systems, intermittent sand filters, sand mounds, or other alternative systems ~~as may be specified by the Director in the TGM.~~ (3-31-22)()

c. A service provider ~~certification~~ permit is required to perform operation, maintenance, or monitoring of ETSPs and any other Director-identified complex ~~alternative~~ systems. (3-31-22)()

~~02. Examination.~~ The initial issuance of the installer’s ~~permit and or~~ service provider’s ~~certification~~ shall permit will be based on ~~the completion of~~ completing an examination, with a passing score of seventy percent (70%) or more, ~~of the applicant’s knowledge of the principles set forth in these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examinations~~ shall be are separate ~~exams.~~ (3-31-22)()

~~03. Permits and Certifications Required Annually.~~ ~~Registration permits and service provider certifications~~ Installer and service provider permits expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be ~~issued~~ for the balance of the calendar year. Additionally, installers ~~and service providers~~ shall will attend at least one (1) refresher course approved by the ~~state of Idaho,~~ Department of Environmental Quality, every three (3) years. ~~Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable.~~ (3-31-22)()

~~04. Contents of Application~~ Contents. (3-31-22)()

a. Applications for installer ~~permits~~ and service provider ~~certifications~~ shall permits must: (3-31-22)()

i. Be in writing: (3-31-22)()

- ii. Be signed by the applicant or ~~by~~ an officer or authorized agent of a corporation; ~~(3-31-22)~~()
- iii. Contain the name and address of the applicant; and (3-31-22)
- iv. Indicate whether the permit is ~~to be~~ for; ~~(3-31-22)~~()
- (1) Installation of standard and basic alternative systems; (3-31-22)
- (2) Installation of standard, basic and complex alternative systems; or (3-31-22)
- (3) ~~Installation of standard, basic and complex alternative systems and certification as a~~ service provider; and ~~(3-31-22)~~()
- v. Contain the expiration date of the bond required by Subsection 006.05. (3-31-22)
- b. Additionally, for applicants seeking ~~certification as~~ a service provider ~~permit~~, the application ~~shall also must~~ contain documentation of manufacturer specific training, ~~as required by~~ described in Subsection 006.06.a. ~~(3-31-22)~~()

05. Bond Required. At the time of application, all applicants, ~~including those~~ seeking a basic or complex installer's permit, or a service provider ~~certification, shall permit must~~ deliver to the Director a bond ~~in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit.~~ The bond ~~will must~~; ()

- a. Be in a form approved by the Director; ()
- b. Be in the sum of ten thousand dollars (\$10,000) for a basic installer's or service provider's permit, or thirty thousand dollars (\$30,000) for a complex installer's permit; ()
- c. ~~Be~~ executed by a surety company duly authorized to do business in the state of Idaho and ~~must~~ run concurrent with the ~~installer's registration permit;~~ and ()
- d. ~~The bond shall be approved by the Director and must g~~Guarantee the installer or service provider's faithful performance of all work undertaken under the provisions of the ~~installer's registration permit or service provider certification~~ installer's or service provider's permit, or both. ()

06. Damages. Any person who suffers damage ~~as the result of from~~ negligent or wrongful acts of the installer or service provider or by the installer's or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit ~~or certification shall will~~, in addition to other legal remedies, have a right of action on the bond for all damages not exceeding ~~five ten~~ thousand dollars (~~\$510,000~~) for standard and basic alternative systems or operation, maintenance, and monitoring by certified service providers or ~~fifteen thirty~~ thousand dollars (~~\$1530,000~~) for complex alternative systems ~~or required operation, maintenance, or monitoring by certified service providers~~. The maximum liability of the ~~surety and/or~~ sureties on the bond, regardless of the number of claims filed against the bond, ~~shall must~~ not exceed the sum of ~~five ten~~ thousand dollars (~~\$510,000~~) for standard and basic alternative systems or operations, maintenance, and monitoring by certified service providers or ~~fifteen thirty~~ thousand dollars (~~\$1530,000~~) for complex alternative systems ~~or required operation, maintenance, or monitoring by certified service providers~~. ~~(3-31-22)~~()

067. Service Provider Responsibilities. All ~~certified permitted~~ service providers who ~~provide operation, maintenance, or monitoring for~~ operate, maintain, or monitor any ~~complex alternative~~ system are responsible for compliance with ~~each of these all~~ rules ~~that are~~ relevant to those services. Additionally, each ~~certified~~ service provider ~~shall must~~; ~~(3-31-22)~~()

- a. Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system ~~for which~~ the service provider intends to provide operation, maintenance, or monitoring

operate, maintain, or monitor. Proper documentation includes a certificate or letter of training completion provided by the manufacturer and an expiration date of the manufacturer's certification. If a system manufacturer is no longer in business, that manufacturer-specific training is not required; (3-31-22)()

b. Maintain a comprehensive list of real property owners who contracted with the certified service provider, including the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal installation permit number. This list shall must be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; (3-31-22)()

c. Notify the system owner in writing of any improper system function that cannot be remedied during the time of operation, maintenance, and monitoring services; and (3-31-22)()

d. Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner for whom the service provider agrees to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required in Subsection 009.03. The annual reports are to must be provided to the Director by the timeframe specified in the TGM for the specific complex alternative system for which operation, maintenance, or monitoring is required. (3-31-22)()

078. Exemption. An installer's permit shall not be is not required for: (3-31-22)()

a. Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19, Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (3-31-22)()

b. Owners installing their own standard or basic alternative systems as described in the TGM. (3-31-22)()

082. Application Fee. All applications shall must be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services." (3-31-22)()

09. Grounds for Revocation. Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (3-31-22)

10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider. (3-31-22)

~~a. Real property owners who want to install ETPSs must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for ETPS installation permits. (3-31-22)~~

~~b. Beginning July 1, 2017, real property owners who had ETPSs installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their ETPSs, real property owners shall retain a certified service provider for their existing ETPSs. (3-31-22)~~

007. SEPTIC TANKS DESIGN AND CONSTRUCTION STANDARDS.

01. Materials. New septic tanks will be constructed of concrete, or other materials approved by the Director. Steel tanks are unacceptable. (3-31-22)

02. Design. A professional engineer licensed by the state of Idaho must submit all septic tank designs to the Department for approval. If any design submitted for approval does not meet all requirements in Section 007, the engineer must demonstrate that any deviation is determined by sound engineering practice and meets the intent of the rules. ()

023. Construction Requirements. All septic tanks will be water tight, constructed of sound, durable materials, and not subject to excessive corrosion, decay, frost damage or cracking. (3-31-22)()

034. Concrete Septic Tanks. New concrete septic tanks will at a minimum meet the following requirements: (3-31-22)

a. The walls and floor must be at least two and one-half (2 1/2) inches thick if adequately reinforced and at least six (6) inches thick if not reinforced. (3-31-22)

b. ~~The C~~concrete lids or covers must be at least three (3) inches thick and adequately reinforced. (3-31-22)()

c. The floor and at least a six (6) inch vertical portion of the walls of a poured tank must be poured at the same time (monolithic pour). (3-31-22)

d. ~~The W~~wall sections poured separately must have interlocking joints on joining edge. (3-31-22)()

e. All concrete outlet baffles must be finished with an asphalt or other protective coating. (3-31-22)

045. Horizontal Dimension Limit. No interior horizontal dimension of a septic tank or compartment may be less than two (2) feet. (3-31-22)

056. Liquid Depth. The liquid depth ~~shall~~ must be at least two and one-half (2 1/2) feet ~~but not greater than five (5) feet.~~ (3-31-22)()

067. Manufactured Tank Markings. Septic tanks manufactured in accordance with a specified design approved by the Director, will be legibly and indelibly marked with the manufacturer's name or trademark, total liquid capacity, and ~~shall~~ must indicate the tank's inlet and outlet. (3-31-22)()

078. Minimum Tank Capacities. (3-31-22)

a. Tanks serving ~~one (1) or two (2)~~ single dwelling units: The minimum tank capacity is one thousand (1,000) gallons. For each bedroom over four (4) in a dwelling unit, add two hundred fifty (250) gallons.

| MINIMUM CAPACITY PER DWELLING UNIT | |
|------------------------------------|-----------------------------------|
| Number of Bedrooms | Minimum Liquid Capacity (Gallons) |
| 1 or 2 | 900 |
| 3 or 4 | 1,000 |

For each bedroom over four (4) add two hundred fifty (250) gallons. (3-31-22)()

b. Tanks serving all other flows. ~~Septic tank capacity shall be equal to two (2) times the average daily flow as determined from Subsection 007-08. The minimum tank capacity shall be seven hundred and fifty (750) per structure is one thousand (1,000) gallons or a volume equal to at least two (2) times the maximum daily flow, whichever is greater.~~ (3-31-22)()

089. Wastewater Flows from Various Establishments in Gallons per Day.

| |
|-----------------------|
| ESTABLISHMENTS |
| DWELLING UNIT |

| ESTABLISHMENTS | |
|---|---|
| Single Family Dwelling, and Apartment , Mobile Homes, 3 bedroom. Add/subtract 50 gallons <u>per day</u> /bedroom | 250/Unit |
| MULTIPLE RESIDENTIAL | |
| Hotel/ Motel : With Private Baths Without Private Baths | 60/Bedspace 40/Bedspace |
| Overnight Accommodation: Central Toilet Central Toilet & Shower | 25/Person 35/Person |
| Motel: With Kitchenette | 40/Bedspace 60/Bedspace |
| Boarding House: Add for each nonresident | 150/Bedspace 25 |
| Rooming House/Bunk House Staff Resident Nonresident | 40/Resident 40/Staff 15/Staff |
| Apartments | 250/Unit |
| INSTITUTIONAL | |
| Assembly Hall/Meeting House | 2/Seat |
| Church/ Assembly Hall/Meeting House : With Kitchen | 3/Seat 7/Seat |
| Hospital: Kitchen only Laundry only | 250/Bedspace 25/Bedspace 40/Bedspace |
| Nursing Home/Rest Home | 125/Bedspace |
| Day School: Without Showers With Showers With Cafeteria, add Staff-Resident Nonresident | 20/Student 25/Student 3/Student 40/Staff 20/Staff |
| FOOD SERVICE | |
| Conventional Service: Toilet & Kitchen Wastes Kitchen Wastes | 13/Meal 3.3/Meal |
| Take Out or Single Service | 2/Meal |
| Dining Hall: Toilet & Kitchen Wastes Kitchen Wastes | 8/Meal 3.3/Meal |
| Drinking Establishment | 2/Person |

| ESTABLISHMENTS | |
|--|---|
| Food Service Employee | 15/Employee |
| COMMERCIAL AND INDUSTRIAL | |
| Bowling Alley | 125/Lane |
| Laundry - Self Service | 50/Wash |
| Public Transportation Terminal | 5/Fare |
| Service Station | 10/Vehicle |
| Car Wash: 1st Bay Additional Bays | 50/Vehicle 1000 500 each |
| Shopping Center (No food/laundry) | 1/Pkg.Sp. |
| Theaters (including Concession Stand): Auditorium Drive in | 5/Seat 10/Space |
| Offices | 20/Employee |
| Factories: No Showers With Showers Add for Cafeteria | 25/Employee 35/Employee 5/Employee |
| Stores | 2/Employee |
| SEASONAL AND RECREATIONAL | |
| Fairground (Peak Daily Attend) | 1/Person |
| Stadium | 2/Seat |
| Swimming Pool: Toilet & Shower Wastes | 10/Person |
| Parks & Camps (Day Use): Toilet & Shower Wastes | 15/Person |
| Roadside Rest Area: Toilet & Shower Wastes Toilet Waste | 10/Person 5/Person |
| Overnight Accommodation: Central Toilet Central Toilet & Shower | 25/Person 35/Person |
| Designated Camp Area: Toilet & Shower Wastes Toilet Wastes | 90/Space 65/Space |
| Seasonal Camp | 50/Space |
| Luxury Cabin | 75/Person |
| Travel Trailer Park with Sewer & Water Hook-up | 125/Space |
| Seasonal/ Construction Camp | 50/Person |

| ESTABLISHMENTS | |
|--|-------------------------|
| Resort Camps | 50/Person |
| Luxury Camps | 100/Person |
| Country Clubs Resident Member Add for Nonresident Member | 100/Member 25/Person |
| Public Restrooms: Toilet Wastes Toilet & Shower Wastes | 5/Person 15/Person |

(3-31-22)()

0910. Total Volume. The total volume of a septic tank ~~will~~ at a minimum must be one hundred fifteen percent (115%) of its liquid capacity. (3-31-22)()

101. Inlets. (3-31-22)

a. The inlet into the tank ~~will~~ be at least four (4) inches in diameter and enter the tank three (3) inches above the liquid level. (3-31-22)()

b. The inlet of the septic tank and each compartment ~~will~~ must be submerged by means of a vented tee or baffle. (3-31-22)()

c. Vented tees or baffles ~~will~~ must extend above the liquid level seven (7) inches or more but not closer than one (1) inch to the top lid of the tank. (3-31-22)()

d. Tees ~~should~~ must not extend horizontally into the tank beyond two (2) times the diameter of the inlet. (3-31-22)()

112. Outlets. (3-31-22)

a. The outlet of the tank ~~will~~ must be at least four (4) inches in diameter. (3-31-22)()

b. The outlet of the septic tank and each compartment ~~will~~ must be submerged by ~~means of~~ a vented tee or baffle. (3-31-22)()

c. Vented tees and baffles ~~will~~ must extend above the liquid level seven (7) inches or more ~~above the liquid level~~ but not closer than one (1) inch to the inside top lid of the tank. (3-31-22)()

d. Tees and baffles ~~will~~ must extend below the liquid level to a depth where forty percent (40%) of the tank's liquid volume is above the bottom of the tee or baffle. ~~For vertical walled rectangular tanks, this point is at forty percent (40%) of the liquid depth. In horizontal cylindrical tanks this point is about thirty-five percent (35%) of the liquid depth.~~ (3-31-22)()

e. Tees and baffles ~~should~~ must not extend horizontally into the tank beyond two (2) times the diameter of the outlet. (3-31-22)()

123. Scum Storage. A septic tank will provide an air space above the liquid level which will be equal to or greater than fifteen percent (15%) of the tank's liquid capacity. ~~For horizontal cylindrical tanks, this condition is met when the bottom of the outlet port is located at nineteen percent (19%) of the tank's diameter when measured from the inside top of the tank.~~ (3-31-22)()

134. Manholes. Manholes must extend to the finished grade. Access to each septic tank or compartment ~~shall~~ must be provided by a manhole twenty (20) inches in minimum dimension or a removable cover of equivalent

size. Each manhole cover ~~will~~ **must** be provided with a corrosion resistant strap or handle to facilitate removal. (3-31-22)()

145. Inspection Ports. An inspection port measuring at least eight (8) inches in ~~its~~ minimum dimension will be placed above each inlet and outlet. Manholes may be substituted for inspection ports. (3-31-22)()

156. Split Flows. The wastewater from a single building sewer or sewer line ~~may~~ **must** not be divided and discharged into more than one (1) septic tank or compartment. (3-31-22)()

167. Multiple Tank or Compartment Capacity. Multiple ~~septic tanks~~ or compartmented septic tanks connected in series may be used ~~so long as~~ **if** the sum of their liquid capacities is at least equal to the minimum tank capacity ~~computed~~ in Subsection 007.07, and the initial tank or compartment has a liquid capacity of ~~more than~~ **at least** one-half (1/2) ~~but no more than two-thirds (2/3)~~ of the total liquid capacity of the septic tank facility. (3-31-22)()

178. Minimum Separation Distances Between Septic Tanks and Features of Concern.

| Features of Concern | Minimum Distance to Septic Tank in Feet | |
|---|---|-------------------------|
| Well or Spring or Suction Line | Public Water | 100 |
| | Other | 50 |
| Water Distribution Line | Public Water | 25 |
| | Other | 10 |
| Permanent or Intermittent Surface Water | | 50 |
| Temporary Surface Water | | 25 |
| Downslope Cut or Scarp | | 25 10 |
| Dwelling Foundation or Building | | 5 |
| Property Line | | 5 |
| Seasonal High Water Level (Vertically from Top of Tank) | | 2 |

(3-31-22)()

189. Installation of Manufactured Tanks Installation. If written installation instructions are provided by the manufacturer of a septic tank, ~~the installer must follow~~ those instructions relative to the stability and integrity of the tank ~~are to be followed~~ unless otherwise specified in the installation permit ~~of these rules~~. (3-31-22)()

~~19. Manhole Extension.~~ ~~If the top of the septic tank is to be located more than twenty-four (24) inches below the finished grade, manholes will be extended to within eighteen (18) inches of the finished grade.~~ (3-31-22)

~~20. Sectional Tanks.~~ ~~Sectional tanks will be joined in a manner that will insure that the tank is watertight.~~ (3-31-22)

210. Inlet and Outlet Piping. Unless otherwise specified in the installation permit, piping **material** to and from a septic tank or dosing chamber, ~~to points three (3) feet beyond the tank excavation shall~~ **and to the drainfield must** be ~~of a material~~ approved by the Director. ~~The following materials are required:~~ **and specified as follows.** (3-31-22)()

a. ABS schedule forty (40) **piping** or material of equal or greater strength ~~piping shall be used to span the excavations for the septic tank and dosing chamber.~~ (3-31-22)()

b. ASTM D-3034 **or equivalent** plastic pipe may be used to span the septic tank and dosing chamber if the excavation is compacted with fill material. (3-31-22)()

i. The fill material must be granular, clean and compacted to ninety percent (90%) standard proctor density. (3-31-22)

ii. Placement of ASTM D 3034 on undisturbed earth is suitable, but in no installation shall there be less than twelve (12) inches of cover over the pipe. (3-31-22)

221. Effluent Pipe Separation Distances. Effluent pipes shall not be installed closer than fifty (50) feet from a well have the same separation distance requirements as septic tanks unless otherwise approved by the Director. (3-31-22)()

232. Septic Tank Abandonment. Responsibility of properly abandoning a septic tank shall remain with the property owner is responsible for septic tank abandonment and must use the following procedures. Septic tanks shall be abandoned in accordance with the following: (3-31-22)()

- a. ~~Disconnection of~~ Disconnect the inlet and outlet piping; (3-31-22)()
- b. ~~Pumping of~~ Pump the scum and septage with approved disposal; and (3-31-22)()
- c. ~~Filling~~ the septic tank with earthen materials; or, physically destroy the septic tank, or remove the septic tank from the ground. (3-31-22)()
- d. ~~Physically destroying the septic tank or removing the septic tank from the ground.~~ (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

010. VARIANCES.

01. Technical Allowance. The Director may make a minor technical allowance to the dimensional or construction requirements ~~of these rules~~ for a standard system if the allowance: (3-31-22)()

- a. ~~The allowance will~~ Does not affect adjacent property owners or the public at large; (3-31-22)()
- b. ~~The allowance will~~ Does not violate the ~~conditions of Subsection 004.01; and~~ intent of the rules. (3-31-22)()
- c. ~~The allowance will~~ Does not ~~be in~~ conflict with any other rule, regulation, standard, or ordinance; and (3-31-22)()
- d. ~~The allowance~~ Changes to a dimensional requirement is not more than ten percent (10%) ~~of the requirements of these rules~~ unless otherwise provided for in the ~~Technical Guidance Manual~~ TGM. (3-31-22)()

02. Variance Petition for Variance. ~~If a petition of variance to these rules is desired, a request for a variance may be filed with the Director. The petition shall contain the following~~ A petition for rule variance must be filed with the Director and include the following detailed statements describing: (3-31-22)()

- a. ~~A concise statement of~~ the facts upon which the variance is requested including a description of the intended use of the property, the estimates of the quantity of blackwaste or wastewater to be discharged, and a description of the existing site conditions; (3-31-22)()
- b. ~~A concise statement of why the~~ The reason petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, and a list of the injury ~~that~~ the ~~grant of the~~ variance would impose on the public; and (3-31-22)()
- c. ~~A clear statement of~~ the precise extent of the relief sought. (3-31-22)()

03. **Public Notice.** ~~At the time of~~ When filing a petition, evidence ~~shall~~ must also be submitted ~~that~~ showing: (3-31-22)(____)

~~a. A notice has appeared in the local newspaper advising the public of the request for variance;~~ (3-31-22)

~~b. A~~ a all property owners within three hundred (300) feet of the affected site ~~have been~~ were notified fifteen (15) days before filing the petition; ~~and~~ (3-31-22)(____)

~~c. Such notices to the public have been made fifteen (15) days prior to the filing of the petition.~~ (3-31-22)

04. **~~Objections to Petition~~ Objections.** Any person may file with the Department, within twenty-one (21) days after the filing ~~of~~ the petition, a written objection to the grant of the variance. A copy of ~~such the~~ objection ~~shall~~ must be provided by the Department to the petitioner. (3-31-22)(____)

05. **Investigation and Decision.** After investigating the variance petition and considering the views of persons who might be adversely affected by the grant of the variance, the Director ~~shall~~ will, within sixty (60) days after the filing of the petition, make a decision ~~as to the disposition of~~ regarding the petition. ~~The decision, a copy of which shall be served on the petitioner, shall include~~ The Department will provide the decision to the petitioner, including: (3-31-22)(____)

~~a. A description of the efforts made by the Director to investigate the facts as alleged and to ascertain obtain and summarize the views of persons who might be affected, and a summary of the views so ascertained;~~ (3-31-22)(____)

~~b. A statement of the degree to which, if at all, the Director disagrees with the facts as alleged in the petition; and~~ (3-31-22)(____)

~~c. Allegations of any other facts believed relevant to the disposition of the petition; and,~~ (3-31-22)(____)

~~d. The Director's decision.~~ (3-31-22)

06. **Limitations on Decision.** No technical allowance or variance ~~shall~~ will be granted unless: (3-31-22)(____)

~~a. Adequate proof is shown by the petitioner that compliance would impose an arbitrary or unreasonable hardship;~~ (3-31-22)

~~b. The technical allowance or variance rendered is consistent with the recommendations of the Technical Guidance Committee TGC or the Technical Guidance Manual TGM in use at the time of the petition; and~~ (3-31-22)(____)

~~c. The Director has determined that the approval of the technical allowance or variance will not have an adverse impact on the public health or the environment~~ violate the intent of the rules. (3-31-22)(____)

(BREAK IN CONTINUITY OF SECTIONS)

013. ~~LARGE SOIL ABSORPTION SYSTEM DESIGN AND CONSTRUCTION~~ LSAS.

01. **Site Investigation.** A site investigation ~~for a large soil absorption system conducted~~ by a soil scientist ~~and/or hydrogeologist may be required by the Director for review and approval and shall be coordinated with the Director. Soil and site investigations shall conclude that the effluent will not adversely impact or harm the waters of the State determining whether the LSAS effluent will adversely impact the waters must be submitted to the Director for review and approval.~~ (3-31-22)(____)

02. **Installation Permit Plans.** Installation permit application plans, ~~as outlined in Subsection 005-04,~~ for ~~an~~ ~~large soil absorption system~~ **LSAS** submitted for approval ~~shall~~ **must** include provisions for inspections ~~by the design engineer, designee, or Director~~ of the work during construction ~~by the design engineer or his designee and/or by the Director.~~ (3-31-22)()

03. **Module Size.** The maximum size of any subsurface sewage disposal module ~~shall~~ **must** be ten thousand (10,000) gallons per day. Developments with greater than ten thousand (10,000) gallons per day flow ~~shall~~ **must** divide the system into absorption modules designed for ten thousand (10,000) gallons per day or less. (3-31-22)()

04. **Standard ~~Large Soil Absorption System~~ **LSAS** Design Specifications.** (3-31-22)()

a. All design elements and applications rates ~~shall be arrived at by~~ **must be developed using** sound engineering practice and ~~shall be~~ provided by a professional engineer licensed by the state of Idaho ~~and specializing in environmental or sanitary engineering.~~ (3-31-22)()

b. **All design and installation requirements for standard systems apply to LSASs unless otherwise specified in this section.** ()

b.c. Within thirty (30) days of **completing** system installation ~~completion,~~ the design engineer ~~shall~~ **must** provide either as-built plans or a certificate that the system ~~has been~~ **was** installed in substantial compliance with the installation permit application plans. (3-31-22)()

d. ~~Effective Soil Depths.~~ Effective soil depths, in feet, below the bottom of the absorption module to the site conditions must be equal to or greater than the following table:

| TABLE -- EFFECTIVE SOIL DEPTHS | | | |
|--|--------|------|-------|
| Site Conditions Limiting Layer | Design | Soil | Group |
| Limiting Layer | A | B | C |
| Impermeable Layer | 8 | 8 | 8 |
| Fractured Bedrock, Fissured Bedrock or Extremely Permeable Material | 12 | 8 | 6 |
| Normal High Groundwater Level | 12 | 8 | 6 |
| Seasonal High Groundwater Level | 2 | 2 | 2 |

(3-31-22)()

d.e. ~~Separation Distances.~~ The disposal area absorption module must be located so ~~that~~ the following separation distances ~~given~~ **provided in the following table**, in feet, are maintained or exceeded ~~as outlined in the following table:~~

| TABLE -- SEPARATION DISTANCES | | | |
|------------------------------------|--------|------|-------|
| Feature of Interest | Design | Soil | Group |
| | A | B | C |
| All Domestic Water Supplies | | | |
| Sewage Volume - 2,500-5,000 GPD | 250 | 200 | 150 |
| Sewage Volume - 5,000-10,000 GPD | 300 | 250 | 200 |

| TABLE -- SEPARATION DISTANCES | | | |
|---|--------|------|-------|
| Feature of Interest | Design | Soil | Group |
| | A | B | C |
| Property Lines | | | |
| Sewage Volume - 2,500-5,000 GPD | 50 | 50 | 50 |
| Sewage Volume - 5,000-10,000 GPD | 75 | 75 | 75 |
| Building Foundations - Basements | | | |
| Sewage Volume - 2,500-5,000 GPD | 50 | 50 | 50 |
| Sewage Volume - 5,000-10,000 GPD | 75 | 75 | 75 |
| Downslope Cut or Scarp | | | |
| Impermeable Layer - Below Base | 100 | 50 | 50 |
| Separation Distance - Between Modules | 12 | 12 | 12 |

(3-31-22)()

~~ef.~~ ~~No large soil absorption system shall~~ ~~be installed above a downslope scarp or cut unless it can be demonstrated that the installation will not result in effluent surfacing at the cut or scarp~~ ~~unless approved by the Director.~~ ~~(3-31-22)()~~

~~fg.~~ A minimum of two (2) disposal systems ~~will~~ must be installed, each sized to accept the daily design flow, and a replacement area equal to the size of one (1) disposal system ~~will~~ must be reserved. (3-31-22)()

~~gh.~~ The vertical and horizontal hydraulic limits of the receiving soils ~~shall~~ must be established and flows ~~shall~~ must not exceed such limits ~~so as~~ to avoid hydraulically overloading any absorption module and replacement area. (3-31-22)()

~~hi.~~ The distribution system must be pressurized with a duplex dosing system. (3-31-22)

~~i.~~ ~~A geotextile filter fabric shall cover the aggregate.~~ (3-31-22)

~~j.~~ An ~~in-line~~ effluent filter between an extended treatment system or lagoon system and the large soil absorption area ~~shall~~ must be installed. (3-31-22)()

~~k.~~ Observation pipes ~~shall~~ must be installed to the bottom of the ~~drainrock~~ aggregate throughout the drainfield. (3-31-22)()

~~l.~~ ~~Pneumatic tired machinery travel over the excavated infiltrative surface is prohibited.~~ (3-31-22)

~~m.~~ The drainfield disposal area ~~shall~~ must be constructed to allow for surface drainage and to prevent ponding of surface water erosion. ~~Before the system is put into operation the absorption module disposal area shall be seeded with typical lawn grasses and/or other appropriate shallow rooted vegetation.~~ (3-31-22)()

~~05.~~ ~~Large Septic Tanks. Large Septic Tanks shall be constructed according to Section 007, except as outlined in this Subsection:~~ (3-31-22)

~~a.~~ Length to width ratios shall be maintained at least at a three to one (3:1) ratio. (3-31-22)

~~b.~~ Tank inlet shall allow for even distribution of the influent across the width of the tank. (3-31-22)

~~e. The width to liquid depth ratio shall be between one to one (1:1) and two and one quarter to one (2.25:1). (3-31-22)~~

065. Monitoring and Reporting. Before an installation permit is issued, the Director will approve a monitoring and reporting plan ~~shall be approved by the Director and shall~~ that contains the following minimum criteria: ~~(3-31-22)~~()

a. Monthly recording and inspection for ponding in all observation pipes. (3-31-22)

b. Monthly recording of influent flows based on lapse time meter ~~and/~~ or event meter of the dosing system. ~~(3-31-22)~~()

c. Monthly recording of groundwater elevation measurements at all monitoring wells if high seasonal groundwater is within fifteen (15) feet of the ground surface. (3-31-22)

d. Semi-annual groundwater monitoring at all monitoring wells. (3-31-22)

~~e. Monitoring shall conform to the requirements of all federal, state, and local rules and regulations. (3-31-22)~~

~~f. An annual "Large Soil Absorption System Report LSAS" shall report including operation, maintenance, and monthly and annual monitoring data, must be filed with the Director no later than January 31 of each year for the last twelve (12) month period and shall include section on operation, maintenance and monthly and annual monitoring data. (3-31-22)~~()

076. Operation and Maintenance. Before an installation permit is issued, an operation and maintenance plan ~~shall~~ must be approved by the Director and ~~shall~~ contain the following minimum criteria: ~~(3-31-22)~~()

a. Annual or more frequent rotation of the disposal systems, and whenever ponding is noted. (3-31-22)

b. A detailed operation and maintenance manual, fully describing and locating all elements of the system and outlining maintenance procedures needed for operation of the system and who ~~will be~~ is responsible for system maintenance, ~~shall~~ must be submitted to the Director ~~prior to~~ before system use. ~~(3-31-22)~~()

c. A maintenance entity ~~shall~~ must be specified to provide continued operation and maintenance. Approval of the entity shall be made by the Director prior to issuance of an installation permit according to the operator requirements in IDAPA 58.01.16, Wastewater Rules, and approved by the Director before issuance of an installation permit. The entity may assume the responsibilities of a service provider if a service provider is required. ~~(3-31-22)~~()

014. -- 049. (RESERVED)

050. CLEANING OF SEPTIC TANKS—GENERAL REQUIREMENTS CLEANING.

All persons, firms, or corporations operating any tank truck or any other device or equipment used or intended ~~to be used for the purpose of~~ for pumping or cleaning septic tanks and ~~or~~ transporting or disposing of human excrement, ~~shall~~ must conform with the following ~~requirements~~ provisions. ~~(3-31-22)~~()

01. Watertight Equipment to Be Watertight. The tank or transporting equipment ~~shall~~ must be watertight and ~~so~~ constructed ~~as~~ to prevent spilling or leaking while being loaded, transported, ~~and/~~ or unloaded. ~~(3-31-22)~~()

02. Cleanable Equipment to Be Cleanable. The tank or transporting equipment ~~shall~~ must be constructed ~~in such a manner~~ so that every portion of the interior and exterior can be easily cleaned and maintained in a clean condition at all times while not in ~~actual~~ use. ~~(3-31-22)~~()

03. Disposal Methods. Disposal of ~~excrement~~ septage from septic tanks ~~shall be by~~ must apply the following methods ~~only~~: (3-31-22)()

- a. ~~Discharging~~ Discharge to a public sewer; (3-31-22)()
- b. ~~Discharging~~ Discharge to a sewage treatment plant; or (3-31-22)()
- ~~e.~~ Burying under earth in a location and by a method approved by the Department of Environmental Quality; (3-31-22)
- ~~dc.~~ Drying in a location and by a method approved by the Department of Environmental Quality. (3-31-22)()

051. CLEANING OF SEPTIC TANKS — PERMIT REQUIREMENTS.

04. Permit Application Contents. ()

- a. All persons operating septic tank pumping equipment ~~shall~~ must: ()
 - i. ~~Obtain a permit from the Idaho Department of Environmental Quality for the operation of~~ Director to operate such equipment; ()
 - ii. ~~Permits shall be renewed~~ Renew permit annually; and ()
 - iii. ~~Applications~~ Apply for permit renewal ~~of permits shall be made on or~~ before March 1 of each year. (3-31-22)()

01. Permit Application Contents. Applications for permits shall submit the following information on forms prepared by the Department: (3-31-22)

b. The application must be submitted on forms approved by the Director and include: ()

- ~~ai.~~ Number of tank trucks operated by owner; (3-31-22)
- ~~bii.~~ Vehicle license number of each tank truck; (3-31-22)
- ~~ciii.~~ Name and address of owner and/or operator of equipment; (3-31-22)()
- ~~dii.~~ Name and address of business, if different from Subsection 051.01.c.; (3-31-22)
- ~~e.~~ Methods of disposal to be used in all areas of operation; (3-31-22)
- ~~fvi.~~ Location of all disposal sites used by applicant; and (3-31-22)()
- ~~gvii.~~ A~~e~~Complete basis of charges made for payment of the work performed. (3-31-22)()

025. Permit Fee. All applications ~~shall~~ must be accompanied by payment of the fee specified in ~~Idaho Department of Environmental Quality Rules, IDAPA 58.01.14, Section 115,~~ “Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services.” (3-31-22)()

036. Vehicle Number to Be Displayed. For each permit issued, a number ~~will be~~ is assigned to the owner and/or operator of the tank truck or trucks. ~~The assigned number shall~~ that must be displayed at all times on the door of the vehicle or vehicles in a legible manner ~~easily legible~~. (3-31-22)()

04. Permit Suspension or Revocation. ~~Permits issued are the property of the Department of Environmental Quality and may be suspended or revoked at any time the operator is not in compliance with the requirements of these rules.~~ (3-31-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1, 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2024, [Vol. 24-8, pages 201 through 203](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Hazardous Waste: [Docket No. 58-0105-2401](#) | Idaho Department of Environmental Quality.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

Diane Cutler
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Department of Environmental Quality
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to incorporate by reference the National Primary Drinking Water Regulation for per- and polyfluoroalkyl substances (PFAS). A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 4, 2024, Vol. 24-9, pages 630 through 642. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/drinking-water-docket-no-58-0108-2401/>.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.10 – RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 39-4405, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. This rulemaking also includes review of the list of federal regulations incorporated by reference and adjustments based on that review. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2024, Vol. 24-8, pages 204 through 210. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/>.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.14 – RULES GOVERNING FEES FOR ENVIRONMENTAL OPERATING PERMITS, LICENSES, AND INSPECTION SERVICES

DOCKET NO. 58-0114-2401 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, 39-119, and 39-175C, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. This rulemaking also proposes the consolidation of environmental fees into one chapter. Phase one is consolidation of fees applicable to wastewater treatment facilities. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 4, 2024, [Vol. 24-9, pages 643 through 651](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at: <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/environmental-fees-docket-no-58-0114-2401/>.

FEE SUMMARY: This rule consolidates environmental fees into one chapter in an effort to streamline access to fee schedules and to provide a single stop for the regulated community to view applicable fees and includes: 1) moving the IPDES permit fee schedule language currently in Section 110 of 58.01.25, Idaho Pollutant Discharge Elimination System Rules, to 58.01.14, Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services; 2) fees associated with DEQ's recycled water program; and 3) an update that lists subsurface sewage disposal permit fees intended as minimums for specific permit types. The fees are authorized by Idaho Code §§ 39-119 and 39-175C.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.22 – RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR DRINKING WATER AND WASTEWATER FACILITIES

DOCKET NO. 58-0122-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 4, 2024, [Vol. 24-9, pages 652 through 668](#). After consideration of public comments, the proposed rule has been revised at Subsections 031.02.e. and 032.03, with additional editorial revisions in Section 050 and 080. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at Drinking Water and Wastewater Grants: [Docket No. 58-0122-2401](#) | Idaho Department of Environmental Quality.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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DOCKET NO. 58-0122-2401 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 24-9, September 4, 2024, pages 652 through 668](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS UPDATED TEXT IN THE PENDING RULE FOR ZBR DOCKET NO. 58-0122-2401
(Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.)

**58.01.22 – RULES FOR ADMINISTRATION OF PLANNING GRANTS
FOR DRINKING WATER AND WASTEWATER FACILITIES**

031. REVIEW AND EVALUATION OF GRANT APPLICATIONS.

01. Submission of Application. Those eligible systems which received high priority ranking ~~shall will~~ be invited to ~~submit an application~~ apply. The applicant ~~shall must~~ submit to the Department, by the priority target date, a completed application ~~in on~~ a form prescribed by the Department. (3-31-22)()

02. Application—Requirements—Contents. Applications ~~shall must~~ contain the following documentation, as applicable: (3-31-22)()

a. An authorizing resolution passed by a majority of the governing body authorizing an elected official or officer of the qualifying entity to commit funding; ~~and~~ (3-31-22)()

b. Contracts for engineering services or other technical services and the description of costs and tasks set forth therein ~~shall must~~ be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 032; ~~and~~ (3-31-22)()

c. A ~~plan of study~~ scope of work describing the work tasks to be performed in the planning document, a schedule for completion of the work tasks and an estimate of staff hours and costs to complete the work tasks; ~~and~~ (3-31-22)()

~~**d.** Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum:~~ (3-31-22)

~~**i.** Be a registered professional engineer currently licensed by the Idaho Board of Professional Engineers and Land Surveyors; and~~ (3-31-22)

~~**ii.** Not be debarred or otherwise prevented from providing services under another federal or state financial assistance program; and~~ (3-31-22)

~~**iii.** Be covered by professional liability insurance in accordance with Subsection 050.05.d. A certification of liability insurance shall be included in the application; and~~ (3-31-22)

ed. A description of other costs, not included in the contracts for engineering or other technical services, for which the applicant seeks funding. The description of the costs and tasks for such costs must be in sufficient detail for the Department to determine whether the costs are eligible costs pursuant to Section 032; ~~and~~ (3-31-22)()

fe. A demonstration that the obligation to pay the costs for which funding is requested, is the result or will be the result of the applicant's compliance with applicable requirements for public works procurement

~~competitive bidding requirements~~ and ~~requirements for~~ professional service contracts, including without limitation, the ~~requirements provisions~~ set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code; ~~and~~ (3-31-22)()

gf. A statement regarding how the non-grant portion of the project will be funded; and (3-31-22)

hg. For incorporated nonprofit applicants only, Articles of Incorporation and ~~for~~ Bylaws showing nonprofit and incorporated status according to Chapter 3, Title 30, Idaho Code. (3-31-22)()

03. Determination of Completeness of Application. Applications will be reviewed to determine whether they contain all of the information ~~required by~~ listed in Subsection 031.02. (3-31-22)()

04. Notification Regarding Incompleteness of Application. Written notification if an application is incomplete, including an explanation of missing documentation, will be sent to the applicant. (3-31-22)

05. Reapplication for Grant. The action of disapproving, recalling, or terminating a grant in no way precludes or limits ~~the former an~~ applicant from reapplying for another grant when the project deficiencies are resolved and project readiness is secured. (3-31-22)()

032. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department will review the application, including ~~any necessary~~ contracts ~~required~~ to be submitted with the application, to determine whether the costs are eligible costs for funding. (3-31-22)()

01. Eligible Costs. Eligible costs are those determined by the Department to be: (3-31-22)

a. Necessary costs; (3-31-22)

b. Reasonable costs; and (3-31-22)

c. Costs that are not ineligible as described in Subsection 032.05. (3-31-22)

02. Necessary Costs. The Department will determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the ~~plan of study~~ scope of work for the planning document. (3-31-22)()

03. Reasonable Costs. Costs will be determined by the Department to be reasonable if the obligation to pay the costs is the result of or will be the result of the applicant's compliance with applicable requirements for public works procurement ~~competitive bidding requirements~~ and ~~requirements for~~ professional service contracts, including without limitation, the ~~requirements provisions~~ set forth in Sections 67-2801 et seq., 67-2320, 59-1026, and 42-3212, Idaho Code. (3-31-22)()

04. Examples of Costs That May Be Eligible. Examples of costs that may be eligible, if determined necessary, and reasonable ~~and not ineligible costs include~~: (3-31-22)()

a. Costs of salaries, benefits, and expendable material the qualified entity incurs in the project except ordinary expenses such as salaries and expenses of a mayor; city council members; board; or a city, district or board attorney; (3-31-22)

b. Professional and consulting services, specifying costs of individual tasks. (3-31-22)

c. Engineering costs specifying costs of individual tasks, directly related to the planning of facilities including but not limited to the preparation of a planning document and environmental review ~~report~~; (3-31-22)()

d. Financial, technical and management capability analysis; (3-31-22)

- e. Public participation for alternative selection; (3-31-22)
 - f. Certain direct and other costs as determined eligible by the Department; and (3-31-22)
 - g. Legal costs necessary to allow for the completion of the ~~facility plan~~ planning document. (3-31-22)()
05. **Ineligible Project Costs.** ~~Examples of~~ costs which are ineligible for funding include, but are not limited to: (3-31-22)()
- a. Planning not directly related to the project; (3-31-22)
 - b. Personal injury compensation or damages arising out of the project; (3-31-22)
 - c. Fines or penalties due to violations of, or failure to comply with, federal, state, or local laws; (3-31-22)
 - d. Costs outside the scope of the approved project; (3-31-22)
 - e. Ordinary operating expenses such as salaries and expenses of a mayor, city council members, city attorney, district or association personnel costs, and acquiring project funding; (3-31-22)
 - f. Preparation of a grant application; (3-31-22)
 - g. All costs related to assessment, defense and settlement of disputes, ~~unless such costs are integral to the completion of the project;~~ (3-31-22)()
 - h. Costs of supplying ~~required~~ permits or waivers; and (3-31-22)()
 - i. Costs incurred prior to award of the grant unless specifically approved in writing as eligible pre-award costs by the Department in advance of incurring costs; (3-31-22)()
06. **Notification Regarding Ineligible Costs.** Prior to providing a grant offer, the Department will notify the applicant that certain costs are not eligible for funding and the reasons for the Department's determination. ~~If such costs are included in the engineering contract, the Department will also provide notification to the engineer.~~ The applicant may provide the Department with additional information in response to the notice. (3-31-22)()
07. **Eligible Costs and the Grant Offer.** The grant offer will reflect those costs determined by the Department to be eligible costs. The grant offer, however, may include estimates of some eligible costs ~~that have not yet been set~~. Actual eligible costs may differ from ~~such~~ estimated costs set forth in the grant offer. In addition, grant disbursements may be increased or decreased if eligible costs are modified. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

050. GRANT OFFER AND ACCEPTANCE.

- 01. **Grant Offer.** Grant offers will be delivered ~~by certified mail~~ to applicants who received high priority ranking, were invited to ~~submit an application~~ apply, and provided a complete application. (3-31-22)()
- 02. **Acceptance of Grant Offer.** Applicants have sixty (60) days in which to officially accept the grant offer on prescribed forms furnished by the State. The sixty (60) day acceptance period commences from the date indicated on the grant offer notice. If the applicant does not accept the grant offer within the sixty (60) day period, the grant funds may be offered to the next project of priority. (3-31-22)
- 03. **Acceptance Executed as a Contract Agreement.** Upon signature by the Director or the Director's

designee as the grantor, and upon signature by the authorized representative of the qualifying entity, as the grant recipient, the grant offer will become a grant contract agreement. The disbursement of funds pursuant to an agreement is subject to a finding by the ~~Director~~ Department that the grant recipient has complied with all agreement conditions and has prudently managed the project. The ~~Director~~ Department may, as a condition of payment, require that a grant recipient vigorously pursue any claims it has against third parties who will be paid in whole or in part, directly or indirectly, with grant funds or transfer its claim against such third parties to the Department. Grant contract agreements ~~shall will~~ be interpreted according to the law of grants in aid. No third party ~~shall may~~ acquire any rights against the State or its employees from a grant contract agreement. (3-31-22)()

04. Estimate of Reasonable Cost. Each grant project contract will include the eligible cost of conducting the planning study. Some eligible costs may be estimated, and payments may be increased or decreased as provided in Section 060. (3-31-22)()

05. Terms of Agreement. The grant offer ~~shall will~~ contain terms of agreement ~~as prescribed by the Department including, but not limited to~~ and special conditions as determined ~~necessary~~ by the Department for the successful planning of the project, including but not limited to:- (3-31-22)()

- a. Terms consistent with these rules and consistent with the scope of the grant project; ~~and~~ (3-31-22)()
- b. Special clauses as determined necessary by the Department for the successful investigation and management of the project; ~~and~~ (3-31-22)()
- c. Terms consistent with applicable state provisions pertaining to planning documents; and (3-31-22)()
- d. Requirement for the prime engineering firm(s) retained for engineering services to carry professional liability insurance to protect the public from the engineer's negligent acts and errors of omission of a professional nature. The total aggregate of the engineer's professional liability ~~shall must~~ be one hundred thousand dollars (\$100,000) or twice the amount of the engineer's fee, whichever is greater. Professional liability insurance must cover all such services rendered for all project steps, whether or not such services or steps are state funded, until the certification of project performance is accepted by the Department. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

080. WAIVERS.

~~Waivers from the requirements of these rules may be granted by the Department on a case-by-case basis upon full demonstration that a significant public health hazard exists. The Department may amend the priority list or grant a waiver from the provisions of these rules on a case-by-case basis upon full demonstration that the following conditions exist:-~~ (3-31-22)()

01. Public Health Protection. ~~The requirement is not necessary for the protection of public health and the environment and does not affect the priority ranking status of the project.~~ ()

02. Affordability Criteria Exceeded. ~~The project will exceed affordability criteria adopted by the Department in the event the waiver is not granted.~~ ()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.23 – CONTESTED CASE RULES AND RULES FOR PROTECTION AND DISCLOSURE OF RECORDS

DOCKET NO. 58-0123-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution. These rules were adopted by the Idaho Board of Environmental Quality in June 2024 as temporary rules and are currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, and 74-114(8), Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update IDAPA 58.01.23 for consistency with IDAPA 62.01.01, Idaho Rules of Administrative Procedure, recently adopted by the Office of Administrative Hearings. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 3, 2024, Vol. 24-7, pages 277 through 284. DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/contested-cases-docket-no-58-0123-2401/>.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.24 – STANDARDS AND PROCEDURES FOR APPLICATION OF RISK BASED CORRECTIVE ACTION AT PETROLEUM RELEASE SITES

DOCKET NO. 58-0124-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2025 Idaho State Legislature for final approval. Pursuant to Section 67-5224(2)(c), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to Section 67-5291(2), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1, 36, 44, 72, and 74, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. This rulemaking also moves Sections 851 and 852 from IDAPA 58.01.02, Water Quality Standards, under companion Docket No. 58-0102-2401, to IDAPA 58.01.24. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2024, [Vol. 24-8, pages 211 through 228](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at Petroleum Release Corrective Action: [Docket No. 58-0124-2401](#) | Idaho Department of Environmental Quality.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 4th day of December, 2024.

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Docket No. 18-0801-2401

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is December 18, 2024, unless otherwise posted.
The proposed rule written comment submission deadline is December 25, 2024, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

***16-0601-2405, Child and Family Services.** (*PH) As delegated by Idaho state law, Zero-Based Regulation (ZBR) Rewrite governs the statewide provision of services associated with child protection, foster care, and adoption – notable changes relate to central registry placement, eliminating adoption and adoption home studies fees, expanding the definition of family service worker, and removing the foster care reimbursement fees.

NOTICE OF ADOPTED / AMENDED PROCLAMATION(S)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-2400P7, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0108-2401, Rules Governing Grizzly Bear and Wolf Depredation
02-0609-2406, Rules Governing Invasive Species and Noxious Weeds

Please refer to the Idaho Administrative Bulletin **December 4, 2024, Volume 24-12**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

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*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 10, 2024 – December 4, 2024

(PLR 2025) – Final Effective Date Is Pending Legislative Review in 2025

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

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16-0601-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-9

16-0601-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

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16-0602-2402 Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 24-9 (PLR 2025)

16-0602-2402 Notice of Temporary and Proposed Rule (Chapter Rewrite), Bulletin Vol. 24-7 (eff. 7-1-24)T

- 16-0602-2401 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 24-9 (PLR 2025)
- 16-0602-2401 Notice of Temporary and Proposed Rule (Chapter Repeal), Bulletin Vol. 24-7 (eff. 7-1-24)T

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- 18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 24-7

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- 18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 02 – Bulletin Vol. 24-7

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- 20-0314-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
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24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 09, Chapter 01 – Bulletin Vol. 24-4

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24-1901-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-7

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- 24-ZBRR-2401 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 36, Chapter 01 – Bulletin Vol. 24-4

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- 31-2101-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-8

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- 35-0103-2401 Adoption of Pending Rule, Bulletin Vol. 24-12 (PLR 2025)
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61-0000-2400 Rules of the Idaho State Public Defense Commission – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 02 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [temporary rule expires 10-1-24]

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