

## **IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE**

### **Division of Family and Community Services**

#### **16.06.01 – Child and Family Services**

##### **Who does this rule apply to?**

*This chapter covers: alternate care (i.e., out-of-home/foster care) including children under the Indian Child Welfare Act (ICWA), eligibility for Title IV-E funds, medical and dental coverage for children in out-of-home care, licensure and reimbursement of alternate care providers, child protection services (including the Child Protection Central Registry), adoption services, termination of parent-child relationship, becoming and adoptive parent, adoption placement, becoming a certified adoption professional, and adoption assistance.*

##### **What is the purpose of this rule?**

*These rules are established to govern the statewide provision of: (a) services associated with child protection, alternate care, and adoption; and (b) as resources are available, services aimed at preventing child abuse, neglect, and abandonment.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Juvenile Proceedings -

Child Protective Act:

- [Section 16-1629, Idaho Code](#)
- [Section 16-1623, Idaho Code](#) – Amended Disposition – Removal During Protective Supervision

Interstate Compact on the Placement of Children:

- [Section 16-2102, Idaho Code](#) – Execution of Compact

Children's Mental Health Services:

- [Section 16-2406, Idaho Code](#) – Access to Services
- [Section 16-2423, Idaho Code](#) – Informed Consent to Medication or Other Treatment – Persons Subject to Involuntary or Emergency Treatment
- [Section 16-2433, Idaho Code](#) – Department Rules

Health and Safety –

Child Care Licensing Reform Act:

- [Section 39-1209, Idaho Code](#) – Standards for Children's Agencies
- [Section 39-1210, Idaho Code](#) – Standards for Children's Residential Care Facilities
- [Section 39-1211, Idaho Code](#) – Standards for Foster Homes

Personal Assistance Services:

- [Section 39-5603, Idaho Code](#) – Standards for Provision of Personal Assistance Services

Public Assistance and Welfare -

Public Assistance Law:

- [Section 39-7501, Idaho Code](#)
- [Section 56-202\(b\), Idaho Code](#) – Duties of the Director of State Dept. of Health and Welfare
- [Section 56-204A, Idaho Code](#) – Services for Children
- Hard-to-Place Children:
- [Section 56-803, Idaho Code](#) – Establishment of Program – Promulgation of Rules and Regulations
- [Section 56-1003, Idaho Code](#)
- [Section 56-1004, Idaho Code](#)

- [Section 56-1004A, Idaho Code](#)
- [Section 56-1007, Idaho Code](#)

**Where can I find information on Administrative Appeals?**

*Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.”*

**How do I request public records?**

*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, “Use and Disclosure of Department Records.”*

**Who do I contact for more information on this rule?**

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Division of FACS – Child and Family Services  
450 West State Street, 5th Floor  
Boise, ID 83702

P.O. Box 83720

Boise, ID 83720-0036

Phone: (208) 334-5700

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Email: [CWpolicy@dhw.idaho.gov](mailto:CWpolicy@dhw.idaho.gov)

Webpage: <https://healthandwelfare.idaho.gov/Children/AbuseNeglect/tabid/74/Default.aspx>

Children’s Services: <https://healthandwelfare.idaho.gov/Children/tabid/57/Default.aspx>

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## 16.06.01 – CHILD AND FAMILY SERVICES

### 000. LEGAL AUTHORITY.

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. (7-1-25)

### 001. SCOPE.

- 01. **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)

### 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)

### 010. DEFINITIONS AND ABBREVIATIONS A THROUGH E.

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

01. **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)

02. **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 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), Title 16, Chapter 16, Idaho Code, and the Indian Child Welfare Act (ICWA), 25 U.S.C. Sections 1901-1963. (7-1-25)

03. **Child's Plan.** A federally required component of the family case plan for a child in alternate care. The 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, medical, and other information important to the day-to-day care of the child. (7-1-25)

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

05. **Case Management.** A change-oriented service to families that ensures and coordinates ongoing assessment, family case planning, treatment, permanency, planning, child safety, advocacy, documentation, and timely closure of a case. (7-1-25)

06. **Child and Family Services (CFS).** Those programs and services provided to families and children, administered by the department in accordance with these rules. (7-1-25)

07. **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 Title 16, Chapter 16, Idaho Code. (7-1-25)

08. **Compact Administrator.** The individual designated to coordinate interstate transfers of persons requiring special services in accordance with the provisions of Title 16, Chapter 19, Idaho Code; Title 16, Chapter 21, Idaho Code; or Title 39, Chapter 75, Idaho Code. (7-1-25)

09. **Daycare.** 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. (7-1-25)

**10. 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)

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

**12. Extended Family Member of an Indian Child.** As defined by the law; or custom of 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 the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, second cousin, or stepparent. (7-1-25)

**13. 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, providing they were in the custody of the department until their eighteenth birthday and must meet the criteria set forth in 42 U.S.C. 675(8)(B)(iv). (7-1-25)

**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 understanding of strengths and resources that can support them in creating long-term solutions related to identified safety threats and needs to support family integrity, unity, and the ability to care for their children. (7-1-25)

**03. Family Case Record.** Compilation of all documentation relating to a family, including legal documents, identifying information, and evaluations. (7-1-25)

**04. Case Plan.** A document developed with the family, to guide the provision of services. The plan identifies who does what, when, how, and why and incorporates specific plans for case participants. If the family includes an Indian child, or child's tribe, tribal elders or leaders are consulted early in the plan development. (7-1-25)

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

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

**07. Independent Living Services.** Provided to eligible foster or former foster youth, ages fourteen (14) to twenty-three (23), designed to support a successful transition to adulthood. (7-1-25)

**08. 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)

**09. Indian Child.** Any unmarried person who is under the age of eighteen (18) and is either: (7-1-25)

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

**b.** Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. (7-1-25)



**10. 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)

**11. 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)

**12. 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)

**13. Kin.** 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 Indian child's tribe, and foster parents who have a significant relationship with the child for at least six (6) months. (7-1-25)

**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. 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)

**03. Permanency Planning.** The identification of programs, services, and activities designed to establish permanent home and family relationships for children. (7-1-25)

**04. Relative.** 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. (7-1-25)

**05. 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)

**06. Reservation.** 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. (7-1-25)

**07. Respite Care.** Short term, temporary care of a child by a licensed or agency-approved caregiver different from their usual caregiver. Respite care ranges from one (1) partial day up to fourteen (14) consecutive days. (7-1-25)

**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. (7-1-25)

**013. DEFINITIONS AND ABBREVIATIONS S THROUGH Z.**

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

**01. 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)

**02. Safety Plan.** Plan developed by the department and a family that assures the immediate safety of a child. (7-1-25)

**03. 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)

**04. Tribal Court.** A court with jurisdiction over child-custody proceedings 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. (7-1-25)

**05. Voluntary Services Agreement.** A written and executed agreement between the department and parents or legal guardians regarding the provision of voluntary foster care placement of a child and includes areas of concern, desired results, and task responsibility. (7-1-25)

**06. Withholding of Medically Indicated Treatment.** Withholding of medically indicated treatment as defined by 42 U.S.C. 5106g(a)(5). (7-1-25)

**014. -- 019. (RESERVED)**

#### **GENERAL REQUIREMENTS AND SERVICES** **(Sections 020-239)**

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

**01. 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 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. (7-1-25)

**a.** A screening is conducted to determine service needs and safety threats that can be addressed through Child and Family Services. (7-1-25)

**b.** Upon referral or application for services, the family services worker must inform the family that: (7-1-25)

**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; (7-1-25)

**ii.** Fees may be charged for certain services, and that the parent(s) has the financial responsibility for the child in care; (7-1-25)

**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. (7-1-25)

**02. Individual Authorized to Request Voluntary Services.** Requests for voluntary services must be made by a parent or an authorized representative. (7-1-25)

**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 to eligible youth and/or families through the Child and Family Services Program: (7-1-25)

**01. Assessment and Safety/Case Planning Services.** A family assessment in which the safety threats to the child, and the family's concerns, strengths, and resources are identified. Assessment results inform the development and implementation of the case plan. (7-1-25)

**02. 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)

**03. Alternate Care (Placement) Services.** Temporary living arrangements outside of the family home for minors who 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. (7-1-25)

**04. Interstate Compact on Out-of-State Placements.** Where necessary to encourage all possible positive contacts between a child in alternate care with relatives, kin, and extended family, placement with families outside the state of Idaho will be considered. The department may contract with a residential facility out-of-state if it best serves the needs of the child. Placement will be coordinated with the respective interstate compact administrator according to the provisions of Title 16, Chapter 21, Idaho Code. (7-1-25)

**05. Independent Living.** Services, including assessment and planning, provided to eligible youth and young adults to promote self-reliance and successful transition to adulthood. (7-1-25)

**a.** Eligibility - Current foster youth or young adults will: (7-1-25)

**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 (7-1-25)

**b.** Eligibility - Youth or young adults formally in foster care will: (7-1-25)

**i.** Be (23) years of age; and (7-1-25)

**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 (7-1-25)

**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)

**06. Adoption Services.** Services designed to promote and support the permanency of children 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. (7-1-25)

**031. -- 049. (RESERVED)**

**050. PROTECTIONS AND SAFEGUARDS FOR CHILDREN AND FAMILIES.**

**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.** 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. (7-1-25)

**03. Compliance with the Indian Child Welfare Act of 1978.** (7-1-25)

**04. 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)

**05. Visitation for Child's Parent(s) or Legal Guardian(s).** 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: (7-1-25)

- 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; (7-1-25)
- b.** Under conditions set forth by the program manager. Conditions of supervised visitation will include the following: (7-1-25)
  - i.** The parent will not be left alone with the child for any reason, including restroom breaks; (7-1-25)
  - ii.** For sexual abuse and exploitation cases, the parent will not allow the child to sit on his or her lap; (7-1-25)
  - iii.** The parent will not be allowed to engage in secret conversations or other communication that cannot be monitored in real time; (7-1-25)

- c. The best interest decision and visit conditions are documented and explained in writing. (7-1-25)

**06. Notification of Change in Visitation.** 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. (7-1-25)

**07. 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 QEW in order of preference is: (7-1-25)

- a. A member of the Indian child's Tribe; (7-1-25)
- b. A member of the Tribe of the Indian child's parent; (7-1-25)
- c. A descendant of the Indian child's Tribe; (7-1-25)
- d. A member of a tribe recognized as sharing the same ethnicity, language, territory, traditions, or customs as the child's tribe; (7-1-25)
- e. A member of any federally recognized tribe; (7-1-25)
- 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. (7-1-25)
- g. The family services worker regularly assigned to the Indian child may not serve as a QEW in proceedings concerning the child. (7-1-25)

**08. Compliance with Requirements of the Multiethnic Placement Act of 1994 (MEPA) as Amended by the Interethnic Placement (IEPA) of 1996.** (7-1-25)

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

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

- a. A case plan will be completed within thirty (30) days of the date the case was opened. (7-1-25)
- 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 department and the family as well as signed by the family. A new plan must be negotiated at least annually. (7-1-25)

**10. Compelling Reasons.** Reasons why the parental rights of a parent of a child in the department's care and custody should not be terminated when the child has been in the custody of the department for fifteen (15) out of the most recent twenty-two (22) months. (7-1-25)

- 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)

**11. Permanency Preferences.** The following preferences will be considered in the order listed below when recommending and making permanency decisions: (7-1-25)

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. (7-1-25)

**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. (7-1-25)

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. -- 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 department may provide or purchase alternative care under the following conditions: (7-1-25)

**01. Department Custody.** When the child is in the legal custody or guardianship of the department; or (7-1-25)

**02. Voluntary Placement.** Agreement with the parent(s) or legal guardian(s) after the parent(s) or legal guardian(s) request assistance from the agency due to circumstances that interfere with their ability to meet the needs of or they are no longer able to maintain a child in their home and 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. (7-1-25)

**a.** A case plan and an out-of-home placement agreement must be developed between the Department and the family. The 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. (7-1-25)

**b.** A voluntary agreement for out-of-home placement entered into between the 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 unless a court determines that the return of the child would be contrary to the child's best interest. (7-1-25)

**c.** A contract between the department and the service provider, if applicable, must also be in effect. (7-1-25)

**d.** When seeking federal funding the department will comply with the Social Security Act section 472. (7-1-25)

**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. (7-1-25)

**401. CONSIDERATIONS FOR PLACEMENT IN ALTERNATE CARE.**

The department will make timely and ongoing efforts to identify and notify, both verbally and in writing individuals identified below of the potential imminent placement and the requirements for consideration as a placement resource. The department 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 child and follow placement priority: (7-1-25)

**01. Family Assessment.** Relatives and non-relatives must comply with IDAPA 16.06.02 as a condition of licensed placement. (7-1-25)

**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 witness that active efforts were made to prevent the Indian child's placement or are preventing reunification. (7-1-25)

**02. Notice.** Notice to the child's Tribe will be made as stated in Subsection 05.01 of these rules. (7-1-25)

**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. (7-1-25)

**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: (7-1-25)

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

**b.** Foster Home Approved by Tribe. A foster home licensed approved, as specified by the Indian child's tribe; (7-1-25)

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

**d.** Indian Institution. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the child's needs. (7-1-25)

**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. However for the purpose of funding the department will follow requirements included in the Social Security Act Section 475. (7-1-25)

**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 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. (7-1-25)

**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 case plan including any visitation arrangements; (7-1-25)

**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.** 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. (7-1-25)

**04. Contact with Child.** The family, the family services worker, and the alternate care provider will establish a schedule for frequent and regular visits with the child by the family and by the family services worker or designee. (7-1-25)

**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 assess for possible abuse, neglect, or abandonment of children in alternate care. (7-1-25)

**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)

**05. 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)

**06. 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)

**07. 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 Sections 471(a)(16), 475(1), and 475(5)(A) and (D) of the Social Security Act and Section 16-1621, Idaho Code. (7-1-25)

**423. -- 424. (RESERVED)**

**ELIGIBILITY AND FUNDING INFORMATION**  
**(Sections 425-441)**

**425. TITLE IV-E ELIGIBILITY.**

The state will claim Title IV-E funding for 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. (7-1-25)

**426. – 427. (RESERVED)**

**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. (7-1-25)

**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. (7-1-25)

**429. (RESERVED)**

**430. ONGOING ELIGIBILITY.**

To continue eligibility for Title IV-E, the department will complete an annual redetermination to assure that the court has determined that the 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. (7-1-25)

**431. (RESERVED)**

**432. MEDICAID ELIGIBILITY FOR CHILD IN FOSTER CARE.**

For Title XIX Medicaid eligibility for a foster child, please refer to IDAPA 16.03.01,. (7-1-25)

**433. INCOME, BENEFITS AND SAVINGS OF CHILDREN IN FOSTER CARE.**

FACS will apply for income or benefits including social security, tribal benefits, or estates of deceased parents. The payee will be DHW-FACS-CWFT. (7-1-25)

**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. (7-1-25)

**01. 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.**

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. (7-1-25)

**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. (RESERVED)**

**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. (7-1-25)

**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 contractor. (7-1-25)

**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, "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. (7-1-25)

**481. FACILITIES OPERATED BY THE STATE.**

Facilities operated by the State and providing care for children under these rules must meet the standards for Children's Residential Care Facilities in IDAPA 16.04.18. (7-1-25)

**482. PAYMENT TO FAMILY ALTERNATE CARE PROVIDERS.**

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: (7-1-25)

**01. Shelter Care.** Reimbursement rate for placement of children requiring emergency alternate care for a maximum of thirty (30) days. (7-1-25)

**02. Room and Board.** Reimbursement rates for placement of children in relative or non-relative foster care by age. (7-1-25)

**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. (7-1-25)

**04. Gifts.** Additional payments to support gifts for children in foster care at Christmas and the child's birthday. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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 judgment of the department. (7-1-25)

**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, Foster Care Licensing; (7-1-25)

**b.** Complete department-approved treatment foster care initial training; and (7-1-25)

**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 department. (7-1-25)

**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 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 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. (7-1-25)

**05. Payment to Contractors.** The department may also provide treatment foster care through a contract with an agency that is a private provider of treatment foster care. The department will specify the rate of payment in the contract with the agency. (7-1-25)

**06. Treatment Plan.** The treatment foster parent(s) must implement the portions of the department or Children's Agency-approved treatment plan for which they are designated as responsible, for each child in their care. (7-1-25)

**486. OTHER ALTERNATIVE CARE.**

Foster care for children who generally require more structured services and activities than found in a family setting. (7-1-25)

**01. Referral.** Any referral of a child to a other alternative care-setting where the department will make full or partial payment must have prior authorization by the Child and Family Services Program Manager or designee. (7-1-25)

**02. Placement.** Determined by the documented mental, medical or behavioral health needs of each child and the ability of other alternate care provider to meet those needs. (7-1-25)

**03. Payment.** 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. (7-1-25)

**487. -- 549. (RESERVED)**

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

**550 -- 551. (RESERVED)**

**552. REPORTING SYSTEM.**

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. (7-1-25)

**553. ASSIGNING REPORTS FOR SAFETY ASSESSMENT.**

**01. Child Reports.** The Department will assign all reports of possible abuse, neglect, or abandonment of children for safety assessment, unless there is insufficient information to indicate assignment is necessary. (7-1-25)

**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. (7-1-25)

**554. RESPONSE PRIORITIES.**

The Department will use the following priorities for responding to allegations of abuse, neglect, or abandonment. If a variance is necessary from these response priorities, it will be documented in the family's case file with a description of action taken, and will be reviewed and signed by the Child and Family Services Supervisor. (7-1-25)

**01. Priority I.** The department 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. Law enforcement will be notified and requested to assist. Every attempt will be made to coordinate the department's assessment with law enforcement's investigation. The child will be seen by a 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 will be considered Priority I unless there is reason to believe that the child is not in immediate danger. (7-1-25)

**02. Priority II.** A child is not in immediate danger but allegations of abuse, or neglect are clearly defined in the referral. The child will be seen by the family services worker within forty-eight hours (48) of the department's receipt of the referral. Law enforcement must be notified within twenty-four (24) hours of receipt of all Priority II referrals. (7-1-25)

**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. A family services worker must respond within three (3) calendar days and the child will be seen by the worker within five (5) calendar days of the department's receipt of the referral. (7-1-25)

**04. Notification of the Person Who Made the Referral.** The department must notify the person who made the child protection referral of the receipt of the referral within five (5) days, unless notification is declined. (7-1-25)

**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 needs to know in order to fulfill their role in maintaining the child's safety and well-being. This provision applies to: (7-1-25)

- 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 six (6) years old or younger, review by a supervisor or team of all case documentation and 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. (7-1-25)

**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 department will perform the investigation. The 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. (7-1-25)

**557. REPORTS INVOLVING MILITARY FAMILIES.**

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. (7-1-25)

**558. (RESERVED)**

**559. CHILD PROTECTION SAFETY AND COMPREHENSIVE ASSESSMENTS.**

The department's safety and comprehensive assessments will be conducted in a standardized format and utilize statewide assessment and multi-disciplinary team protocols. (7-1-25)

**01. Assessment of a Child.** The family services worker 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 will be conducted: (7-1-25)

**a.** In a manner that protects all children involved from undergoing any unnecessary traumatic experience; (7-1-25)

**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, if available. (7-1-25)

**02. Assessment of the Family.** The family services worker conducting the interview will: (7-1-25)

**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 will include at minimum one (1) collateral interview with a person who is familiar with the circumstances of the child(ren) involved. Collateral interviews will be conducted with discretion and preferably with the parent(s)' or legal guardian(s)' permission. (7-1-25)

**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. (7-1-25)

**05. 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. (7-1-25)

**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 identified as a caretaker will be notified of the disposition of the assessment as it pertains to them. (7-1-25)

**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 Title 16, Chapter 16, Idaho Code; (7-1-25)
- c. A confession by the alleged offender; (7-1-25)
- 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 due to: (7-1-25)

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

**561. CHILD PROTECTION CENTRAL REGISTRY.**

In compliance with P.L. 109-248, July 27, 2006, the Child Protection Central Registry was established under the authority of Section 16-1629(3), 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. (7-1-25)

**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. (7-1-25)

**01. Child Protection Level One.** 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. (7-1-25)

- a. Sexual Abuse as defined in Sections 16-1602(1)(b) or 18-1506, Idaho Code; (7-1-25)
- b. Sexual Exploitation as defined in Sections 18-1507 or 18-1507A, Idaho Code; (7-1-25)
- c. Abuse as described in Section 16-1602(1)(a), Idaho Code, that causes life-threatening, disabling, or disfiguring injury or damage; (7-1-25)
- 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; (7-1-25)

**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, listed under Subsection 563.02 of this rule. (7-1-25)

**02. Child Protection Level Two.** An individual with a Level Two designation 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. (7-1-25)

**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(o), Idaho Code; (7-1-25)

**ii.** Manufacture of controlled substances, as defined under Section 37-2701(e), Idaho Code, and Section 37-2701(t), Idaho Code; or (7-1-25)

**iii.** Chemical components used in the manufacture of controlled substances, as defined under Section 37-2701(e), Idaho Code. (3-15-22)

**d.** 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; (7-1-25)

**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: (7-1-25)

**f.** Neglect as described in Section 16-1602(31), Idaho Code, that results in neither disabling nor disfiguring injury or damage, but requires medical treatment as recommended by a medical professional; (7-1-25)

**g.** 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)

**h.** 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)

**i.** Malnutrition as established by medical evidence; or (3-15-22)

**j.** Occurrence of two (2) or more separate, substantiated incidents of abuse, neglect, or abandonment, listed under Subsection 563.03 of this rule. (7-1-25)

**03. Child Protection Level Three.** An individual with a Level Three designation 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 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. (7-1-25)

- 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; (7-1-25)
- d. Abuse as described in Section 16-1602(1)(a), Idaho Code, that causes minor injuries or damage that does not require medical treatment; (7-1-25)
- e. Neglect as described in Section 16-1602(31), Idaho Code, that causes minor injuries or damage that does not require medical treatment. (7-1-25)

**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 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. 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 department's written notice will state: (7-1-25)

- a. The risk level assigned to the incident; (3-15-22)
- b. The basis for the department's decision; (7-1-25)
- c. The individual's right to request an administrative review by the department's Family and Community Services (FACS) Division Administrator of the department's decision; and (7-1-25)
- d. The department's contact information. (7-1-25)

**02. 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. (7-1-25)

**03. 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, then no further action is required by the individual. The individual's name will not be placed on the Child Protection Central Registry. (7-1-25)

**04. 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 the individual has twenty-eight (28) days to continue the appeal process and will be informed of: (7-1-25)

- a. The basis for the department's decision; (7-1-25)
- b. The procedures for filing a contested case appeal; (7-1-25)
- 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; (7-1-25)
- d. The department's contact information; and (7-1-25)
- 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. (7-1-25)

**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. (7-1-25)

**565. (RESERVED)**

**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. (7-1-25)

**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 department's FACS Division Administrator requesting that the petitioner's name be removed from the Child Protection Central Registry. (7-1-25)

**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. (7-1-25)

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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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 department must make a written report to the court. (7-1-25)

**569. PETITION UNDER THE CHILD PROTECTIVE ACT.**  
If any incident of child abuse, neglect, or abandonment is substantiated through a safety assessment, 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 department will request the prosecuting attorney to file a Child Protective Act petition. (7-1-25)

**570. (RESERVED)**

**571. CHILD CUSTODY INVESTIGATIONS FOR THE DISTRICT COURT.**  
Where no other community resources are available and when ordered by the district courts, the department will, for a fee of thirty-five dollars (\$35) per hour, conduct safety assessments that will provide information to assist the court. (7-1-25)

**01. Requests From Private Attorney.** If a parent's attorney requests a safety assessment, 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. (7-1-25)

**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 department 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. (7-1-25)

**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 department's standardized format. The report must describe what was observed about the home conditions and the care of the child(ren). (7-1-25)

**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 department Records." (7-1-25)

**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 department will consider whether termination of parental rights is in the best interests of the child. The department 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. (7-1-25)

**701. SERVICES TO BE PROVIDED IN ADOPTIONS.**

In addition to the services provided under these rules, the department provides the following: (7-1-25)

**01. Pre-Placement Child/Family Assessment.** An assessment of the child's history, needs as an individual and as part of a family. (7-1-25)

**02. Preparation for Placement.** Assistance to the child in addressing grief and loss due to separation from their parents and with the transition to an adoptive placement. (7-1-25)

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

**04. Post Adoption Services.** Post adoption services are provided within available resources. Children with negotiated adoption assistance agreements from 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 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 serves as 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." (7-1-25)

**702. -- 709. (RESERVED)**

**710. FAMILY HISTORY.**

If the child's permanency goal is termination of parental rights and adoption, the following information will be obtained and placed in the child's permanent adoption record: (7-1-25)

**01. Informational Forms.** Background forms regarding the birth mother, birth father, and child including demographic, medical, social, and genetic information. (7-1-25)

**02. Hospital Records.** Child's birth records. (7-1-25)

**03. Evaluations/Assessments.** Any evaluations and assessments completed on child. (7-1-25)

**04. Current Picture.** Current picture of child. (3-15-22)

**05. Narrative Social History.** Social history that addresses: (7-1-25)

**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. (7-1-25)

**e.** Child's life story, including placement moves and reasons; (7-1-25)

- f.** Child's attachments to current caretakers, siblings and other significant connections; (7-1-25)
- g.** Medical, developmental and educational needs; (3-15-22)
- h.** Child's past experiences, and trauma; (7-1-25)
- i.** Indian child's ancestry including membership or eligibility for membership in, and social and cultural connections to the parent's tribe, including names and addresses of extended family; (7-1-25)
- j.** Individualized recommendations regarding each child's need for permanency; and (3-15-22)
- k.** Reasons for requesting termination of parental rights. (3-15-22)

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

**711. -- 713. (RESERVED)**

**714. VOLUNTARY TERMINATION.**

Parent(s) requesting placement of a newborn child are referred to Idaho's licensed private adoption agencies. Parent(s) requesting placement of a newborn Indian child are referred to tribal social services agencies. (7-1-25)

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

**719. INVESTIGATION.**

An investigation and report under the Termination of Parent and Child Relationship Act may be completed by an authorized agency, certified adoption professional or the department. In addition to the factors set forth in Section 16-2008(2), Idaho Code, completed reports will include: (7-1-25)

- 01. Description of Investigation.** The allegations contained in the petition; (7-1-25)
- 02. The Process of the Assessment and Investigation;** (7-1-25)
- 03. Child-Related Factors.** The child's circumstances, including: (7-1-25)
  - a.** Current functioning and behaviors; (7-1-25)
  - b.** Medical, educational and developmental needs; (7-1-25)
  - c.** History and past experiences; (7-1-25)
  - d.** Identity needs; (7-1-25)
  - e.** Interests and talents; (7-1-25)
  - f.** Attachments to current caretakers and any absent parent; (7-1-25)
  - g.** Current living situation; (7-1-25)
- 04. Documentation.** Documentation of compliance with the Indian Child Welfare Act, including identification of whether the child or parent is Indian and if so: (7-1-25)
  - a.** 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; (7-1-25)
  - 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; (7-1-25)

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; (7-1-25)

**05. Circumstances.** The circumstances of the parent(s) whose rights are being terminated including: (7-1-25)

a. Present circumstances, history, and condition; (7-1-25)

b. Desires regarding plans for the child; (7-1-25)

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; (7-1-25)

d. Contact with the parent(s) of a minor parent, unless lack of contact is explained; and (7-1-25)

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; (7-1-25)

**06. Facts.** Other facts which may be pertinent to the parent and child relationship and this particular case; i.e., compliance with Interstate Compact Placement on Children; and (7-1-25)

**07. Recommendation.** A recommendation and reasons as to whether or not the termination of the parent and child relationship should be granted. (7-1-25)

**720. -- 749. (RESERVED)**

### **BECOMING AN ADOPTIVE PARENT** **(Sections 750-850)**

#### **750. APPLICATION TO BE ADOPTIVE PARENT(S).**

An applicant must participate in the process and tasks to complete an adoptive home study. (7-1-25)

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

a. Cooperate with and allow the department, or certified adoption professional, to determine compliance with these rules to conduct an adoption home study; (7-1-25)

b. Inform the 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; (7-1-25)

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 department or certified adoption professional; (7-1-25)

**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, "Foster Care Licensing," Section 202. (7-1-25)

**02. Psychological Evaluation.** An evaluation by a psychologist or a psychiatrist can be required 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. (7-1-25)

**03. Orientation of Potential Applicants.** Initial meetings with individual families or groups of applicants, must be scheduled promptly to explain policies and procedures regarding adoptive placement, the kinds of children available, and the nature of the home study. (7-1-25)

**04. Denial of Application.** Following an initial interview, an applicant who does not appear to meet the 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. (7-1-25)

**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.** Parents who have finalized an adoption and wish to reapply must complete an adoption application and financial statement, complete a 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 department or certified adoption professional, an applicant must provide additional references. (7-1-25)

**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 Background Check, medical reports and personal references waived by the agency. (7-1-25)

**751. -- 761. (RESERVED)**

**762. COMPLETING THE ADOPTION HOME STUDY.**

The initial home study 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 are held with the prospective adoptive parent(s). (7-1-25)

**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; (7-1-25)

- i. A certified copy of the birth certificate filed with the Bureau of Vital Statistics; or (3-15-22)
- ii. One (1) of the following documents for which a birth certificate was presumably required prior to its issuance: armed services or other governmental identification, including a valid Idaho driver's license, passport, visa, alien identification cards, or naturalization papers. (7-1-25)
- 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 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; (7-1-25)
- 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. 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; (7-1-25)
- l. The religious and cultural practices of the family, including their interest and ability to parent and support a child's knowledge of and involvement in that child's cultural, racial, ethnic, and religious background different than their own; (7-1-25)
- m. For an Indian child, the study will 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; (7-1-25)
- 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)
- o. Activities, interests, and hobbies; (3-15-22)
- p. Child care and parenting skills, including historical and current methods of discipline used in the home; (3-15-22)
- q. Reasons for applying for adoption; (3-15-22)
- r. 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; (7-1-25)
- s. Attitudes toward adoption by immediate and extended members of the family and other persons who reside in the home; (3-15-22)

t. 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)

u. 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)

v. Attitude about an adopted child's birth family including: (7-1-25)

i. Ability to accept a child's background and help the child cope with their past; and (7-1-25)

ii. Willingness to work with the child's family or tribe; (7-1-25)

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

x. 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 certified adoption professional that completed the home study informed of any changes in the family's circumstances, or of any subsequent decision against adoption. (7-1-25)

**764. 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 ADOPTION HOME STUDIES.**

Upon pre-adoptive placement of a child or children in the home, the 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. (7-1-25)

**771. ADOPTION HOME STUDY UPDATE.**

An adoption home study must be updated on an annual basis to remain valid for new adoptive placements. Adoption home study updates must include the following: (7-1-25)

**01. Initial Adoption Home Study and Subsequent Home Study Updates.** All changes to the information contained in the initial Adoption Home Study and any subsequent Adoption Home Study Updates. (7-1-25)

**02. Family Functioning and Inter-Relationships.** Information on any changes in family Functioning and inter relationships. (7-1-25)

**03. Circumstances Adversely Impacting Child Placed for Adoption.** Information regarding circumstances within the family that may adversely impact a child placed for adoption. (7-1-25)

**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. 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. (7-1-25)

**791. -- 832. (RESERVED)**

**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, supervision services are provided through one of Idaho's private, licensed adoption agencies, or a certified adoption professional. (7-1-25)

**834. -- 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. (7-1-25)

**01. Factors Considered in Determining Adoptive Placements. (7-1-25)**

**a.** For an Indian child, Indian Child Welfare Act (1978) placement preferences must be followed: (7-1-25)

i. A member of the child's extended family; (7-1-25)

ii. Other members of the Indian child's tribe; (7-1-25)

iii. Other Indian families. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**861. PROCEDURES FOLLOWING ADOPTIVE PLACEMENT.**

A period of support and supervision 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. Scheduled visits to the home will be made at least monthly during this period to assist the child and the family in their adjustment. (7-1-25)

**862. PROGRESS REPORTS.**

Reports documenting the progress of the child's placement will be prepared at least every thirty (30) days. 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: (7-1-25)

- 01. Initial and Subsequent Reports.** (7-1-25)
    - a.** Special needs and/or circumstances of each child; (7-1-25)
    - b.** Services planned or provided to each child and the family; (7-1-25)
    - c.** General appearance and adjustment of each child during the report period; (7-1-25)
    - d.** Adjustment of each child to school and/or daycare; (7-1-25)
    - e.** Health and developmental progress, and medical practitioner information for each child; (3-15-22)
    - f.** 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; (7-1-25)
    - g.** Each family member's adjustment to adoptive placement; (7-1-25)
    - h.** Adoption assistance negotiation; (3-15-22)
    - i.** Changes in family situation or circumstances; and (7-1-25)
    - j.** Areas of concern during the report period as addressed by each child and the adoptive parent(s); (3-15-22)
- and

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

Written reports of investigation regarding allegations stated in petitions filed under Section 16-1506, Idaho Code, are filed at the same time as the prospective adoptive family's adoption home study. The investigation and report may be completed by the department, licensed adoption agency, or certified adoption professional 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 there is reason to believe 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, the attorney for the petitioner(s) and the independent agency of the need to comply with the Indian Child Welfare Act. The report to the court must address the following: (7-1-25)

- 01. Legal Availability of the Child.** 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: (7-1-25)
  - a.** Birth certificate of the child; (7-1-25)
  - b.** 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; (7-1-25)
  - c.** Termination decrees for any parent(s) whose parental rights have been terminated involuntarily by the court; (7-1-25)
  - d.** Documentation of marriage and divorce; (7-1-25)
  - 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.** Death certificate of a deceased parent; (7-1-25)

**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.** History of the child and the child's birth family including: (7-1-25)

**a.** Information about the child's previous adoptive family and the circumstances of the disruption if the child was previously adopted; (7-1-25)

**b.** Detailed description of the circumstances that brought about the placement with the prospective adoptive family; (7-1-25)

**c.** Social, medical, and genetic history 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 (7-1-25)

**d.** 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. (7-1-25)

**03. Evaluation and Recommendation.** A brief summary of data presented in prior sections and the adoption home study, supporting the recommendation regarding the adoption. (7-1-25)

**864. -- 869. (RESERVED)**

**870. REMOVAL OF A CHILD FROM A PROSPECTIVE ADOPTIVE HOME.**

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. (7-1-25)

**871. -- 880. (RESERVED)**

**881. CLOSURE OF CASE.**

A certified copy of the final order of adoption and a copy of the executed consent to adoption are necessary to close the adoption file and initiate the child's adoption assistance benefits. (7-1-25)

**882. RECORDS OF PLACEMENT.**

Upon finalization of the adoption, the complete record from the local field office, regarding the child and family will be permanently stored. (7-1-25)

**883. (RESERVED)**

**884. OPENING SEALED ADOPTION RECORDS.**

In addition to the exceptions noted in Section 16-1511, Idaho Code, sealed adoption proceedings may be opened in the following circumstances according to the Indian Child Welfare Act: (7-1-25)

**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.** A minimum of twenty (20) hours of training in adoption services within the last four (4) years; (7-1-25)

**03. Background Clearance.** Complete a background check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks," and receive a clearance; (7-1-25)

**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; (7-1-25)

**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 is completed through the Division of Family and Community Services. Certifications are effective for a period of two (2) years. (7-1-25)

**02. Types of Certification.** Certified adoption professionals may provide any, some, or all of the following services: (7-1-25)

- 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 (7-1-25)
  - d. 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 background check. (7-1-25)
  - a. If the individual applying for certification has received a 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 background check, all of the following must be conducted and no disqualifying crimes or appearance on a registry found: (7-1-25)
    - 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 background check clearance, a new Department criminal history and background check clearance is required. (7-1-25)
- 06. **Denial of Recertification.** The department may choose not to recertify a certified adoption professional. Notification of denial will be made 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: (7-1-25)
  - 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; (7-1-25)



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 (7-1-25)

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: (7-1-25)

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 home studies court reports, and/or placement supervision reports, or both, on more than one (1) occasion; (7-1-25)

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 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 home studies, home study updates, court reports, and supervisory reports must, at a minimum, meet the standards for adoption services established in these rules; (7-1-25)

**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 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. (7-1-25)

**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, 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. (7-1-25)

01. **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. 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. (7-1-25)

**901. -- 907. (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). (7-1-25)

**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. (7-1-25)

**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 and which are not incurred in violation of state or federal law. These expenses cannot be reimbursed if they are paid for the adoptive parents by other sources such as an employer. (7-1-25)

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 adoption assistance program agreement. (7-1-25)

d. Children for whom the adoption has been finalized without a negotiated nonrecurring expenses reimbursement agreement are not eligible to apply for these benefits. (7-1-25)

**02. Monthly Cash Payment.** 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 family services worker and based on the family's circumstances and what additional resources are needed to incorporate the child into the adoptive family. (7-1-25)

a. The amount must not exceed the rate for family foster care, which would be made if the child were in a family foster home in Idaho. (7-1-25)

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)

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)

**03. Title XIX -- Medicaid Coverage.** Any child with special needs who has an adoption assistance agreement in effect is eligible for medical coverage. (7-1-25)

**04. Title XX -- Social Services.** Any child with special needs who has an adoption assistance agreement is also eligible for state-authorized Title XX - Federal Social Services Block Grant funded services. (7-1-25)

**911. ADOPTION ASSISTANCE PROGRAM AGREEMENT.**

A written agreement must be negotiated and fully executed between the department and adopting family prior to the finalization of adoption and implementation of benefits. (7-1-25)

**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.** An annual review of each agreement will be conducted by the department to evaluate the need for continued monthly cash payment and the amount of the payment; (7-1-25)

**c.** The 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; (7-1-25)

**d.** The adoptive parent(s) are required to inform the department of any circumstances that would make them ineligible for adoption assistance payments, or eligible for adoption assistance payments in a different amount. (7-1-25)

**02. Termination of Adoption Assistance.** Adoption assistance benefits are terminated if: (7-1-25)

**a.** The adoptive parent(s) no longer have legal responsibility for the child; (7-1-25)

**b.** The child is no longer receiving any financial support from the parents, or (7-1-25)

**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. (7-1-25)

**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). (7-1-25)

**04. 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. 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. Children receiving a state funded adoption subsidy, may not be eligible for Medicaid in a state other than Idaho. (7-1-25)

**912. -- 919. (RESERVED)**

**920. ADMINISTRATIVE REVIEW FOR ADOPTION ASSISTANCE.**

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. (7-1-25)

**01. Request for Reconsideration.** Adoptive parents who were not informed of adoption assistance benefits prior to the finalization of their child's adoption may submit an application to the department prior to the eighteenth birthday of the adopted child. (7-1-25)

a. Eligibility is determined based on the eligibility factors for a special needs child that were in effect at the time of the child's adoption. (7-1-25)

b. If the eligibility determination finds a child was eligible for benefits at that time of the child's adoption, and an agreement was not signed prior to the finalization, the department is required to deny benefits to the child, since no contract was in effect at the time of the adoption finalization. (7-1-25)

c. The adoptive parent(s) may request an administrative hearing for Title IV-E adoption assistance eligibility determination. (7-1-25)

i. The determinations to be made at and administrative review hearing is whether extenuating circumstances exist or whether the family was wrongly denied eligibility, or both. (7-1-25)

ii. 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. (7-1-25)

**921. RETROACTIVE ADOPTION ASSISTANCE BENEFITS.**

The department 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. (7-1-25)

**922. 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. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**03. Guardianship and Foster Care Licensure.** To receive guardianship assistance, a potential legal guardian must be licensed or approved to provide foster care. (7-1-25)

**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). (7-1-25)

**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:** (7-1-25)

a. The child meets the special needs criteria in Subsection 900.01 of these rules; (7-1-25)

b. The child's parents have had their parental rights legally terminated or are deceased; and (7-1-25)

c. There is documentation of unsuccessful efforts to place the child for adoption. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**03. Title XIX Medicaid.** (7-1-25)

**a.** A child eligible for Title IV-E guardianship assistance is eligible for Medicaid in the state where the child resides. (7-1-25)

**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. (7-1-25)

**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. (7-1-25)

**01. Agreement Specifications.** All guardianship assistance agreements will specify the following: (7-1-25)

**a.** The amount and manner in which the guardianship assistance payment will be provided to the prospective legal guardian; (7-1-25)

**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; (7-1-25)

**c.** Any additional services and assistance for which the child and the legal guardian will be eligible under the agreement; (7-1-25)

**d.** The procedure by which the legal guardian may apply for additional services; (7-1-25)

**e.** A statement that the agreement will remain in effect without regard to the state of residency of the legal guardian; (7-1-25)

**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 (7-1-25)

**02. Termination of Guardianship Assistance.** Guardianship assistance benefits and cash payments are automatically terminated when: (7-1-25)

**a.** A court terminates the legal guardianship or removes the legal guardian; (7-1-25)

**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; (7-1-25)

**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 (7-1-25)

**d.** The child marries, dies, or enters the military. (7-1-25)

**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). (7-1-25)

**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. (7-1-25)

**928. -- 999. (RESERVED)**