

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 59

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL
2 TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FOSTER
3 CARE SYSTEM IN IDAHO AND OF THE IDAHO CODE PROVISIONS GOVERNING THE CON-
4 SERVATORSHIP AND GUARDIANSHIP OF ADULTS, MINORS AND PERSONS WITH A DE-
5 VELOPMENTAL DISABILITY.
6

7 Be It Resolved by the Legislature of the State of Idaho:

8 WHEREAS, studies have shown that children who enter foster care systems
9 endure numerous traumatic experiences, including the initial trauma of be-
10 ing separated from their parents, the trauma of being separated from their
11 siblings, the trauma of bouncing from one foster care placement to another,
12 never knowing when their lives will be uprooted next and the trauma of lan-
13 guishing for years in foster homes; and

14 WHEREAS, the trauma experienced by children who enter foster care sys-
15 tems leads to multiple attachment disorders, as well as emotional and behav-
16 ioral issues; and

17 WHEREAS, many young people age out of foster care without permanent
18 families, and research has shown that those who leave care without being
19 linked to forever families have a higher likelihood than youth in the general
20 population of experiencing homelessness, unemployment and incarceration as
21 adults; and

22 WHEREAS, a significant number of children who enter the foster care sys-
23 tem in Idaho, also enter the Idaho juvenile corrections system; and

24 WHEREAS, during a Joint Senate and House Health and Welfare Committee
25 meeting held during the Second Regular Session of the Sixty-third Idaho Leg-
26 islatre, there was a plethora of consistent testimony given illustrating
27 major concerns with the foster care system in Idaho; and

28 WHEREAS, the concerns expressed during the meeting included: fos-
29 ter children being moved for punitive reasons against the foster parents,
30 rather than to effectuate the best interest of the child; a chilling effect
31 experienced by foster parents who are afraid to speak out for fear of being
32 blacklisted by the Department of Health and Welfare; moving children from
33 foster family to foster family, which augments the traumatic experiences for
34 the children; moving children into homes of questionable standards; the lack
35 of clear standards and guidelines for what constitutes appropriate and fit
36 homes for children, both in state and out of state; and the lack of under-
37 standing by the State of Idaho that the damage done to these children lasts a
38 lifetime, not just for the period of time the child is in foster care; and

39 WHEREAS, Chapter 5, Title 15, Idaho Code, governs the protection of per-
40 sons under disability and their property and contains provisions relating to
41 conservatorship and guardianship of adults and minors; and

1 WHEREAS, Chapter 4, Title 66, Idaho Code, governs the treatment and care
2 of the developmentally disabled, including conservatorship and guardian-
3 ship of persons with a developmental disability; and

4 WHEREAS, although regulating related subject matter, Chapter 5, Title
5 15, Idaho Code, and Chapter 4, Title 66, Idaho Code, are not efficiently or
6 meaningfully integrated; and

7 WHEREAS, it is in the best interests of the State of Idaho and of its cit-
8 izens to have an effective, coordinated, fair and efficient system for mat-
9 ters governed by Chapter 5, Title 15, Idaho Code, and Chapter 4, Title 66,
10 Idaho Code.

11 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
12 sion of the Sixty-third Idaho Legislature, the House of Representatives and
13 the Senate concurring therein, that the Legislative Council is authorized to
14 appoint a committee to undertake and complete a study of the foster care sys-
15 tem in Idaho and of the Idaho Code provisions governing the conservatorship
16 and guardianship of adults, minors and persons with a developmental disabil-
17 ity, and to make recommendations for changes to state statutes. The Legisla-
18 tive Council shall determine the number of legislators and membership from
19 each house appointed to the committee and shall authorize the committee to
20 receive input, advice and assistance from interested and affected parties
21 who are not members of the Legislature.

22 BE IT FURTHER RESOLVED that nonlegislative members of the committee may
23 be appointed by the cochairs of the committee who are appointed by the Leg-
24 islative Council. Nonlegislative members of the committee shall not be re-
25 imbursed from legislative funds for per diem, mileage or other expenses and
26 shall not have voting privileges regarding the committee's recommendations
27 or proposed legislation.

28 BE IT FURTHER RESOLVED that the committee shall report its findings,
29 recommendations and proposed legislation, if any, to the First Regular Ses-
30 sion of the Sixty-fourth Idaho Legislature.