

Docket 16.06.02 Motion:

Madame Chair, I move we accept Docket 16.06.02, with the exception of the following:

- **Rejecting the final rule in 16.06.02.010.08. (Definition of Foster Home)**
- **Rejecting the pending changes to and the final rule as it exists in 16.06.02.402.02. (Requirement for foster parents to “be of good character”**
- For the first rejection, Idaho Code 39-1202 clearly defines “foster home” to allow for “1 or more” children. However, the current final rule that defines foster home is wholly inconsistent with statute by allowing only for “6 or fewer” children within a foster home. I do not believe that the definition found in Section 010.08 meets the clear legislative intent of our definition in statute.
- For the second rejection, Idaho Code 39-1211 does in fact authorize and directs the Department to make rules for licensing foster homes.
  - o However, the statute speaks specifically rules regarding things such as evidence of income and resources, recordkeeping and general safety and care of children.
  - o It does not mention or even contemplate allowing the Department to make licensing decisions based off of someone’s subjective stance on what is moral and what is not.
  - o Further, Idaho Code 39-1201 states that our policy as the State of Idaho is to guard children from “certain risks to the children’s lives, health, and safety.” A subjective morality test has nothing to do with whether a foster parent is otherwise suited to protecting foster children’s lives, their health, and their safety.
- So, with that Madame Chair I believe that both the pending rule changes to and the final rule that currently exists in Section 402.02 does not meet the legislative intent of our foster care statutes and thus should be rejected.