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Comment:

I am opposed to this amendment. I believe that this amendment will create issues in funding and the enforcement of court orders when referees are utilized in emergent child protective and delinquency proceedings. Regarding the enforcement of orders, if the judge is precluded from signing a referee recommendation until at least 7 days after the referee signature, this will impact the ability to enforce a court order to remove a child from the home, to place a juvenile in detention, or to immediately enact any emergent action the court deems necessary. This may also have impact on IV-E funding, which requires that the removal date and the judicial signature date match in order for funding eligibility. Under this rule, in any case handled by a referee, there would be a minimum 7 day window where IV-E funding would be cut off because the judge would not be permitted to sign during the 7 day objection window.

I believe the prudent approach would be to allow the judge to sign a referee recommendation immediately while preserving the parties' right to object within the 7 day window after the referee signature. The judge should not be precluded from making an emergency order the order of the Court, while simultaneously allowing the Court to review an objection to the order if timely filed.

The practical implications of this rule are that judges' dockets are going to be overwhelmed with emergency cases which require an immediate signature. Referees would be cut out of proceedings involving emergencies because their recommendations could not take effect for 7 days. This would create a huge burden on judges across the state who rely on their referees to assist in docket management, particularly on-call, after hours, or emergent situations.