

TITLE 39
HEALTH AND SAFETY

CHAPTER 60
CHILDREN'S TRUST FUND

39-6001. CHILDREN'S TRUST FUND BOARD -- CREATION. (1) There is hereby created within the department of health and welfare a children's trust fund and a children's trust fund board to administer the children's trust fund.

(2) The children's trust fund board shall consist of a chairperson and nine (9) other members as follows:

(a) The chairperson and six (6) other members of the board shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. There shall be one (1) board member appointed from each of the seven (7) judicial districts of the state as enumerated in [chapter 8, title 1](#), Idaho Code. Members shall be appointed to serve for three (3) year terms. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The superintendent of public instruction, the attorney general, and the director of the department of health and welfare or their designees shall be members and shall serve as voting members of the children's trust fund board.

(3) A quorum of the children's trust fund board shall consist of a majority of its members which quorum must be present in order to conduct any business.

(4) The chairperson of the children's trust fund board shall have no vote except in the event of a tie vote of a quorum of the members of the board.

(5) Board members shall be compensated as provided in section [59-509\(b\)](#), Idaho Code.

(6) Members of the children's trust fund board shall serve until a successor has been appointed but may be removed by the appointing official for misconduct or failure to carry out the duties provided in this chapter.

[39-6001, added 1985, ch. 31, sec. 2, p. 60; am. 2002, ch. 292, sec. 2, p. 841; am. 2014, ch. 52, sec. 1, p. 129.]

39-6002. CHILDREN'S TRUST FUND BOARD -- POWERS AND DUTIES. To carry out the purposes of this chapter, the children's trust fund board may:

(1) Independently, in collaborative relationships or partnerships, contract with public or private nonprofit organizations, agencies, schools or with qualified individuals, establish community-based educational and service programs and initiatives designed to reduce or prevent the occurrence of child abuse and neglect.

(a) Each contract entered into by the board shall contain a provision for the evaluation of services provided under the contract. Contracts for services to prevent child abuse and child neglect may be awarded to new programs, existing programs, initiatives, and to demonstration projects.

(b) Continuation of contracts shall be based upon goal attainment.

(2) Facilitate the exchange of information between groups concerned with families and children.

(3) Consult with state departments, agencies, commissions and boards to help determine the probable effectiveness, fiscal soundness, and need for

proposed educational and service programs for the prevention of child abuse and neglect.

(4) Adopt rules pursuant to [chapter 52, title 67](#), Idaho Code, to carry out the provisions of this chapter.

(5) Employ an executive director who shall be responsible for the performance of the administrative functions of the board and such other duties as the board may direct. The board may also employ or contract with other individuals to provide professional, clerical or other services deemed necessary by the board to effectuate the provisions of this chapter and the rules of the board, and purchase or rent necessary office space, equipment and supplies. The compensation of the executive director and other personnel shall be determined by the board, and the executive director shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code.

(6) Solicit and accept grants, donations, gifts and other moneys as necessary to carry out the purposes of this chapter.

[39-6002, added 1985, ch. 31, sec. 2, p. 61; am. 1990, ch. 208, sec. 1, p. 464; am. 2002, ch. 292, sec. 3, p. 842; am. 2014, ch. 52, sec. 2, p. 129.]

39-6003. CRITERIA FOR PROGRAMS. (1) Programs contracted for with moneys received pursuant to section [63-3067A](#), Idaho Code, are intended to provide prevention services. "Prevention services" means any community-based educational or service program designed to prevent or alleviate child abuse or neglect. "Prevention services" shall not include direct treatment programs.

(2) Moneys appropriated by the legislature may also be used for salaries pursuant to subsection (5) of section [39-6002](#), Idaho Code.

(3) The children's trust fund board shall develop policies to determine whether programs will receive renewed funding. Nothing in this chapter shall be construed to require continued funding by the state of Idaho or the children's trust fund board.

(4) The children's trust fund board shall prepare a report on its activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect annually, and deliver that report to the governor and legislature on January 15 of each year.

[39-6003, added 1985, ch. 31, sec. 2, p. 61; am. 1990, ch. 208, sec. 2, p. 465; am. 2002, ch. 292, sec. 4, p. 842; am. 2014, ch. 52, sec. 3, p. 130.]

39-6004. CONSIDERATION IN AWARD OF CONTRACTS. In awarding contracts pursuant to section [39-6002](#), Idaho Code, consideration shall be given to factors such as need, coordination with or enhancement of existing services, and evidence of community support or volunteers for the program.

[39-6004, added 1985, ch. 31, sec. 2, p. 61; am. 2018, ch. 169, sec. 10, p. 359.]

39-6005. MATCHING FUNDS. The children's trust fund board, in its discretion, may require a certain percentage of the funding for programs approved by the board be provided by the entity sponsoring or proposing the program. Contributions such as materials, personnel, supplies, physical

facilities or services may be considered as all or part of the funding provided by the petitioning entity.

[39-6005, added 1985, ch. 31, sec. 2, p. 61; am. 2002, ch. 292, sec. 5, p. 843.]

39-6007. CHILDREN'S TRUST FUND -- CREATION. (1) There is hereby created in the state treasury the children's trust fund.

(2) The fund shall consist of:

- (a) Moneys appropriated to the fund;
- (b) Moneys as provided in section [63-3067A](#), Idaho Code;
- (c) Donations, gifts, grants and other moneys from any source; and
- (d) Any other moneys which may hereafter be provided by law.

(3) Moneys in the fund may be expended for purposes provided in this chapter, provided that the children's trust fund advisory board is authorized to expend up to fifty percent (50%) of the moneys generated annually pursuant to section [63-3067A](#), Idaho Code. Interest earned on the investment of idle money in the children's trust fund shall be returned to the children's trust fund.

(4) Disbursements of moneys from the fund shall be on the authorization of the children's trust fund board or a duly authorized representative of the board.

(5) After the balance in the children's trust fund has reached two million five hundred thousand dollars (\$2,500,000), no further collections shall be received by the state tax commission, and all references to the fund shall be deleted from income tax forms.

[39-6007, added 1985, ch. 31, sec. 2, p. 62; am. 1987, ch. 337, sec. 4, p. 711; am. 2002, ch. 292, sec. 7, p. 843; am. 2005, ch. 342, sec. 1, p. 1069; am. 2014, ch. 52, sec. 4, p. 130.]

39-6008. DUTIES OF DEPARTMENT OF HEALTH AND WELFARE. The department of health and welfare under the direction of the children's trust fund board shall be responsible for the management and accounting of moneys expended from the children's trust fund.

[39-6008, added 1985, ch. 31, sec. 2, p. 62; am. 2002, ch. 292, sec. 8, p. 844.]