

THE CINA/DELINQUENCY RULES COMMITTEE RECOMMENDS THE FOLLOWING PROPOSAL:

CINA Rule 2(I), new CINA Rule 3.1—Consolidation in sibling CINA cases.

This proposal is intended to make the CINA rules mirror the way that most cases involving multiple children in a family are handled: It makes express the presumption that all of the cases for the children named in a petition will be handled together, even though each child's case has its own number.

The proposal should help simplify procedures so that multiple hearing notices are not sent to the parties, multiple filings are not required from parties, discovery can proceed more efficiently, and people are clearer about who can access the court's case files. Under CINA Rule 22(a), access to CINA case files is generally limited to parties.

The proposal amends the definition of party in Rule 2(I) to include the child's siblings who are named in the same caption and introduces a new Rule 3.1 on Consolidation. The new rule treats cases covered by the same caption as consolidated for purposes of scheduling and discovery, unless otherwise ordered. As needed, a child's case can be severed from the rest to proceed on its own path.

Because different people can have different ideas about what consolidation means, a use note is included after Rule 3.1 to clarify the expectation that each of the consolidated sibling cases will remain open, with its own case number.

The committee agreed that a motion would still be required to consolidate a newly filed case involving a new child with any existing sibling cases. It is not uncommon for the children in the original case to be at the permanency stage when a new child becomes the subject of a new petition.

The CINA/Delinquency Rules Committee recommends the proposal shown below:

CINA Rule 2. Definitions.

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(I) "Party" means the child, the siblings of the child named in the same caption, the parents, the guardian, the guardian ad litem, the Department, an Indian custodian who has intervened, an Indian child's tribe which has intervened, and any other person who has been allowed to intervene by the court.

CINA Rule 3.1. Consolidation.

Cases, court files, proceedings, and hearings will be consolidated according to the caption of the original filing, unless otherwise ordered by the court to avoid unnecessary cost, delay, or prejudice.

Note: Consolidated sibling cases retain their original case numbers and remain open.