

SUPREME COURT OF THE STATE OF IDAHO

John Doe I and Jane Doe I v. John Doe and Jane Doe (2017-19)

John Doe I and Jane Doe I v. John Doe · No. 45180 · Decided December 8, 2017

SUMMARY

The Idaho Supreme Court affirmed a magistrate court judgment terminating the parental rights of John Doe and Jane Doe (2017-19) to Jane Doe II. The court held that substantial, competent evidence supported findings that the parents had abandoned the child and that termination was in the child's best interest. The court awarded appellate costs to the grandparents but denied attorney fees.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Jones, Justice; Burdick, Chief Justice; Horton, Justice; Brody, Justice; Bevan, Justice
JURISDICTION	Idaho
DECIDED	December 8, 2017
DOCKET	45180
DISPOSITION	affirmed
PROCEDURAL POSTURE	Parents appealed the magistrate court's final judgment terminating their parental rights to Jane Doe II. The grandparents had petitioned for termination of parental rights and adoption.
STANDARD OF REVIEW	The State must prove grounds for termination by clear and convincing evidence. The Idaho Supreme Court independently reviews the magistrate court record but will not disturb the decision when substantial, competent evidence supports it, drawing reasonable inferences in favor of the judgment because the magistrate court observed witness demeanor and assessed credibility.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	John Doe and Jane Doe (2017-19), natural parents v. John Doe I and Jane Doe I, grandparents

TOPICS

- termination of parental rights
- parental rights
- guardianships
- appellate procedure
- standard of review

PRACTICE AREAS

family law

termination of parental rights

guardianship

appellate procedure

QUESTIONS PRESENTED

1. Whether substantial, competent evidence supported the magistrate court's conclusion that the parents abandoned the child under Idaho Code section 16-2005.
2. Whether substantial, competent evidence supported the conclusion that termination of the parents' parental rights was in the child's best interest.
3. Whether the grandparents were entitled to attorney fees on appeal.

HOLDINGS

1. The magistrate court did not err in finding abandonment because substantial, competent evidence showed that the parents willfully failed to provide reasonable support for the child without just cause for more than two years. Failure to provide reasonable support without just cause, standing alone, established abandonment, so the Court did not need to address the alternative ground based on lack of personal contact.
2. The magistrate court did not err in finding that termination was in the child's best interest because substantial, competent evidence supported that conclusion.
3. The grandparents were not awarded attorney fees because their request was mentioned only in passing and was not supported by cogent argument or authority.

KEY QUOTATIONS

“As noted by this Court in Doe I v. Doe II (2016-23), a finding that a parent has failed to provide reasonable support without just cause, by itself, establishes abandonment.” (at 9)

“This Court affirms the magistrate court’s Final Judgment terminating Parents’ parental rights.” (at 11)

FACTUAL BACKGROUND

The child began living primarily with her grandparents in July 2013 and remained with them after she reported that her father had struck her and the grandparents obtained a domestic-violence protection order and temporary guardianship. Supervised visits occurred between April and July 2015, after which there was no contact between the child and the parents or siblings through the May 2017 termination findings. The parents provided no financial support for the child during the guardianship, despite the father's income and the parents' ability to support other children and maintain a relationship with another child. The child improved physically, emotionally, and academically while in the grandparents' care, and the guardian ad litem recommended termination and adoption.

PROCEDURAL HISTORY

The grandparents filed petitions for termination of parental rights and adoption after obtaining temporary guardianship of the child. Following a May 2017 termination hearing, the magistrate court found abandonment

and determined that termination was in the child's best interest. The initial judgment lacked a Rule 54(b) certificate, resulting in a conditional dismissal of the appeal; after the magistrate court entered a final judgment on July 10, 2017, the Idaho Supreme Court reinstated the appeal. The Supreme Court affirmed the final judgment, awarded costs on appeal to the grandparents, and denied attorney fees to both parties.

DISPOSITION

affirmed

CASES CITED

- Idaho Dep't of Health and Welfare v. Doe (2016-11), 160 Idaho 824, 831, 833-34, 379 P.3d 1094, 1101, 1103-04 (2016)
- Idaho Dep't of Health and Welfare v. Doe (2015-01), 158 Idaho 764, 767, 351 P.3d 1222, 1225 (2015)
- Doe I v. Doe II, 150 Idaho 46, 50, 244 P.3d 190, 194 (2010)
- In re Doe (2013-30), 156 Idaho 532, 537, 328 P.3d 512, 517 (2014)
- Doe I v. Doe II (2009-02), 148 Idaho 713, 716, 228 P.3d 980, 983 (2010)
- Doe v. Doe I (2009-12), 149 Idaho 392, 397, 234 P.3d 716, 721 (2010)
- In re Doe (2013-14), 155 Idaho 505, 508, 314 P.3d 187, 190 (2013)
- Doe I v. Doe II (2016-23), 161 Idaho 532, 534, 536, 387 P.3d 785, 787, 789 (2016)
- In re Doe (2015-03), 159 Idaho 192, 198, 358 P.3d 77, 83 (2015)
- In re Doe (2014-15), 157 Idaho 765, 772, 339 P.3d 1169, 1176 (2014)
- Bach v. Bagley, 148 Idaho 784, 790, 229 P.3d 1146, 1152 (2010)
- Inama v. Boise County Board of Commissioners, 138 Idaho 324, 330, 63 P.3d 450, 456 (2003)

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