

SUPREME COURT OF THE STATE OF MONTANA

In re R.J.F.

2026 MT 125 · No. DA 25-0707 · Decided June 9, 2026

SUMMARY

The Montana Supreme Court held that foster parents were not parties or parents under Title 41 and therefore lacked authority to seek dismissal of a youth-in-need-of-care proceeding under § 41-3-438(3)(d), MCA. The court reversed the district court’s order granting the foster parents primary custody and dismissing the dependency cause. It remanded with instructions to strike the foster parents’ motion and dismiss the cause based on the mother’s successful completion of her treatment plan, satisfaction of the conditions for return, and fitness to parent.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Ingrid Gustafson
JURISDICTION	Montana Supreme Court
DECIDED	June 9, 2026
DOCKET	DA 25-0707
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mother appealed the Yellowstone County District Court's order granting primary custody of the child to the foster parents and dismissing the child-dependency proceeding under § 41-3-438(3)(d), MCA.
STANDARD OF REVIEW	Standing and other justiciability issues and statutory interpretation are reviewed de novo; conclusions of law in child-dependency proceedings are reviewed for correctness.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	R.F. (Mother) v. Montana Department of Health and Human Services, Child and Family Services Division, J.A. and B.A., foster parents

TOPICS

- family law procedure
- child custody
- standing
- statutory interpretation
- appellate procedure

PRACTICE AREAS

Family law

child welfare

juvenile law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether foster parents who were entitled to appear as interested persons, but were not parties and did not qualify as parents under Title 41, had authority to seek disposition and dismissal of the child-welfare proceeding.
2. Whether the District Court erred by applying § 41-3-438(3)(d), MCA, to award primary custody to the foster parents and dismiss the proceeding.
3. Whether the earlier parenting plan established a parental interest or parent-child relationship in the foster parents.

HOLDINGS

1. The foster parents were entitled to appear and be heard as interested persons, but their appearance did not make them parties. Because abandonment had not been alleged, they could not intervene, and because they were not biological, adoptive, or stepparents and no guardianship had been established, they lacked party status and authority to bring motions for disposition or dismissal.
2. The parenting plan did not establish a parental interest or parent-child relationship in the foster parents.
3. The District Court erred in applying § 41-3-438(3)(d), MCA, to the foster parents because they were not parents under Title 41. The statute did not authorize awarding them primary custody and dismissing the child-welfare proceeding.
4. The record supported dismissal of the child-welfare cause based on Mother's successful completion of her treatment plan, satisfaction of the conditions for return, and demonstrated fitness to parent.

KEY QUOTATIONS

“The right to appear or to be heard does not make that person a party to the action.” (¶ 18)

“However, a generic best-interest finding cannot substitute for the threshold statutory adjudication required before a nonparent may obtain a parenting interest under Title 40, MCA.” (¶ 22)

“Accordingly, their Motion to Dismiss must be stricken.” (¶ 23)

FACTUAL BACKGROUND

The Department removed the child from Mother's care after the child and a sibling tested positive for methamphetamine exposure. Mother stipulated to the child's Youth in Need of Care adjudication and completed her treatment plan, including substance-use treatment, testing, counseling, parenting classes, visitation, housing, and employment requirements. The Department acknowledged that Mother had met the conditions for return and that reunification was in the child's best interest, but the foster parents sought custody and dismissal based in part on an earlier parenting plan. The earlier plan had been entered while a prior Title 41 child-welfare proceeding was pending and had not been preceded by a statutory adjudication of a nonparent parental interest.

PROCEDURAL HISTORY

The Department previously sought and obtained termination of Mother's parental rights, but the Montana Supreme Court reversed and remanded for the Department to provide reasonable efforts toward reunification. In the subsequent proceeding, Mother completed her treatment plan and met the conditions for the child's return. The District Court nevertheless granted the foster parents' motion, awarded them primary custody, and dismissed the dependency cause. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the District Court's August 18, 2025 order to dismiss; strike the foster parents' Motion for Dismissal; and issue an order dismissing cause DN 23-294 based on Mother's successful completion of her treatment plan, satisfaction of the conditions for return, and fitness to parent.

CASES CITED

- In re R.J.F., 2019 MT 113, 395 Mont. 454, 443 P.3d 387
- Barrett v. State, 2024 MT 86, 416 Mont. 226, 547 P.3d 630
- In re R.N., 2024 MT 115, 416 Mont. 462, 549 P.3d 452
- State v. Payne, 2021 MT 256, 405 Mont. 511, 496 P.3d 546
- In re A.C., 2004 MT 320, 324 Mont. 58, 101 P.3d 761
- Sayler v. Sun, 2023 MT 175, 413 Mont. 303, 536 P.3d 399
- In re U.A.C., 2022 MT 230, 410 Mont. 493, 520 P.3d 295
- In re S.S., 2012 MT 78, 364 Mont. 437, 276 P.3d 883

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