

SUPREME COURT OF THE STATE OF IDAHO

Idaho Department of Health & Welfare v. Doe

160 Idaho 154 (2016) · No. 43652 · Decided March 24, 2016

SUMMARY

The Idaho Supreme Court affirmed the termination of Jane Doe’s parental rights based on neglect of her child. The court held that substantial and competent evidence supported the neglect finding and the determination that the Idaho Department of Health and Welfare made reasonable efforts to reunify mother and child. The court also addressed challenges concerning judicial notice of prior proceedings and evidence related to the Indian Child Welfare Act investigation.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	W. Jones, Justice; Burdick, Chief Justice; Eismann, Justice; Horton, Justice; J. Jones, Justice
JURISDICTION	Idaho
DECIDED	March 24, 2016
DOCKET	43652
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the magistrate court's order terminating her parental rights to her nine-year-old child for neglect.
STANDARD OF REVIEW	Grounds for termination of parental rights must be proven by clear and convincing evidence. The magistrate court's findings will not be overturned unless clearly erroneous and are upheld when supported by substantial and competent evidence. Evidentiary rulings are reviewed for abuse of discretion, and the appellant must show that the ruling affected a substantial right.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion
PARTIES	Jane Doe (2015-21) v. Idaho Department of Health and Welfare, Aimee' Stors, CASA Worker, Guardian ad Litem

TOPICS

- termination of parental rights
- family law procedure
- evidence
- judicial notice
- indian child welfare act

PRACTICE AREAS

family law

juvenile law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported termination of Mother's parental rights for neglect.
2. Whether the Idaho Department of Health and Welfare made reasonable efforts to reunify Mother and Child before seeking termination.
3. Whether the magistrate court properly took judicial notice of findings and a transcript from the prior adjudicatory proceeding.
4. Whether the magistrate court erred in admitting exhibits concerning the Idaho Department of Health and Welfare's efforts to determine whether the Indian Child Welfare Act applied.

HOLDINGS

1. The magistrate court did not err in terminating Mother's parental rights because substantial and competent evidence supported the finding that Mother neglected Child, and termination was not otherwise challenged as contrary to Child's best interests.
2. Substantial and competent evidence supported the magistrate court's finding that the Idaho Department of Health and Welfare made reasonable efforts to reunify Mother and Child.
3. The magistrate court did not commit reversible error in taking judicial notice of the identified transcript and findings because Idaho Rule of Evidence 201(d) required judicial notice when the prosecutor requested it and identified the records, and Mother failed to show that any error affected a substantial right.
4. The magistrate court's admission of exhibits reflecting the Department's efforts to determine whether the Indian Child Welfare Act applied did not warrant reversal because Mother failed to explain how the ruling affected a substantial right.

KEY QUOTATIONS

“Child neglect encompasses a parent’s failure to protect a child from exposure to domestic violence.” (160 Idaho at 161)

“Since she has not demonstrated a substantial affect to her rights, we affirm the magistrate court’s ruling without evaluating its exercise of discretion.” (160 Idaho at 163)

FACTUAL BACKGROUND

After Mother drove intoxicated and crashed a vehicle carrying Child and Younger Sister, Younger Sister died and Child was injured. The Idaho Department of Health and Welfare placed Child with Grandmother after learning of Mother's alcohol abuse, continued relationship with Father's domestic violence and sexual abuse, and Mother's inability to protect the children. Mother inconsistently complied with her case plan, continued abusing alcohol, missed drug tests, was arrested for DUI and other alcohol-related conduct, and was incarcerated. The magistrate court found that Child had been neglected and that termination was in Child's best interests.

PROCEDURAL HISTORY

The magistrate court assumed jurisdiction under the Child Protective Act, placed the child in the legal custody of the Idaho Department of Health and Welfare, approved a case plan, and later approved a permanency plan calling for termination and adoption. Following termination hearings, the magistrate court terminated Mother's parental rights. The Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Dep't of Health and Welfare v. Roe, 139 Idaho 18, 21, 72 P.3d 858, 861 (2003)
- In re Crum, 111 Idaho 407, 408, 725 P.2d 112, 113 (1986)
- Idaho Dep't of Health and Welfare v. Doe, 151 Idaho 356, 363, 256 P.3d 764, 771 (2011)
- In re Aragon, 120 Idaho 606, 608, 818 P.2d 310, 312 (1991)
- Hurtado v. Land O'Lakes, Inc., 153 Idaho 13, 18, 278 P.3d 415, 420 (2012)
- In Interest of Dayley, 112 Idaho 522, 525, 733 P.2d 743, 746 (1987)
- In re Doe, 143 Idaho 343, 347, 144 P.3d 597, 601 (2006)
- State v. Lemmons, 158 Idaho 971, 978, 354 P.3d 1186, 1193 (2015)
- Mulford v. Union Pac. R.R., 156 Idaho 134, 140, 321 P.3d 684, 690 (2014)
- Bolognese v. Forte, 153 Idaho 857, 866, 292 P.3d 248, 257 (2012)