

SUPREME COURT OF IDAHO

Hausladen v. Knoche, 149 Idaho 449

235 P.3d 399 (2010) · No. No. 35996 · Decided July 8, 2010

SUMMARY

The Idaho Supreme Court reviewed whether a parenting coordinator was entitled to compensation for services provided under an appointment order. The court held that the district court erred in affirming the judgment requiring payment without determining whether the services fell within the parenting coordinator's statutory and procedural authority, and remanded for that determination.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Burdick, Justice; Burdick; Eismann; J. Jones; W. Jones; Horton
JURISDICTION	Idaho
DECIDED	July 8, 2010
DOCKET	No. 35996
DISPOSITION	vacated
PROCEDURAL POSTURE	The Idaho Supreme Court granted Sahlin's petition for review of the Idaho Court of Appeals' decision reversing the district court's affirmance of a magistrate court judgment requiring Hausladen to pay parenting coordinator fees.
STANDARD OF REVIEW	On review of a Court of Appeals decision, the Idaho Supreme Court gives serious consideration to the Court of Appeals' views but directly reviews the lower court's decision. When reviewing a district court decision issued in its intermediate appellate capacity, the Supreme Court directly reviews the district court's decision. Statutory interpretation is reviewed de novo. Abuse of discretion is independently reviewed, while factual findings are upheld if supported by substantial and competent evidence and conclusions of law if they follow from the findings.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Frank William Hausladen, Jr. v. John H. Sahlin, judgment creditor on appeal-respondent

TOPICS

child custody

family law procedure

appellate procedure

statutory interpretation

civil procedure

PRACTICE AREAS

family law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court erred in affirming the magistrate court's judgment requiring Hausladen to pay Sahlin's fees when the order of appointment did not specifically authorize Sahlin's challenged actions.
2. Whether Idaho Code section 32-717D(3) and Idaho Rule of Civil Procedure 16(l)(1) confer general authority on a parenting coordinator to perform parenting-related services and thereby support an award of fees.
3. Whether a parenting coordinator may make binding changes to a custody judgment or intervene in nonparenting disputes without specific authorization or a request by the parents.

HOLDINGS

1. The district court erred in affirming the magistrate court's judgment requiring Hausladen to pay for Sahlin's services because the record did not establish that the billed services were authorized.
2. Idaho Code section 32-717D(3) and Idaho Rule of Civil Procedure 16(l)(1) grant a parenting coordinator general authority to take actions that empower the parties to engage in effective parenting and decision-making.
3. A parenting coordinator may not make changes to the parties' judgment or exercise the court's final decision-making function unless specifically authorized by the court.
4. The statute and rule do not authorize a parenting coordinator to intervene in disputes that do not involve parenting, unless the parents request assistance with those disputes.

KEY QUOTATIONS

"The judicial function of final decision-maker remains with the court and is not delegated through I.C. § 32-717D or I.R.C.P. 16(l)(1)." (149 Idaho at 453)

"Likewise, the statute and rule do not empower the parenting coordinator to intervene in disputes that do not involve parenting." (149 Idaho at 454)

FACTUAL BACKGROUND

Hausladen and Knoche were parents of a minor child whose custody and support arrangements had been addressed in numerous orders. In a 2005 custody-modification order, the magistrate court appointed John Sahlin as parenting coordinator, stated that the parents would split the coordinator's expenses, and did not specify Sahlin's powers or duties. Sahlin later issued recommendations and decisions concerning visitation, child-support payments, and other disputes, after which his appointment was terminated. Sahlin sought payment for his services, and the magistrate court entered a \$667.50 judgment against Hausladen.

PROCEDURAL HISTORY

The magistrate court appointed Sahlin as a parenting coordinator and later entered judgment requiring Hausladen to pay \$667.50 for Sahlin's services. The district court affirmed. The Idaho Court of Appeals reversed the district court, and the Idaho Supreme Court granted Sahlin's petition for review. The Supreme Court vacated the district court's order and remanded for a determination of whether Sahlin was entitled to fees under Idaho Code section 32-717D(3) and Idaho Rule of Civil Procedure 16(l)(1).

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the district court's order affirming the magistrate court's judgment and determine whether Sahlin is entitled to payment for any services under Idaho Code section 32-717D(3) and Idaho Rule of Civil Procedure 16(l)(1), including whether particular services fell within the general authority granted to a parenting coordinator.

CASES CITED

- State v. Oliver, 144 Idaho 722, 170 P.3d 387 (2007)
- In re Doe, 147 Idaho 243, 207 P.3d 974 (2009)
- Losser v. Bradstreet, 145 Idaho 670, 183 P.3d 758 (2008)
- State v. Doe, 147 Idaho 326, 208 P.3d 730 (2009)
- Doe v. Boy Scouts of America, 148 Idaho 427, 224 P.3d 494 (2009)
- Hayden Lake Fire Prot. Dist. v. Alcorn, 141 Idaho 388, 111 P.3d 73 (2005)