

SUPREME COURT OF THE STATE OF IDAHO

Idaho Department of Health and Welfare v. John Doe

2016 Opinion No. 114 · No. 44285 · Decided November 1, 2016

SUMMARY

The Idaho Supreme Court affirmed the termination of John Doe’s parental rights to his son under Idaho Code sections 16-2005(1)(b) and (d). The court rejected or disregarded Doe’s challenges concerning judicial disqualification, evidentiary rulings, consideration of matters outside the record, and the sufficiency of the evidence. The court concluded that substantial and competent evidence supported findings of neglect and Doe’s prolonged inability to discharge parental responsibilities, and that termination was in the child’s best interests.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Horton, Justice; J. Jones, Chief Justice; Eismann, Justice; Burdick, Justice; W. Jones, Justice
JURISDICTION	Idaho
DECIDED	November 1, 2016
DOCKET	44285
DISPOSITION	affirmed
PROCEDURAL POSTURE	John Doe appealed the magistrate court's judgment terminating his parental rights to his son. The Idaho Supreme Court reviewed the denial of Doe's motion to disqualify the magistrate judge, asserted evidentiary errors, alleged consideration of matters outside the trial record, and the sufficiency of the evidence supporting termination.
STANDARD OF REVIEW	Denial of judicial disqualification is reviewed for abuse of discretion. Termination of parental rights requires clear and convincing evidence, and the Supreme Court independently reviews the magistrate court record while drawing reasonable inferences in favor of the judgment. The termination decision will not be disturbed if supported by substantial and competent evidence.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	John Doe (2016-27) v. Idaho Department of Health and Welfare

TOPICS

termination of parental rights

parental rights

family law procedure

hearsay

appellate procedure

PRACTICE AREAS

family law

appellate procedure

evidence

civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge abused its discretion by denying Doe's motion to disqualify based on a credibility-related statement made in an unrelated criminal proceeding.
2. Whether alleged hearsay, foundation, chain-of-custody, and expert-opinion errors in admitting trial evidence affected Doe's substantial rights.
3. Whether the magistrate court improperly considered matters outside the trial record in terminating Doe's parental rights.
4. Whether substantial and competent evidence supported termination of Doe's parental rights for neglect and inability to discharge parental responsibilities for a prolonged indeterminate period.

HOLDINGS

1. The magistrate court did not abuse its discretion in denying Doe's motion to disqualify because Doe failed to show that the judge's statement was sufficiently biased or prejudicial to make a fair and impartial trial improbable.
2. The court disregarded Doe's claims concerning the admission of exhibits and testimony because he failed to argue that the alleged errors affected his substantial rights.
3. Substantial and competent evidence supported termination under Idaho Code section 16-2005(1)(b) based on neglect under Idaho Code section 16-2002(3)(b).
4. The judgment could be sustained on the alternative ground that Doe was unable to discharge parental responsibilities for a prolonged indeterminate period and that the inability would injure the child's health, morals, or well-being.

KEY QUOTATIONS

"First, judicial rulings alone almost never constitute valid basis for a bias or partiality motion ... and can only in the rarest circumstances evidence the degree of favoritism or antagonism required.... Almost invariably, they are proper grounds for appeal, not for recusal." (5)

"The magistrate court's thorough and reasoned memorandum opinion is supported by substantial and competent evidence that Doe failed to comply with the requirements of his case plan." (13)

FACTUAL BACKGROUND

John Doe and the child's mother had a volatile relationship involving methamphetamine and other controlled-substance use and domestic violence. The child was removed from the mother's care, and Doe stipulated to

Department custody and a case plan requiring, among other things, mental-health treatment, drug testing, and a safe and stable home. Doe repeatedly failed to comply with the drug-testing and treatment requirements, including positive methamphetamine tests and numerous missed tests. The magistrate court found neglect and an inability to discharge parental responsibilities for a prolonged indeterminate period and determined that termination was in the child's best interests.

PROCEDURAL HISTORY

The magistrate court placed the child in the Idaho Department of Health and Welfare's custody after Doe stipulated to an unstable home environment and later stipulated to a case plan. After review and permanency hearings, the Department petitioned to terminate Doe's parental rights. Following a March 2016 trial, the magistrate court entered judgment terminating Doe's parental rights under Idaho Code sections 16-2005(1)(b) and (d). The Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Dep't of Health & Welfare v. Doe, 149 Idaho 207, 210, 233 P.3d 138, 141 (2010)
- In re Doe (2014-17), 157 Idaho 694, 699, 339 P.3d 755, 760 (2014)
- In re Doe (2014-23), 157 Idaho 920, 923, 342 P.3d 632, 635 (2015)
- Doe v. Doe, 150 Idaho 46, 49, 244 P.3d 190, 193 (2010)
- Idaho Dep't Health & Welfare v. Doe, 150 Idaho 36, 41, 244 P.3d 180, 185 (2010)
- State v. Dunlap, 155 Idaho 345, 390-91, 313 P.3d 1, 46-47 (2013)
- Pizzuto v. State, 134 Idaho 793, 799, 10 P.3d 742, 748 (2000)
- Liteky v. United States, 510 U.S. 540, 555-56 (1994)
- In re Doe (2015-21), 160 Idaho 154, 165, 369 P.3d 932, 943 (2016)
- Andersen v. Prof'l Escrow Servs., Inc., 141 Idaho 743, 746, 118 P.3d 75, 78 (2005)
- Application of Citizens Utils. Co., 82 Idaho 208, 215 (1960)
- Bach v. Bagley, 148 Idaho 784, 790, 229 P.3d 1146, 1152 (2010)