

BOISE, MONDAY, NOVEMBER 7, 2025, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ELIZABETH C. RABER
nka ELIZABETH P. COREY,

**Petitioner-Counterdefendant-
Appellant,**

V.

MICHAEL R. RABER,

Respondent-Counterclaimant-Respondent on Appeal.

Docket No. 53147

Appeal from the Magistrate Court of the First Judicial District of the State of Idaho, Kootenai County. Anna Eckhart and Katherine Murdock, Magistrate Judges.

Amendola Doty & Brumley, Coeur d'Alene, and Bevis, Thiry, Henson & Katz, PA., Boise, for Appellant.

Palmer/George, PLLC, Coeur d'Alene and Cosho Humphrey, LLP, Boise, for Respondent.

This is a direct appeal of a custody order issued on remand following this Court’s decision in *Raber v. Raber*, 175 Idaho 365, 565 P.3d 808 (2025) (*Raber I*). In *Raber I*, this Court vacated a custody order awarding joint legal and physical custody of Parents’ four-year-old child on a two-week-on/two-week-off rotation between Father’s home in Idaho and Mother’s home in Texas. This Court stated that “[o]n remand, the magistrate court has the discretion to determine the scope of the proceedings, including whether to hold a new trial or whether to take additional evidence.” *Id.* at 371, 565 P.3d at 814.

On remand, Mother argued the magistrate court should consider additional evidence of Child's adjustment to each home, the interactions between Parents, and additional events that had happened to Child or Parents since the original trial eighteen months prior. The magistrate court declined to do so and ultimately awarded joint physical custody of Child on a week-on/week-off basis if Mother returned to Idaho, or alternatively, primary physical custody to Father in Idaho with visitation to Mother in Texas one weekend each month. Mother filed a motion to reconsider the decision not to hear additional evidence on remand, which the magistrate court denied.

Mother appeals, contending the magistrate court made numerous errors with both the custody order and the child support calculation. Mother first argues the magistrate court abused its discretion with respect to child custody by: (1) declining to reopen the record and consider additional evidence despite the significant changes in circumstances and lapse of time since the

original trial; (2) denying her motion to reconsider its decision not to reopen the record; (3) basing its custody decision on clearly erroneous facts regarding the custody schedule Child had been following since June 2023; and (4) following the parenting time recommendation in the original Parenting Time Evaluation without conducting a best-interests-of-the-child analysis. Next, Mother argues the magistrate court committed a mathematical error with respect to its child support calculation and further erred by failing to consider her request to depart from the Child Support Guidelines. Finally, Mother requests a new trial on remand and further guidance on any temporary custody orders issued on remand.