

SUMMARY STATEMENT

John Doe 2013-30 v John Doe II, Docket No. 41681

In a case arising from Canyon County, the Idaho Supreme Court reversed a magistrate court's order terminating John Doe's ("Father") parental rights over his minor child and granting John Doe II's ("Stepfather") Petition to Adopt the child. Father married the child's mother ("Mother") in 2001, but that marriage dissolved in 2006 when Mother was pregnant. After the dissolution, Father and Mother reconciled and lived together for a period of time with the child. In 2007, Mother moved to the Boise area from Twin Falls. Father contends he planned to join Mother in the Boise area after he sold his house in Twin Falls. Before Father joined Mother, Mother changed her phone number, moved to a new home, and did not update Father on her contact information. In 2012, Father brought a motion to modify child custody to have visitation with his child. In response, Mother's new husband, Stepfather, filed a petition for adoption of the minor child and termination of the Father's parental rights. The magistrate court granted the petition. Father appealed. The Idaho Supreme Court held that the magistrate court's finding of abandonment without just cause was not supported by substantial and competent evidence.