

## **SUMMARY STATEMENT**

*Idaho Dep't of Health & Welfare v. Doe (2015-01)*, Docket No. 42821

In an expedited appeal, the Idaho Supreme Court affirmed the magistrate's order terminating John Doe's parental rights as to his daughter. Doe argued that because his absences from home due to incarceration and drug treatment were not willful neglect, the magistrate committed error in finding that he had neglected his child. The Court held that it was not necessary the magistrate find Doe's absences from home were willful to find that they contributed to neglect of the child. The Court reasoned that the magistrate's decision was further supported by evidence of Doe's long history of addiction and failure to maintain stable employment or housing, along with Doe's admission that he is not ready presently to care for the child. The Court also upheld the magistrate's conclusion that termination was in the best interests of the child, as that conclusion was supported by ample evidence in the record, including testimony to that effect from the child's guardian ad litem. The Court awarded costs on appeal to the Department of Health and Welfare.