

## SUMMARY STATEMENT

*Idaho Department of Health and Welfare v. Jane Doe (2016-11)*, Docket No. 44064

In a case arising out of Bonneville County, the Idaho Supreme Court affirmed the decision of the magistrate court terminating the parental rights of Jane Doe (“Mother”) on the basis of inability to discharge parental responsibilities. The Idaho Supreme Court also affirmed the magistrate court’s finding that the termination of Mother’s parental rights is in the best interests of the children, and that the Idaho Department of Health and Welfare (“IDHW”) made reasonable efforts to reunify Mother with her children.

Mother argued on appeal that the State failed to produce clear and convincing evidence sufficient to overcome the presumption that she could parent her children. Specifically, Mother argued that: (1) her participation in the case plan for the eight months preceding the magistrate court’s termination contravened a finding of neglect, and (2) the IDHW failed to help reunify the family.

The Idaho Supreme Court held that: (1) there is substantial, competent evidence supporting the magistrate court’s termination of Mother’s parental rights on the basis of inability to discharge parental responsibilities; (2) the magistrate court’s finding that termination is in the best interests of the children is supported by substantial, competent evidence; and (3) the magistrate court’s finding that the IDHW made reasonable efforts to reunify Mother and the children is supported by substantial, competent evidence. Costs on appeal were awarded to the IDHW.