

SUMMARY STATEMENT

Idaho Department of Health & Welfare v. Doe, Docket No. 44092

In an appeal from Canyon County, the Supreme Court vacated and remanded the magistrate court's judgment terminating Jane Doe's parental rights as to her son, M.R. The Supreme Court held that the magistrate court applied erroneous legal standards to the two grounds for termination that it found to exist.

The Supreme Court found that the magistrate court erred when it held that impossibility was not a defense to a claim of neglect based upon failure to comply with the requirements of a child protection act case plan. The Supreme Court further found that the magistrate court erred by considering the entire time that Doe had been and would be incarcerated rather than focusing on the time that Doe will be incarcerated in the future. Therefore, the Supreme Court remanded for further findings of fact and conclusions of law with the magistrate court applying the correct legal standards.

The Supreme Court also strongly cautioned Idaho's trial judges against adopting proposed findings of fact and conclusions of law submitted to them by parties without careful consideration of those submissions.