

## SUMMARY STATEMENT

*Idaho Department of Health and Welfare v. Jane Doe (2016-47)*, Docket No. 44704

In a case arising out of Kootenai County, the Idaho Supreme Court affirmed the decision of a magistrate court terminating the parental rights of Jane Doe (“Doe”). The magistrate court found that clear and convincing evidence demonstrated that the termination of Doe’s parental rights was in the best interest of the children and: (1) Doe neglected the children as defined by Idaho Code section 16-1602(31); (2) Doe neglected the children by failing to comply with the court ordered case plan, and reunification had not occurred within the time standards set forth in Idaho Code section 16-1629(9); and (3) Doe was unable to discharge parental responsibilities, and such inability would continue for a prolonged, indeterminate period and would be injurious to the health, morals or well-being of the children.

On appeal, Doe argued as follows: (1) the magistrate court erred by granting the termination petition, notwithstanding its finding that it was impossible for Doe to comply with her case plan; and (2) the magistrate court erred by considering matters outside of the record in granting the termination petition.

The Idaho Supreme Court held that: (1) the magistrate court did not err in terminating Doe’s parental rights, notwithstanding Doe’s mental health issues, because Doe’s non-compliance with the case plan was willful; and (2) the magistrate court did not consider matters outside the record because the exhibits at issue were properly admitted during the termination trial.