

## **SUMMARY STATEMENT**

*Doe (2018-11) v. Doe I*, Docket No. 45805

This appeal concerns the guardianship of a ten-year-old child, Jane Doe II (“Jane”). Both of Jane’s parents passed away in 2017. Thereafter, a family friend with whom Jane and her mother had been living, (“Friend”), petitioned for guardianship. Jane’s father’s twin sister (“Aunt”) also petitioned for guardianship. The magistrate court appointed a local attorney, Auriana Clapp-Younggren (“Clapp-Younggren”), to serve as both the attorney and the guardian ad litem for Jane. Friend moved to have a separate attorney appointed to represent Jane. The magistrate court denied the motion. After trial the magistrate court followed Clapp-Younggren’s recommendation and awarded temporary guardianship to Friend so that Jane could finish the school year, but appointed Aunt as Jane’s permanent guardian. Friend appealed.

The Idaho Supreme Court vacated the decree appointing Aunt as Jane’s permanent guardian, holding that the magistrate court: (1) erred by appointing Clapp-Younggren as both the attorney and the guardian ad litem for Jane; and (2) abused its discretion by summarily denying the request for an attorney without conducting a hearing to determine Jane’s maturity level. The Court remanded the case for a new trial so that the magistrate court could conduct a hearing to determine whether Jane is capable of “sufficient maturity to direct [an] attorney.” I.C. § 15-5-207(7).