

SUMMARY STATEMENT

State, Department of Health & Welfare v. John Doe (2019-12)

Docket No. 47007

John Doe was arrested for domestic battery. Doe struck his child, A.B., with a metal bat while A.B. was trying to protect his stepmother, who was the intended target. After Doe was taken into custody, A.B. was taken into foster care. Doe was ordered to complete a case plan. The State filed a petition for the termination of Doe's parental rights after the six-month review hearing. The court subsequently held a trial on the petition. At trial, the court heard testimony from A.B.'s case manager and admitted evidence, including a report of investigation that demonstrated Doe did not comply with any part of his case plan. Doe's attorney objected to the admission of the report as hearsay. The magistrate responded that the objection was valid but "the legislature has determined and stated that this Court may admit any report, study or examination and rely upon it to the extent of its probative value," and the report was admitted into evidence pursuant to Idaho Code § 16-2009. Following the hearing, the court determined it was in the best interest of A.B. to terminate the parental rights of Doe based on findings of neglect and abuse. Doe appealed from the magistrate's judgment terminating Doe's parental rights and argued the magistrate erred when it admitted the report of investigation into evidence over Doe's hearsay objection.

This Court agreed that to the extent the statute allows hearsay without a valid hearsay exception, it conflicts with the Idaho Rules of Evidence and is of no force or effect. However, it affirmed the judgment terminating Doe's parental rights, holding there was substantial and competent evidence to support the magistrate's findings that Doe abused and neglected A.B. independent from the report of investigation.