

SUMMARY STATEMENT

Nelson v. Evans

Docket No. 47069

This case involved a grandparent's petition for grandparent visitation rights. Dennis and Linda Nelson petitioned the Kootenai County magistrate court for visitation rights with their three granddaughters after their daughter and son-in-law, the Evanses, terminated all contact between the Nelsons and their daughters due to a financial dispute. The magistrate court ruled that the Nelsons lacked standing to file a petition under Idaho Code section 32-719 (Idaho's grandparent visitation statute) because their granddaughters are part of an "intact family," and even if they had standing, summary judgment was appropriate because the Nelsons would be unable to overcome the presumption that fit parents make decisions in their children's best interests. The district court affirmed the magistrate court's rulings.

The Supreme Court reversed the district court's decision affirming the magistrate court's rulings. The Court held that section 32-719 does not restrict when a grandparent may petition a court for visitation rights. The Court also held that the district court erred in affirming the magistrate court's alternative grant of summary judgment for the Evanses because there is a genuine issue of material fact as to whether the Evanses' decision to terminate all contact between the Nelsons and their children was in their children's best interests.