

SUMMARY STATEMENT

State of Idaho, Department of Health & Welfare v. Doe
Docket No. 47443

In this case arising out of Canyon County, the Court of Appeals affirmed the magistrate court's judgment terminating Jane Doe's parental rights. The magistrate court terminated Doe's parental rights after finding clear and convincing evidence that Doe neglected her child and that termination is in the child's best interests.

Doe raised two issues on appeal. First, Doe challenged whether the reviewability of the Idaho Department of Health and Welfare's reasonable efforts toward reunification satisfied due process. Second, Doe asserted that it was impossible for her to complete her case plan because, during the course of the child protection proceedings, the magistrate approved moving the child out of state when her foster family (her maternal aunt and uncle) relocated to New York. The Court of Appeals held that reasonable efforts are an ongoing consideration throughout the child protection proceedings and that a finding of reasonable efforts is subject to appellate review from that proceeding. The Court of Appeals rejected Doe's argument that due process requires more and reiterated that reunification efforts are not subject to appellate review in the termination case because those efforts are not relevant to the termination decision under I.C. § 16-2005. The Court of Appeals also held there was substantial and competent evidence to support the magistrate court's finding of neglect and that termination is in the child's best interests and that, contrary to Doe's argument, the child's removal from Idaho did not make it impossible for Doe to comply with her case plan.