

SUMMARY STATEMENT

State of Idaho, Dep't of Health & Welfare v. Jane Doe
Docket No. 47662

The Idaho Department of Health and Welfare (Department) petitioned to terminate the parental rights of Jane Doe (Mother) to Daughter. During the termination hearing, the prosecution offered in evidence a sixty-eight-page "Narrative Report" containing numerous entries of information about Mother's case which the Department had collected during the case's pendency. Mother's counsel objected to the Report on hearsay grounds. The magistrate court overruled this objection and admitted the Report as a business record under Rule 803(6) of the Idaho Rules of Evidence. After the hearing, the magistrate court ruled that Mother was not able to discharge her parental responsibilities and had failed to perform her case plan and that termination of Mother's parental rights is in Daughter's best interests.

Mother appealed, arguing the magistrate court abused its discretion by admitting the Report in evidence. The Idaho Court of Appeals held that the magistrate court abused its discretion by admitting the entire Report based on the limited foundation the prosecutor offered to establish the Report as a business record under Rule 803(6). The Court ruled that while some entries in the Report arguably qualified as business records, many entries did not meet Rule 803(6)'s foundational requirements. Nevertheless, the Court affirmed the judgment terminating Mother's parental rights to Daughter because Mother failed to identify any substantial right affected by the magistrate court's error in admitting the Report in evidence.