

SUMMARY STATEMENT

IDHW v. Doe (2020-10)

Docket No. 47789

This case arises from an appeal by a guardian ad litem (GAL) for two minor children after a magistrate court determined that the children should be placed with their biological father in Mexico. At the time the two minor children were taken into foster care, the specific whereabouts of their biological father, John Doe (Father), were unknown, other than that he had been deported to Mexico in December 2014. His paternity had not yet been established and he had not had any contact with his children since his deportation. A little more than a year after the proceedings began, Father's paternity was established.

The Department sought a case plan for Father to follow, and attempted to obtain a home study but faced difficulty accomplishing this task because he lived in Mexico. The children's GAL opposed placing the children with Father without more information about him and his living situation. Ultimately, the magistrate court ordered that the children be placed with Father as soon as possible without conducting a home study. On motions to reconsider filed by the Department and the GAL, newly-discovered evidence was presented that Father was required to register as a sex offender and had previously pleaded guilty to failing to do so. Nevertheless, the magistrate court denied the motions to reconsider. The GAL appealed. The Idaho Supreme Court vacated the magistrate court's order dismissing the child protective action and the order placing the children outside the United States.