

SUMMARY STATEMENT

State of Idaho, Department of Health & Welfare v. Jane Doe (2020-37)
Docket No. 48309

In this case arising out of Nez Perce 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. The magistrate court found neglect had been established under three different statutory definitions of neglect.

On appeal, Doe argued that the magistrate court's findings of neglect and that termination is in the child's best interests were not supported by substantial, competent evidence. Doe also argued that she could not have neglected the child under I.C. § 16-1602(31)(a) by failing to provide parental care because the Idaho Department of Health and Welfare and the child's foster parents provided care for the child. Doe further contended that she did not have sufficient notice that the Department sought to establish neglect under I.C. § 16-2002(3)(b) because the Department's pleadings cited to a nonexistent statute. The Court of Appeals held that substantial, competent evidence supported the magistrate court's findings of neglect under two statutory definitions and that termination is in the child's best interests. For the finding of neglect under the third statutory definition, the Court of Appeals held that Doe's conclusory arguments regarding the sufficiency of the evidence were not sufficient to support an argument on appeal. The Court of Appeals further held that a parent can neglect a child under I.C. § 16-1602(31)(a) by failing to provide proper parental care even if the child's needs are being met by others. Finally, the Court of Appeals held that the Department's typographical error in its pleadings did not deprive Doe of notice because the Department's allegations asserted facts sufficient to put Doe on notice that the Department would seek to establish neglect as defined in I.C. § 16-2002(3)(b).

*This summary constitutes no part of the opinion of the Court, but has been prepared
by court staff for the convenience of the public.*