

SUMMARY STATEMENT

John Doe I and Jane Doe I v. Jane Doe (2020-54)

Docket No. 48526

In this case arising out of Twin Falls County, the Court of Appeals vacated the judgment terminating the parental rights of Jane Doe (2020-54) to her minor child and remanded for further proceedings. The termination hearing was held via online videoconference. Doe participated telephonically, but lost connection shortly into the hearing and did not reconnect. The magistrate court found that Doe's failure to reconnect was voluntary and proceeded without her. The magistrate court terminated Doe's parental rights after finding clear and convincing evidence that Doe had abandoned and neglected her child and that termination is in the child's best interests.

On appeal, Doe argued her constitutional right to present testimony was violated when the magistrate court proceeded with the termination hearing after she failed to reconnect. Doe also argued the magistrate court erred by concluding that it was in the child's best interests to terminate Doe's parental rights. The Court of Appeals noted that, because Doe was incarcerated in another state at the time of the termination hearing, her procedural due process right would be protected if she was appointed counsel and had an opportunity to present testimony by deposition or otherwise. Although Doe was appointed counsel, she was not afforded an opportunity to present testimony because the magistrate court proceeded in Doe's absence. The Court of Appeals further held that, while a procedural due process right may be waived, the magistrate court erred in finding that Doe voluntarily chose not to reconnect to the termination hearing. Thus, Doe's procedural due process right was violated. Because the judgment was vacated on this basis, the Court of Appeals did not address Doe's argument that the magistrate court erred in concluding that termination of Doe's parental rights was in the child's best interests.

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