

SUMMARY STATEMENT

Weaver v. Weaver

Docket No. 49072

This permissive appeal concerned a magistrate court's decision regarding child custody. Lisa Kaye Kidman ("Lisa") and Mark Adam Weaver ("Mark") married in March 2016, with one child ("A.W.") born as issue of that marriage. Mark filed for divorce in November 2020. Following a one-day trial on the issue of A.W.'s custody, the magistrate court awarded the parties joint physical and legal custody. The magistrate court awarded Mark physical custody of A.W. every Thursday evening through Sunday evening, with Lisa having physical custody the remainder of each week. The magistrate court also awarded each parent with two, one-week blocks of summer visitation and alternating holiday visitation. Lisa appealed, arguing that the magistrate court abused its direction when it improperly focused on equalizing the parents' custodial time and deprived her of quality time with A.W. by awarding Mark custody nearly every weekend.

The Idaho Supreme Court reversed the magistrate court's custody decision and remanded the matter for further consideration. The Court held that the magistrate court abused its discretion because it failed to consider how awarding Mark with physical custody nearly every weekend would be in A.W.'s best interests after A.W. started school. Specifically, the Court held that the magistrate court failed to adequately consider how its custody decision would impact A.W.'s interaction and interrelationship with her parents.

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