

## SUMMARY STATEMENT

*IDHW v. Jane Doe, Docket No. 49777*

The Idaho Supreme Court affirmed a magistrate court's termination of Jane Doe's (Mother) parental rights to her two children. The magistrate court determined that Mother had neglected the children as defined in Idaho Code section 16-2002(3)(b), and that termination was in the best interests of the children. On appeal, Mother asserted that the definition of "neglect" provided in section 16-2002(3)(b) violates the Idaho and the United States Constitutions, and she argued that the magistrate court's finding that termination was in the children's best interests was not supported by substantial and competent evidence. The Idaho Supreme Court declined to rule on the constitutionality of section 16-2002(3)(b) because Mother did not raise the argument below. The Court then affirmed the magistrate court's finding that termination was appropriate under section 16-2002(3)(b) because Mother failed to comply with a court order and/or complete or comply with her respective case plan. The Court also found substantial and competent evidence supported the magistrate court's finding that termination was in the best interests of the children.

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