

SUMMARY STATEMENT
IDHW v. Jane Doe (2022-36)
Docket No. 50023

This case arose when a toddler was removed from her Mother’s custody by the Idaho Department of Health and Welfare in Lewiston, Idaho. The toddler has been in the State’s custody since late 2020. Because of Mother’s inconsistent adherence to a treatment program, the State amended the toddler’s permanency plan so that termination of parental rights and adoption became the primary goals for her, while reunification with Mother became the concurrent goal. Mother applied for a permissive appeal to the district court to appeal the change of goals under Idaho Code section 16-1625, and the magistrate court granted the appeal. Before the parties submitted briefs, the district court issued a review hearing order *sua sponte*, dismissing the appeal for lack of jurisdiction. This appeal followed.

On appeal to the Supreme Court, both parties argued that the district court erred when it dismissed the case and Mother requested “guidance” on the scope of appeals under Idaho Code 16-1625 and parents’ ability to appeal at different stages of a child custody proceeding. Today, the Court affirms the decision of the district court that section 16-1625 did not grant the parties the ability to appeal the review hearing order that was not a final judgment and did not vest custody of the toddler with the State. Further, while the Court does not offer “guidance,” it remands this case to the Child Protection Committee to consider whether any changes should be made to the permissive appeal standard set forth in Idaho Appellate Rule 11.1(b)(2).

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