

SUMMARY STATEMENT

Plasse v. Reid

Docket No. 50208

Michael Loren Reid appealed from the magistrate court's decision modifying the custody and visitation schedule involving the minor child whose custody he shares with his ex-wife, Victoria Elizabeth Plasse. This permissive and expedited appeal of the magistrate court's decision was brought pursuant to Idaho Appellate Rules 12.1 and 12.2. Both parties filed motions seeking to modify the prior judgment, arguing that there had been a material, substantial, and permanent change in circumstances requiring a modification of the child custody and visitation schedule.

The magistrate court conducted a bench trial and determined that there had been material, substantial, and permanent changes in circumstances requiring modification of the custody and visitation schedule. The magistrate court analyzed each of the factors listed in Idaho Code section 32-717 to determine how the schedule should be altered. The magistrate court then determined that both parents would continue to share joint legal and physical custody of their minor child but amended the visitation schedule to minimize interactions between the parents, which had been a source of contention between Reid and Plasse. Reid appealed the modified judgment.

The Idaho Supreme Court affirmed the judgment of the magistrate court. Initially, the Court determined that Reid's briefing on appeal was adequate to satisfy certain minimum requirements of Idaho Appellate Rule 35. However, despite finding that Reid's briefing satisfied certain minimum requirements, several of the issues he raised were not properly preserved and, thus, not reviewed by the Court.

Of the issues that had been properly preserved, the Idaho Supreme Court held that the magistrate court did not abuse its discretion in modifying the custody and visitation schedule in the way that it did. The Court concluded that the magistrate court had considered only the evidence that was properly admitted at trial. The Court further held that the magistrate court did not abuse its discretion in relying upon Reid's representations to the court when he was representing himself. Additionally, the magistrate court did not abuse its discretion in refusing to admit the full reports created by the Idaho Department of Health and Welfare, which included heavily redacted information. Finally, apart from two harmless errors, the magistrate court's decision was supported by substantial and competent evidence.

Plasse prevailed on every issue in this appeal, and the Court determined that Reid appealed the magistrate court's judgment and decree frivolously. Accordingly, the Court concluded that Plasse was entitled to attorney fees pursuant to Idaho Code section 12-121.

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