

SUMMARY STATEMENT

Chris D. Farnsworth v. Shawnee D. Farnsworth
Docket No. 50446

On appeal, the Court of Appeals affirmed the district court's Memorandum Decision and Order Re: Appeal, on intermediate appeal from the magistrate court. Chris Farnsworth filed a petition for divorce based on irreconcilable differences in March 2017. In April 2017, Shawnee Farnsworth filed an answer and counterpetition citing irreconcilable differences. Shawnee later filed a motion to amend her counterpetition to cite adultery and extreme cruelty as the bases for divorce; the magistrate court orally granted the amendment, and Chris ultimately stipulated to these bases for divorce. The parties could not agree on the distribution of certain assets and after a hearing, the magistrate court resolved the dispute. Chris appealed to the district court, arguing the magistrate court erred by: (1) characterizing the investment account as Shawnee's separate property; (2) characterizing Chris's PERSI Choice 401(k) account as community property when it was created to replace Social Security benefits; (3) imposing attorney fees against him for Shawnee's litigation preparation based on adultery and extreme cruelty as the grounds for the divorce; and (4) permitting Shawnee to refinance the marital home after the ninety days had expired. The district court affirmed on all grounds but remanded the decision regarding the investment account to the magistrate court to reconsider the apportionment of the account between the parties.

The Court of Appeals held the district court did not err in affirming the magistrate court's decision: (1) that the investment account was Shawnee's separate property; (2) that Chris's PERSI Choice 401(k) account was community property because there was no Idaho caselaw that a PERSI Choice 401(k) account that was created and funded during the marriage should be treated the same as Social Security benefits; (3) denying Chris's motion for possession of the home and extension of time for Shawnee to refinance the home because the relief Chris requested was not available in the original judgment and, thus, the denial of the motion was not a modification of the initial judgment or either of the amended judgments and decrees of divorce; and (4) awarding attorney fees to Shawnee for litigation preparation on the adultery and extreme cruelty grounds for divorce only to have Chris stipulate to those grounds. The district court concluded the magistrate court did not abuse its discretion because it properly considered the relevant factors in Idaho Code § 32-705(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.