

SUMMARY STATEMENT

State of Idaho v. Adam Bradley Paulson

Docket No. 50657

Adam Bradley Paulson was convicted of vehicular manslaughter in the death of Madeline Duskey. At sentencing, the district court ordered Paulson to pay child support for Duskey's children pursuant to Idaho Code § 18-4007(3)(d). The district court determined Paulson's earnings potential upon release from incarceration would be \$28,440, and based on that imputed income, ordered Paulson to pay \$322 per month for the benefit of the two minor children until the oldest child reaches the age of eighteen, and then \$161 per month until the second child reaches the age of eighteen. Paulson appealed, arguing that Paulson argues the district court abused its discretion in requiring him to pay child support based on his projected future income without considering Duskey's lost income or the condition and needs of her minor children, which Paulson argued are relevant factors for consideration under I.C. § 18-4007(3)(d). Acknowledging that the legislature amended I.C. § 18-4007 in 2009 to delete reference to child support guidelines, Paulson nonetheless argued that the factors set out in the child support guidelines, I.C. § 32-706(1), should have been considered by the district court, including Duskey's earnings and the condition and needs of the children.

The Court of Appeals held that Paulson failed to demonstrate error by the district court. First, as to consideration of Duskey's earnings, even if considered a relevant factor under I.C. § 18-4007(3)(d), Paulson failed to present evidence of Duskey's earning for consideration by the district court. Second, as to consideration of the condition and needs of the children, language regarding the conditions and needs of children as a relevant factor in the statement of purpose in the legislation amending I.C. § 18-4007 does not alter the plain language of the statute, which does not expressly include the condition and needs of the child as a relevant factor. Third, even if the condition and needs of the children are relevant factors, Paulson failed to provide evidence or argument to the district court as to the physical or emotional needs of the children. Finally, the district court appropriately considered the financial needs of the children. Judge Lorello specially concurs in the opinion.

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