

SUMMARY STATEMENT

IDHW v. Jane Doe (2023-24)

And

IDHW v. John Doe (2023-26)

Docket Nos. 50868 and 50897

This is a consolidated appeal involving Idaho Code section 16-1603(2), a statute authorizing the magistrate court to take jurisdiction of a child who lives in the same household as another child who is subject to an existing petition under the Child Protective Act (“CPA”). The Idaho Department of Health and Welfare (“IDHW”) filed a CPA petition pursuant to Idaho Code section 16-1603(2) in March 2023 for an infant (“Infant”) who was about three months old. The magistrate court had jurisdiction over the infant’s older brother (“Toddler”), having removed Toddler at age eighteen months after determining Toddler had been neglected, and subjected to an unstable home when he tested positive for methamphetamine exposure and suffered a broken femur and other injuries indicative of physical abuse. Infant was born about four months after Toddler was placed in foster care. At the adjudicatory hearing pertaining to Infant, the magistrate court found that the parents were unresponsive and uncooperative with IDHW and had failed to address any concerns related to Toddler’s removal. The magistrate court concluded that Infant was “at risk of being a victim of abuse or neglect” and was subject to the magistrate court’s jurisdiction under Idaho Code section 16-1603(2). The magistrate court ordered protective supervision of Infant with IDHW. Both parents appealed.

On appeal, the father argued that the magistrate court erred by taking judicial notice of the adjudicatory decrees and findings of facts from two prior CPA cases involving the parents and Toddler. Both parents also argued that the magistrate court’s conclusion that Infant was at risk of being a victim of abuse or neglect was not supported by substantial and competent evidence. The parents presented three additional arguments in support of this last argument, including: (1) the magistrate court erred in denying the joint motion for directed verdict; (2) the magistrate court impermissibly shifted the burden to the parents to show that Infant was not at risk; and (3) the magistrate court relied solely on the parents’ prior drug usage to find a risk to Infant without establishing a nexus between drug use and potential harm to Infant.

This Court affirmed the adjudicatory decree entered by the magistrate court, holding: (1) the magistrate court’s decision to take judicial notice of the adjudicatory decrees and findings of fact in Toddler’s two CPA cases complied with Idaho Rule of Evidence of 201(b) and (c) because the facts judicially noticed were adjudicative facts not subject to reasonable dispute, having been specifically determined by the same magistrate court in prior adjudicatory hearings; (2) the magistrate court did not err in denying the parents’ joint motion for a directed verdict because the short time since Toddler’s removal after sustaining a broken femur and the filing of the CPA petition for Infant, as well as the parents’ conduct during that time, provided substantial and competent evidence of a risk of abuse or neglect to Infant; (3) the magistrate court did not impermissibly shift the burden to the parents to show Infant was not at risk, and (4) there is a nexus between the parents’ drug usage and a risk to Infant, but the magistrate court did not rely solely on the parents’ prior drug use to conclude Infant was at risk of being a victim of abuse or neglect.

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