

SUMMARY STATEMENT

State of Idaho, Department of Health and Welfare v. Jane Doe (2023-34)

Docket No. 51088

After Jane Doe I (Child) was sheltered by the Department of Health and Welfare (Department), Child's mother, Jane Doe (Doe), stipulated to a Child Protection Act (CPA) adjudicatory decree. During the pendency of the CPA case, Doe attempted to consent to adoption of Child by her relatives in Indiana. The relatives filed an action in Indiana, a motion to intervene in the CPA case, which was denied, and a separate adoption action in Idaho, which was dismissed. The magistrate court entered an amended permanency hearing order approving pursuing termination of parental rights without reunification efforts as the permanency goal. The magistrate court also denied Doe's motion to revoke the CPA adjudicatory decree. On intermediate appeal, the district court affirmed the amended permanency hearing order and the order denying Doe's motion to revoke the CPA adjudicatory decree.

On appeal, Doe argued the district court erred by affirming the magistrate court's amended permanency hearing order, denial of the motion to revoke, and various ancillary orders in the CPA case. Principally, Doe claimed that Idaho Code § 16-1619(5)(b) provides that after entry of the adjudicatory decree, she retained and validly exercised her residual right to consent to adoption which consent divested the magistrate court of jurisdiction and eliminating the Department's standing to take action in the CPA case. The Court of Appeals affirmed the district court, holding that I.C. § 16-1619(5)(b) did not provide Doe with an absolute residual right to consent to adoption without the consent of the Department and approval by the magistrate court; the amended permanency hearing order and the Department complied with all the applicable statutory requirements; and the other intermediate orders challenged by Doe were not appealable under I.C. § 16-1625. The Court of Appeals reversed the district court's award of sanctions against Doe's attorney for late filing.

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