VIA: ZOOM, THURSDAY, JUNE 06, 2024, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51599

CASEY JONES, nka CASEY WHITE,)
Petitioner-Appellant,))
v.)
TIMOTHY JONES,)
Respondent.)

Appeal from the Magistrate Division of the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Scott H. Hansen, Magistrate.

Rivera Law; Nathan D. Rivera, Blackfoot, for appellant.

Baker Harris Law; Jared M. Harris, Blackfoot, for respondent.

Casey White appeals from the magistrate court's judgment modifying child custody. White and Timothy Jones divorced in July 2022 and are parents of Child who was born in 2021. In September 2022, the divorce decree and settlement agreement were finalized. White had primary care of Child and Jones had a weekly visitation schedule. White remarried and had intentions of moving to Hawaii with Child, since her husband is in the U.S. military and stationed in Hawaii. Jones then filed a petition to modify based on the change in circumstance that White wanted to move to Hawaii with Child. The settlement agreement contained a relocation provision, where if one or both parents were to move farther than 120 miles, a different schedule of child custody would apply. The magistrate court found there was a substantial and permanent change in circumstances to warrant a modification of the child custody arrangement. The magistrate court found it would be in the best interests for Child to remain in Blackfoot, Idaho and not move to Hawaii. On appeal, White argues there was not a substantial change in conditions or circumstances to modify the agreement. White contends that the settlement agreement already provided for a modified custody arrangement when a parent moves farther than 120 miles and that her intention to move to Hawaii with Child did not present a change in circumstances to modify the custody arrangement. Jones argues that White's move to Hawaii would produce a permanent and substantial change in the conditions of their current custody arrangement and would not be in Child's best interest.