

BOISE, THURSDAY, JUNE 6, 2024, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51618

MIA M. BAUTISTA, fka MIA M. VOWELS)
)
)
Petitioner-Respondent,)
)
v.)
)
NATHAN VOWELS,)
)
Respondent-Appellant.)
_____)

Appeal from the Magistrate Division of the Second Judicial District, State of Idaho, Latah County. Hon. Jeff P. Payne, Magistrate Judge.

Bevis, Thery, Henson & Katz, LLP; Phillip M. Bevis, Boise, for appellant.

Cosho Humphrey, LLP; Mackenzie E. Whatcott, Boise, for respondent.

Nathan Vowels appeals from a judgment regarding modification of child custody. Vowels and Mia M. Bautista divorced in 2019. The parties have three minor children. At the time divorce decree was entered, Vowels lived in Princeton, Idaho, while Bautista and the three children lived in Moscow, Idaho. Two years after the divorce, Vowels filed a petition seeking to modify the decree’s custody schedule and child support. Vowels’ petition asserted multiple substantial and material changes had occurred since the decree was entered. Following Vowels’ presentation of evidence at trial, Bautista moved for a directed verdict, asserting Vowels failed to establish a substantial and material change in circumstances that would warrant a modification. In response, Vowels moved to conform his pleadings to the evidence presented.

The magistrate court partially granted and partially denied Bautista’s motion. The magistrate court determined that Vowels failed to establish a substantial and material change in circumstances with regard to custody and granted Bautista’s motion as it pertained to child custody. However, the magistrate court found there was evidence of a substantial and material change in the parties’ incomes. Accordingly, the magistrate court denied Bautista’s motion as it pertained to child support. Thereafter, the parties presented evidence relating to the modification of child support. After hearing testimony and reviewing the evidence presented, the magistrate court modified the decree’s child support provisions. Thereafter, Vowels sought permission to pursue an expedited appeal, which request was granted. Vowels now appeals.