

SUMMARY STATEMENT

John Doe I and Jane Doe I v. John Doe (2024-23)

Docket No. 51723-2024

The Idaho Supreme Court affirmed the district court's decision concluding that John Doe's Rule 60(b)(4) motion to set aside the magistrate court's decree terminating his parental rights and allowing another man to adopt his child was not barred by various legal doctrines, including res judicata and waiver. Jane Doe 1 ("Mother") and John Doe ("Father") had a child out of wedlock. Approximately eight months after the birth of the child, Mother and her fiancé (collectively "Mother") filed a petition to terminate Father's parental rights and allow Mother's fiancé to adopt the child. Mother did not serve a copy of the petition on Father. Mother alleged Idaho law did not require her to notify Father of the proceedings for a variety of reasons. As a result, Father did not participate in the termination proceedings. Following a trial, the magistrate court issued a judgment terminating Father's parental rights and allowing Mother's fiancé to adopt the child.

After learning of the judgment, Father filed two motions to set aside the judgment pursuant to Idaho Rule of Civil Procedure 60(b). The first motion was filed pursuant to Rule 60(b)(3) and the magistrate court denied it. Father's first attorney failed to properly perfect his appeal from the decision denying his first Rule 60(b) motion and the decision became final.

This appeal concerns Father's second motion, in which Father argued that the judgment was void under Rule 60(b)(4) because the failure to notify him of the termination proceeding violated his constitutional right to due process and deprived him of his fundamental constitutional right to raise his child. The magistrate court denied the motion, finding Father's second motion was barred by the doctrine of res judicata. The district court disagreed, reversed the magistrate court's order, and remanded the matter for the magistrate court to consider Father's due process argument on its merits.

Mother appealed the district court's decision reversing the magistrate court and argued that Father's Rule 60(b)(4) motion was barred by several procedural doctrines, primarily res judicata and waiver. The Idaho Supreme Court held that Father's Rule 60(b)(4) motion alleged a fundamental error that deprived him of his right to due process and deprived him of his fundamental constitutional right to raise his child. As a result, the Court concluded that the fundamental error doctrine applied to provide an exception to the doctrines of res judicata and waiver. The Court also concluded that Mother's other procedural arguments were without merit. The Court therefore affirmed the district court's decision and remanded the matter to the magistrate court to hold an evidentiary hearing to determine whether Father's Rule 60(b)(4) motion was timely, and if so, whether the termination and adoption judgment is void.

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