

## SUMMARY STATEMENT

*John Doe I and Jane Doe I v. John Doe (2024-16)*  
Docket No. 51756

John Doe appeals from the order terminating his parental rights to his child (Child). Child's Mother and Stepfather filed a petition to terminate Doe's rights. The petition for terminating Doe's parental rights alleged the basis of "abandonment together with any other applicable grounds permitted by law." The petition did not cite to Idaho Code § 16-2005, the statute that sets forth the statutory grounds for terminating parental rights. The petition alleged that at the time of filing, November 21, 2022, Doe had no parental relationship with Child because Doe had not seen Child since April 2021 and his last request to see Child was in November of 2021. The petition also alleged that Doe was incarcerated and awaiting transfer to the Idaho State Correctional Institution to serve his unified sentence of eight years, with three years determinate.

Following a hearing, the magistrate court found that the petition alleged two statutory grounds for termination: abandonment, I.C. § 16-2005(1)(a), and Doe was unable to discharge parental responsibilities, and such inability will continue for a prolonged indeterminate period and will be injurious to the health, morals, or well-being of Child, I.C. § 16-2005(1)(d). The second ground, I.C. § 16-2005(1)(d), was not alleged in the petition by either citation or factual allegations. The magistrate court held Mother and Stepfather had not established that Doe abandoned Child pursuant to I.C. § 16-2005(1)(a). However, the magistrate court found Mother and Stepfather established, by clear and convincing evidence, that Doe's parental rights should be terminated pursuant to I.C. § 16-2005(1)(d), finding that Doe is unable to discharge parental duties for a prolonged indeterminate amount of time due to his incarceration. The magistrate court made no findings that Doe's incarceration was injurious to the health, morals, or well-being of Child. The magistrate court then concluded it is in Child's best interests to terminate Doe's parental rights and entered a judgment terminating Doe's parental rights. Doe appealed.

The Court of Appeals reversed the judgment terminating Doe's parental rights and remanded the case. The Court held that I.C. § 16-2006(h) requires that the petition to terminate parental rights includes "[t]he grounds on which termination of the parent and child relationship is sought." (Emphasis added.) Because the petition did not provide any statutory citation to the grounds for abandonment or allege facts that would support the statutory basis upon which the magistrate court based its decision, Doe was deprived of the necessary notice of the grounds upon which his parental rights were terminated.

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