

**SUMMARY STATEMENT**  
*Jane Doe and John Doe I v. John Doe*  
Docket No. 52029

In this case arising out of Bannock County, the Court of Appeals vacated the judgment terminating John Doe’s parental rights. Doe is the father of the child involved in this termination case. A few months after Jane Doe gave birth, Doe and Jane separated. Doe later agreed to a child support order, entered the same day Jane filed for sole legal custody. Jane then sought a default judgment, which the magistrate court granted. Subsequently, Jane and her husband, John Doe I (the child’s stepfather), filed a petition to terminate Doe’s parental rights and allow John I to adopt the child. Although the petition did not specify a statutory basis for termination, it alleged Doe neglected the child and was unable to fulfill his parental responsibilities. After trial, the magistrate court terminated Doe’s parental rights, citing abandonment (which was not pled) and Doe’s inability to discharge his parental responsibilities and concluding termination was in the child’s best interests.

On appeal, Doe argued the magistrate court erred in finding abandonment because Jane’s alienation tactics created “the illusion of abandonment.” The Court agreed and held that the magistrate court’s reference to a period when Doe did not see the child overlooked delays caused by factors beyond Doe’s control and by Jane’s efforts to prevent visitation. The Court held there was insufficient evidence to establish abandonment. Doe also challenged the finding that he had failed and would continue to fail to discharge parental duties. The Court again agreed, concluding that the magistrate court gave undue weight to Doe’s behavior before the child’s birth and failed to account for Jane’s role in restricting visits. Accordingly, the Court concluded there was insufficient evidence to support termination of Doe’s parental rights on either abandonment or failure to discharge parental responsibilities. As a result, the Court vacated the judgment and determined it need not address the magistrate court’s best interests analysis or the parties’ related arguments.

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