

## SUMMARY STATEMENT

*Owen Bartosh v. Angelia Faith Campbell*  
Docket No. 52302

In this case arising out of Kootenai County, the Court of Appeals vacated a judgment denying Owen Bartosh's petition to establish paternity, custody, and child support. Bartosh filed a paternity petition for his biological child with Campbell. In response, Campbell argued that paternity had already been established through a voluntary acknowledgment of paternity (VAP) signed by her and her partner at the time of the child's birth, as well as a related medical support judgment obtained by the Idaho Department of Health and Welfare. Bartosh moved to rescind the VAP, citing fraud and mistake of fact, while Campbell sought summary judgment on paternity. After the magistrate court denied Bartosh's motion to rescind, he filed a motion to reconsider and a motion seeking relief from the medical support judgment. Ultimately, the magistrate court denied Bartosh's motions and found the motion for relief untimely. As a result, the magistrate court denied Bartosh's paternity petition.

On appeal, the Court held that Idaho's Paternity Act does not bar a paternity action by another person because a VAP exists, nor does it require rescission of a VAP before filing a paternity action. Thus, the Court held the magistrate court erred when it found that Bartosh's failure to rescind the VAP supported a denial of his paternity petition. The Court also held that the record supported Bartosh's standing to file his paternity petition. Additionally, the Court agreed with Bartosh that the VAP did not preclude his paternity petition, as he was neither a party to Campbell and her partner's decision to sign it nor in privity with them. Likewise, the Court held that the medical support judgment did not bar Bartosh's paternity petition because it did not adjudicate paternity, and Bartosh derived no legal interest in that case. The Court further held that the magistrate court erred in denying Bartosh's paternity petition because genuine issues of material fact remain regarding custody and child support. Therefore, the Court vacated the judgment denying Bartosh's paternity petition. Upon remand, the Court held that the case should be assigned to a different magistrate judge.

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