

SUMMARY STATEMENT

Stephens v. Buell

Docket No. 52418

This is an expedited appeal in a child custody case. Bonita Stephens (“Mother”) and Douglas Buell (“Father”) were married and had two sons. After they divorced in 2017, the magistrate court held a multi-day trial on the issue of child custody. Thereafter, the magistrate court entered an order (“2018 Custody Order”) providing Mother with primary residential custody of the children, subject to Father’s visitation every other weekend during the school year and alternating weeks during the summer. The parties were granted joint legal custody of the children. Additionally, the magistrate court ordered that the parties work with a parenting coordinator.

In 2021, Father sought a modification of the 2018 Custody Order. He alleged that a substantial and material change in circumstances had occurred since the original custody order due to Mother’s dishonesty and refusal to comply with the 2018 Custody Order. He requested sole legal and physical custody of the children. After years of litigation, culminating in an eight-day trial, the magistrate court entered a memorandum decision and order (“2024 Custody Order”) granting Father sole legal and physical custody of the children.

Mother filed a permissive appeal to the Idaho Supreme Court, alleging that the magistrate court erred by: (1) granting Father sole legal and physical custody of the children; (2) denying Mother’s motion for the court to interview the children; (3) admitting Mother’s personnel file from a previous employer as evidence; (4) denying Mother’s request to remove the parenting coordinator; (5) ordering Mother to obtain a new counselor to address her dishonesty; and (6) granting Father’s motion to strike her brief responding to Father’s closing arguments.

The Idaho Supreme Court affirmed the magistrate court’s order granting Father sole legal and physical custody of the children. The Supreme Court concluded “that there was substantial and competent evidence to support the 2024 Custody Order and that the magistrate court did not abuse its discretion in granting Father with sole legal and physical custody of the children.” The Supreme Court noted that Mother’s appeal largely asked it to reweigh the evidence presented to the magistrate court, which it declined to do.

The Supreme Court likewise denied all of Mother’s additional grounds for appeal and awarded Father attorney fees and costs on appeal.

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