

SUMMARY STATEMENT

State of Idaho, Department of Health and Welfare v. Jane Doe (2025-22)

Docket No. 53025

In this case arising out of Clearwater County, the Court of Appeals affirmed the adjudicatory decree and order on reasonable efforts, keeping Jane Doe's children in the temporary custody of the Idaho Department of Health and Welfare. Doe was arrested for trespassing and the county prosecutor subsequently petitioned to remove the children from Doe's care. The petition noted that no reasonable efforts to avoid removal were made prior to filing the petition. The Department was notified minutes before the order was issued. Two days after the original petition was filed and the order of removal was signed, an amended petition was filed. At the adjudicatory hearing, the magistrate court determined that the lack of information in the initial petition outlining reasonable efforts taken to prevent removal, or an explanation why reasonable efforts were not taken, was not fatal to the petition. The magistrate court then determined it was contrary to the welfare of the children to return to Doe's custody. Doe permissively appealed from the adjudicatory decree and the order on reasonable efforts.

On appeal, Doe argued the lack of reasonable efforts outlined in the initial petition was fatal to the magistrate court's jurisdiction over this matter. Doe also asserted that the reasonable efforts requirement is a duty imposed on all state actors involved in a child protection proceeding, not just the Department. At oral argument, Doe conceded that the amended petition for removal cured any possible jurisdictional deficiency. Accordingly, the Court did not need to decide whether the magistrate court lacked jurisdiction based on the deficiencies in the original petition. The Court noted, however, that the manner in which the original petition was filed raised serious concerns with respect to the prosecutor's conduct. Finally, the Court agreed with Doe that the requirement that reasonable efforts be made prior to removal is imposed on any state actor filing a petition for removal as articulated in I.C. § 16-1610. As a result, the Court affirmed the adjudicatory decree and order on reasonable efforts.

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