

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44466

ACTION COLLECTION SERVICE,)
INC., an Idaho corporation,)
)
Plaintiff-Respondent,)
)
v.)
)
HARMONY L. BLACK, aka)
McCULLOUGH,)
)
Defendant-Appellant.)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George D. Carey, District Judge.

Thomas J. Katsilometes, PLLC; Thomas J. Katsilometes, Boise, for appellant.

Shearer & Bonney, PC; Shaun R. Bonney, Boise, for respondent.

The Idaho Department of Juvenile Correction (IDJC) requested Harmony L. Black to pay IDJC reimbursement fees for its support and treatment of Black's child while in IDJC's custody. After Black did not pay, IDJC assigned Black's reimbursement debt to Action Collection Service, Inc. (ACS) pursuant to a blanket assignment agreement. ACS attempted to collect the debt without success. ACS filed a civil complaint against Black to recover the principal amount, in addition to statutory collection fees and pre-judgment interest. The magistrate court granted summary judgment for ACS and ordered Black to pay \$9,957.92. Black appealed and the district court vacated the judgment and remanded the case to the magistrate. ACS appealed and the Idaho Court of Appeals remanded the case. Following a trial, Black was ordered to pay \$3,546.40 to ACS for the support and treatment of her minor child.

Black appealed to this Court, asserting IDJC's existence as a state agency violates the Idaho Constitution, the blanket assignment agreement between IDJC and ACS terminated before IDJC assigned Black's debt to ACS, IDJC never validly assigned the debt to ACS, the trial below did not constitute a hearing under Idaho Code § 20-524, and ACS's claim is time barred.