

BOISE, WEDNESDAY, DECEMBER 7, 2022, AT 10:00A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

In the Interest of: Jane Doe,)	
A Child Under Eighteen (18) Years of Age.)	
-----)	
STATE OF IDAHO, DEPARTMENT OF)	
HEALTH AND WELFARE,)	Docket No. 49971
)	
Petitioner-Appellant,)	
)	
v.)	
)	
JOHN DOE (2022-32),)	
)	
Respondent.)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Elmore County. Brent Ferguson, Magistrate Judge.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Appellant.

Elmore County Public Defender/Ratliff Law Offices, Chtd., Mountain Home, for Respondent.

This appeal concerns the interpretation of the Interstate Compact on the Placement of Children, codified at Idaho Code sections 16-2101 through 16-2107, and whether the ICPC applies to an out-of-state, non-custodial parent. Additionally, the case involves whether application of the ICPC to out-of-state, non-custodial parents violates parents' constitutional rights. John Doe seeks custody of his daughter, Jane Doe, who was removed from the care of her mother in Idaho when a child protection action was initiated. During the pendency of the child protection action, Jane Doe's mother died. At the time of removal, John Doe was a non-offending, non-custodial parent living in Texas with his wife, unrelated to Jane Doe, and their child, Jane Doe's half-sibling. As part of the case plan for Jane Doe, the magistrate court ordered an ICPC regulation 2 investigation to determine the suitability of John Doe as a placement for Jane Doe. The State of Texas denied the placement after finding an extensive child protection history and noted that John Doe was a sex offender. The Idaho Department of Health and Welfare asked for reconsideration from the State of Texas which was denied. John Doe then moved to amend the case plan citing impossibility and violations constitutional rights. The magistrate court found that the ICPC violated both out-of-state parents' equal protection rights and John Doe's substantive due process rights under the Fourteenth Amendment of the United States Constitution. The Idaho Department of Health and Welfare appeals to the Idaho Supreme Court arguing (1) that the plain language of the ICPC applies to out-of-state, non-custodial parents; (2) that the Full Faith and Credit Clause requires compliance with the ICPC; (3) that the

ICPC does not run afoul of Substantive Due Process as applied to John Doe; and (4) that the ICPC does not violate the Equal Protection clause as applied to out-of-state parents.