

**BOISE, FRIDAY DECEMBER 2, 2022 AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**In the Interest of: Jane Doe I,** )  
**A Child Under Eighteen (18) Years of Age.** )  
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**STATE OF IDAHO, DEPARTMENT OF** )  
**HEALTH AND WELFARE,** )  
  
**Petitioner-Respondent,** )  
  
v. )  
  
**JANE DOE (2022-36),** )  
  
**Respondent-Appellant.** )

**Docket No. 50023**

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Appeal from the District Court of the Second Judicial District of the State of Idaho, Nez Perce County, Victoria Olds, Magistrate Judge.

Sarah A. McDowell-Lamont, Public Defender, Lewiston, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Lewiston, for Respondent.

Jones, Brower & Callery, PLLC, Lewiston, for Respondent GAL.

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This case asks the Court to determine if Idaho Code § 16-1625(1)(c), and/or Idaho Code § 16-1625(1)(b), provide parents with the opportunity to appeal to the district court by right and the Idaho Supreme Court by permission when the magistrate court’s goals in a child protection case permanency plan change from “reunification” to “adoption.” Further, it asks whether the district court erred when it dismissed and remanded an appeal of the magistrate court’s Review Hearing Order modifying the goals.

Jane Doe, an almost-two-year-old child, has been in the custody of the Idaho Department of Health and Welfare (“IDHW”) since December 13, 2020. Jane has been thriving and safe with the same foster family for the majority of the past year and a half. For most of the life of this case, the magistrate court has held fast to its goal of “reunification,” but it modified the goal on June 29, 2022, so that “adoption” is now the primary goal for baby Jane.

Mother filed a Motion for Permissive Appeal and a Notice of Appeal to the district court under Idaho Code § 16-1625, Idaho Juvenile Rule 49, Idaho Rule of Procedure 82(a)(1)(B), and Idaho Appellate Rules 12 and 17(e) to appeal the decision to change goals. The magistrate court granted the motion, but the district court dismissed the case and remanded back to the magistrate court before the parties could file any briefs. This appeal followed that dismissal.