

BOISE, FRIDAY, JANUARY 17, 2025 at 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ANTHONY SCOTT LOWMAN,)
)
 Petitioner-Respondent,)
)
 v.)
)
 KAYLA MARIE MORGAN-SMART,)
)
 Respondent-Respondent on Appeal,)
)
 and)
)
 JANE DOE (2023-32),)
)
 Minor Child-Appellant,)
)
 and)
)
 NATASHA RAY,)
)
 Intervenor.)
 _____)

Docket No. 50973

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County, Roger S. Burdick, Senior District Judge.

Seiniger Law Office, Greenville, South Carolina.

Kayla Marie Morgan-Smart, Nampa, and Anthony Lowman, Kuna, Respondents Pro Se.

This appeal is from the district court’s order dismissing an intermediate appeal from the magistrate court’s judgment in a divorce case, awarding Anthony Lowman and Kayla Morgan-Smart (collectively “Parents”) joint physical and legal custody of their minor child, Jane Doe. Shortly after Doe was born in 2015, her paternal grandmother, Natasha Ray, was appointed as her temporary guardian. Thereafter, Ray was permitted to intervene in Parents’ divorce action to determine legal and physical custody of Doe once the guardianship terminated, which occurred in August 2021. Before the guardianship was terminated, attorney Breck Seiniger was asked by Ray

to represent Doe, which Seiniger accepted. He was never appointed by the magistrate court in the guardianship case.

Seiniger subsequently filed a notice of appearance on behalf of Doe in the divorce action which is the subject of this appeal, but the magistrate court ruled that Seiniger could not represent Doe. Thereafter, Parents filed a stipulation for entry of judgment awarding them joint physical and legal custody of the child. Although Seiniger had been removed from the case by the former magistrate judge who had presided over the divorce proceedings, he filed an objection to the proposed judgment on Doe's behalf. Seiniger and Ray's attorney also appeared at the hearing to approve the stipulated settlement and objected to the proposed custody order. The magistrate court overruled those objections and entered a judgment consistent with Parents' stipulation.

Ray appealed to the district court, which was joined by Seiniger on behalf of Doe. However, the district court concluded Seiniger had no standing to do so because he was not an attorney of record in the divorce case and had no authority to represent Doe. Instead, the court characterized Seiniger as "an officious interloper" who had "needlessly drawn out" the divorce/custody proceedings. The court also concluded that Ray lacked standing in the divorce case. Consequently, the district court dismissed the intermediate appeal.

On appeal to this Court, Seiniger challenges the magistrate court's custody determinations, as well as its order removing him from the divorce action.