

**BOISE, FRIDAY, JANUARY 10, 2025 at 8:50 A.M.**

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

<b>ELIZABETH COREY RABER,</b>	)	
	)	
<b>Petitioner-Counterdefendant-</b>	)	
<b>Respondent-Cross Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 52309</b>
	)	
<b>MICHAEL ROBERT RABER,</b>	)	
	)	
<b>Respondent-Counterclaimant-</b>	)	
<b>Appellant-Cross Respondent.</b>	)	
_____	)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Anna Eckhart, Magistrate Judge.

Palmer George PLLC, Coeur d’Alene and Cosho Humphrey, LLP, Boise, for Appellant.

Amendola Anderson & Doty, PLLC, Boise and Stoel Rives LLP, Boise, for Respondent.

This is a direct appeal of a custody order awarding joint legal and joint physical custody of a four-year child on a two-week-on/two-week-off schedule between the mother’s home in Texas and the father’s home in Idaho. Michael Raber and Elizabeth Corey Raber have one minor child together. During a divorce proceeding, Elizabeth sought to relocate with the minor to her home-state of Texas. Following a trial, the magistrate court provided the parents with two parenting plan options and directed the parents to choose one. Under the first option, the parents would share a week-on/week-off parenting schedule as long as each parent resided in the Coeur d’Alene area. The second option envisioned Elizabeth residing in Texas and provided a two-week-on/two-week-off parenting schedule, in which the child would fly with the custodial parent between Texas and Idaho twice a month. The parents were given fourteen days to choose a plan.

About ten days later, Elizabeth filed a motion to make additional findings and/or to reconsider, noting that the magistrate court had not made complete findings of fact, reached any conclusions of law, or issued what appeared to be a final decision. The magistrate court denied the motion and subsequently issued a supplemental memorandum decision ordering different custody schedules based on where the parents chose to reside: if both parents continued to reside in the Coeur d’Alene area, the magistrate court ordered a week-on/week-off parenting schedule as set forth under option one; but if Elizabeth relocated to Texas, the magistrate court ordered the parents to follow the two-week-on/two-week-off schedule outlined in option two. Elizabeth relocated to

Texas, and the magistrate court entered its judgment adopting the two-week-on/two-week-off schedule. The magistrate court also awarded the parties joint legal custody and ordered apportionment of any educational expenses of the child. Michael appealed directly to the Idaho Supreme Court; Elizabeth cross-appealed.

On appeal, Michael contends the magistrate court abused its discretion by (1) failing to properly analyze the best interest of the child factors under Idaho Code section 32-717 and failing to make any determination that a specific parenting schedule is in the best interest of child; (2) permitting the child to relocate to Texas without considering any factors to support a relocation or making a determination that relocation was in the best interest of the child; and (3) exceeding its authority by ordering the parties to pay educational expenses. Michael also argues that it is in best interest of the child to reside in Idaho with both parents, splitting time between each parent in a week-on/week off schedule. In her cross-appeal, Elizabeth argues the magistrate court abused its discretion in failing to consider her motion to amend its findings of fact and conclusions of law. Elizabeth also argues that, in the event the Idaho Supreme Court reverses the judgment regarding child custody, the Court should find that relocation to Texas is in the child's best interest.