

**BOISE, WEDNESDAY, JUNE 15, 2022 AT 8:50 A.M.**

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

<b>In the Matter of: John Doe II,</b>	)	
<b>A Child Under Eighteen (18) Years of Age.</b>	)	
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<b>JANE DOE I and JOHN DOE I,</b>	)	
	)	
<b>Petitioners-Respondents,</b>	)	
	)	<b>Docket No. 49529</b>
<b>v.</b>	)	
	)	
<b>JOHN DOE (2022-06),</b>	)	
	)	
<b>Respondent-Appellant.</b>	)	
_____	)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County. Kent Gauchay, Magistrate Judge.

Erika Lessing, PLLC, Idaho Falls, for Appellant.

Murray Ziel & Johnston, PLLC, Idaho Falls, for Respondents.

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This is case is about the parental rights of John Doe (2022-06) (“Father”) with regard to his biological child born to Jane Doe I (“Mother”). Mother and Father were in a dating relationship when Mother became pregnant. Father attended prenatal appointments with Mother until their relationship ended a few months into the pregnancy. After the break-up, Mother moved in with her parents and did not respond to communications from Father. However, Mother told Father when the baby was born in late February 2021, and she allowed him to visit the baby twelve times between March 2 and April 26, 2021. Father filed a petition to establish paternity on April 23, 2021. However, Mother’s father (“Grandfather”) had previously filed a petition to adopt the baby on April 5, 2021. After the paternity and adoption cases were consolidated, Mother filed a motion to dismiss Father’s paternity petition. The magistrate court granted Mother’s motion to dismiss. The court held that Idaho Code section 16-1513(4) requires the biological father of a child born outside marriage to place his name on the putative father registry maintained by the Department of Health and Welfare and to commence a paternity action prior to the filing of any petition for adoption of the child. Having not done so, the court held that Father was barred from bringing a paternity action or objecting to the baby’s adoption by Grandfather. On appeal, Father argues that the adoption petition should have been dismissed because it contained certain errors and Grandfather’s wife was not joined as a party. Father also alleges that Idaho’s adoption scheme is unconstitutional because it denies unwed biological fathers due process and equal protection of the law.