

## SUMMARY STATEMENT

*Swanson v. Swanson*

Docket No. 48997

This case concerned the jurisdiction of an Idaho magistrate court to make a child custody determination under the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”). Mother and Father married in December of 2016. The couple moved to Utah and one child (“Child”) was born as issue of the marriage in Utah in May 2020. In July 2020, Mother and Child moved from Utah to Idaho. Then, in October 2020, Father filed for divorce in Utah, seeking, among other things, a child custody determination. Mother subsequently filed for divorce in Idaho in February 2021, also seeking a child custody determination. Mother moved the Idaho magistrate court to accept child custody jurisdiction, arguing that Idaho was Child’s home state under the UCCJEA. The Idaho magistrate court conferred with the Utah court, and the courts determined that Utah was the more appropriate jurisdiction to determine child custody. Following its conference with the Utah court, the Idaho magistrate court declined jurisdiction and dismissed Mother’s petition for divorce. Mother then moved the magistrate court for permission for an immediate appeal under Idaho Appellate Rule 12.1, which the magistrate court granted. Mother appealed to this Court, arguing that the magistrate court incorrectly denied her motion to accept jurisdiction.

The Idaho Supreme Court affirmed the magistrate court’s order. The Court held that the Idaho magistrate court acted properly when it conferred with the Utah court to determine which jurisdiction was the more appropriate forum because Utah had jurisdiction in substantial conformity with the UCCJEA and the proceeding in Utah was initiated before the proceeding in Idaho. After the conferring courts determined Utah was the more appropriate forum, the Idaho magistrate court properly declined to exercise jurisdiction and dismissed Mother’s petition for divorce.

**\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\***