

## **SUMMARY STATEMENT**

*IDHW v. Doe (2021-54)*

Docket No. 49375

John Doe (Father) appeals from the magistrate court's decision to terminate his parental rights to his three children: John Doe I (age 12), Jane Doe (age 11), and John Doe II (age 7). The children's mother (Mother) had previously stipulated to the termination of her parental rights. Father resided in Tennessee during the proceedings against Mother and could not be located by the Idaho Department of Health and Welfare (the Department) for several months. The Department moved to serve Father by publication, which was granted. Shortly thereafter, Father accepted service and the case proceeded to a termination trial.

Father participated in the termination trial via Zoom from Tennessee. Father's internet connection proved to be unreliable, and he was repeatedly disconnected from the proceeding. Father rejoined the proceeding when the connection was reestablished. Father moved to continue the trial because of the connectivity issue, which the magistrate court denied, noting that it had given the parties the option of joining the proceedings remotely, but that they had been required to ensure they had a reliable internet connection. Father did not testify, nor did he offer any exhibits or any other testimony at the trial. Following the trial, the magistrate court terminated Father's parental rights based on the grounds of abandonment, neglect, and the inability to discharge parental responsibilities. Father timely appealed arguing the magistrate court erred in terminating his parental rights.

The Idaho Supreme Court first held that the magistrate court had jurisdiction over Father. The Court next held that the magistrate court did not abuse its discretion in denying Father's motion to continue. Third, the Court held that the magistrate court did not err in admitting and considering an evidentiary exhibit that contained the Tennessee Department of Children's Services investigation records of Father. Fourth, the Court held that the magistrate court did not err in granting the Department's motion for service of publication. Finally, the Idaho Supreme Court concluded that the magistrate court did not err in terminating Father's parental rights to his three children.

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