

## SUMMARY STATEMENT

*Idaho Department of Health and Welfare v. John Doe (2022-32)*

Docket No. 49971

This appeal concerned the interpretation of the Interstate Compact on the Placement of Children (“ICPC”), codified in Idaho Code sections 16-2101 through 16-2107, and whether Idaho’s ICPC applies to an out-of-state, non-custodial parent.

John Doe sought custody of his daughter, Jane Doe, who was removed from the care of her mother in Idaho when a child protection action was initiated. During the pendency of the child protection action, Jane Doe’s mother died. At the time of removal, John Doe was living in Texas with his wife, unrelated to Jane Doe, and their child, Jane Doe’s half-sibling. As part of the case plan for Jane Doe, the magistrate court ordered an investigation to determine the suitability of John Doe as a placement for Jane Doe. The State of Texas denied the placement. The Idaho Department of Health and Welfare asked for reconsideration from the State of Texas which was also denied. John Doe then moved to amend the case plan citing impossibility and violations of his constitutional rights. The magistrate court found that under the plain language of the statute, the ICPC did not apply to out-of-state parents.

On appeal, the Idaho Supreme Court held that the plain language of the ICPC does not refer to placing children with out-of-state parents because it does not fall within a covered “placement” as defined in the statute. Further, application of the term “foster care” to parents would be inconsistent with the definition in other provisions of Title 16 of Idaho Code. Accordingly, the Court affirmed the magistrate court’s order modifying the case plan based on the plain language of the contested provisions.

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