

U.S. SUPREME COURT UPDATES

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HAALAND v. BRACKEEN Opinion 21-376 (6/15/23)

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IDAHO SUPREME COURT + COURT OF APPEALS UPDATES

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CASES REGARDING APPEALS

isc.idaho.gov/opinions/50023.pdf

> Approving TPR as permanency goal w/o suspension of reasonable efforts is not a final judgment that can be appealed

isc.idaho.gov/opinions/50678.pdf

> Appellate court did not have jurisdiction to hear permissive appeal from a finding of aggravated circumstances per I.A.R. 11.1, 12.1 and 12.2

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BUT...

8/31/23 ISC Order temporarily amends I.A.R 11.1 + 12.1 and IRCP 83(a)(1) to allow permissive appeals to ISC for orders and decrees specified in I.C. s. 16-1625.

(THESE CHANGES WILL LIKELY BE MADE PERMANENT AT ISC's ORAL CONFERENCE IN OCTOBER 2023.)

5

ICPC

isc.idaho.gov/opinions/49971.pdf

> Under the plain language of I.C. s 16-2102, the ICPC does not apply to parents. The language in question:

“No sending agency shall send, bring, or cause to be sent or brought into any other party state, any child for placement in foster care or as preliminary to possible adoption...[without following the requirements of the ICPC]”

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ICPC continued...

ICPC Regulation 3 says ICPC compliance is required for “placements with parents.”

ISC notes in a conflict between a statute and regulation, the statute prevails, so the plain language of I.C. s 16-2102 is controlling.

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CONSTITUTIONALITY OF “NEGLECT” AS DEFINED IN I.C. 16-2002 (3)(b)

isc.idaho.gov/opinions/49777.pdf

ISC declines to address the mother’s argument as the argument was not made at trial.

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PATERNITY

isc.idaho.gov/opinions/49529.pdf

Father's procedural due process rights were violated because Idaho Code sections 16-1504(3)(b) and 16-1513(4) precluded the magistrate court from considering whether Father had acquired parental rights through his relationship with Baby Doe.