

BOISE, WEDNESDAY, AUGUST 19, 2026, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

FRANK ELLMAN,	)	
	)	
Petitioner-Appellant,	)	Docket No. 53837
	)	
v.	)	
	)	
JULIET CHARRON, in her official capacity	)	
as Director of the Idaho Department of	)	
Health and Welfare,	)	
	)	
Respondent.	)	
	)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho,
Ada County. Joseph Borton, District Judge.

Frank Ellman, Coeur d'Alene, for Appellant Pro Se.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Frank Ellman brings this appeal, challenging the district court's order denying his petition for a writ of mandate. Ellman is the maternal grandfather of three children that are currently the subjects of a judicial proceeding under the Child Protective Act ("CPA") in Kootenai County magistrate court. After the Idaho Department of Health and Welfare ("Department") denied Ellman as a foster placement for the children, it notified him of its intent to seek termination of his daughter's parental rights in the CPA proceeding and to recommend a non-relative foster as the children's permanent placement.

Ellman requested the Director of the Department ("Director") to issue a final order detailing the Department's placement selection for his grandchildren pursuant to section 67-5248 of the Idaho Administrative Procedure Act ("APA"). The Department declined, explaining that in child protection proceedings, the Department's placement selections were only recommendations and planning contingencies, and so no legal determination had been made that required the Department to issue a final order.

Ellman then filed a petition for a writ of mandate under Idaho Code section 7-302, asking the district court to compel the Director to issue a final order so that Ellman could pursue judicial review of the Department's placement selection for his grandchildren. Ellman argued that the Department has a duty to issue a final order under section 67-5248 of the APA. Ellman further argued that section 16-1629(11) of the CPA gives him a right to judicial review to ensure the Department complies with a duty to consider him as placement for the children.

The district court denied Ellman's petition. It concluded that the Department did not have a duty to issue a final order and Ellman had no right to judicial review of the Department's placement selection. Ellman timely appealed, renewing his arguments below but also adding that the district court erred when it relied on the CPA in its analysis. He argues the CPA does not displace the APA's requirement that the Department issue a final order.