IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 53137

In the Matter of: Jane Doe I and Jane Doe II, Children Under Eighteen (18) Years of Age.	)	
JANE DOE,	)	**Filed: October 30, 2026**
Petitioner-Respondent,	)	**Melanie Gagnepain, Clerk**
v.	)	**THIS IS AN UNPUBLISHED OPINION AND SHALL NOT BE CITED AS AUTHORITY**
JOHN DOE (2025-33),	)	
Respondent-Appellant.	)	

Appeal from the Magistrate Division of the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Matthew Schelstrate, Magistrate.

Judgment terminating parental rights, affirmed.

Alexa Perkins, Meridian, for appellant.

Case Legal Counsel, PLLC; Donna McIntyre, Boise, for respondent.

TRIBE, Chief Judge

John Doe (2025-33) appeals from the judgment terminating his parental rights. We affirm.

I.
FACTUAL AND PROCEDURAL BACKGROUND

Doe and Jane Doe (Mother) are the parents of two minor children, Jane Doe I and Jane Doe II (Children). In 2015, Mother was awarded sole legal and physical custody of Children. In 2019, Doe was convicted of aggravated murder and abuse of a corpse in the first degree in Oregon and sentenced to life imprisonment without the possibility of parole. In 2024, Mother filed a petition for termination of Doe's parental rights.

The magistrate court ordered a social investigation for adoption to verify the allegations in Mother's petition and to evaluate the circumstances surrounding Children. At the termination trial, the court-appointed investigator (licensed social worker and certified adoption professional) who

conducted the court-ordered investigation testified that, in evaluating the best interests of Children, she considered Doe's lack of communication with Children since 2017, the existing custody order, Mother's ability to meet Children's needs, and Children's need for safety and permanence. The investigator concluded that termination of Doe's parental rights is in Children's best interests.

Mother testified that termination of Doe's parental rights is in Children's best interests because they were thriving in her care, needed someone constant in their life, and they did not have a bond with Doe. Mother also explained that, despite obtaining a restraining order and the custody order, she continued to permit some contact between Doe and Children and occasionally communicated with Doe or his family, oftentimes out of fear. The magistrate court found Mother's testimony credible, including her explanation that she permitted Doe's sporadic contact with Children "oftentimes out of fear of [Doe] or to placate him." The magistrate court concluded that Mother "did her best to navigate a dangerous and difficult situation."

Doe testified that termination of his parental rights is not in Children's best interests because he was as present in Children's lives as Mother would allow. During his testimony, Doe repeatedly declined to answer questions or discuss the underlying facts of his aggravated murder conviction; instead, he maintained that his incarceration is unconstitutional. Doe also testified he was represented by counsel in a pending litigation stemming from his criminal case and that his counsel had instructed Doe not to talk about the case.

After the termination trial, the magistrate court issued its findings of fact and conclusions of law, concluding that Doe had abandoned Children, was unable to discharge parental duties, would be incarcerated for a prolonged period of time, and that termination of his parental rights is in Children's best interests. The magistrate court also rejected Doe's characterization of his relationship with Children, finding that he had "vastly overstated" the relationship and that there was "no meaningful relationship here that is worth preserving." The magistrate court further found that Doe's testimony portraying himself as an involved parent was "factually unsupported and simply not credible." The magistrate court entered judgment terminating Doe's parental rights. Doe appeals.

II.
STANDARD OF REVIEW

On appeal from a decision terminating parental rights, this Court examines whether the decision is supported by substantial and competent evidence, which means such evidence as a reasonable mind might accept as adequate to support a conclusion. *Doe v. Doe*, 148 Idaho 243, 245-46, 220 P.3d 1062, 1064-65 (2009). The appellate court will indulge all reasonable inferences in support of the trial court's judgment when reviewing an order that parental rights be terminated. *Id.* The Idaho Supreme Court has also said that the substantial evidence test requires a greater quantum of evidence in cases where the trial court's finding must be supported by clear and convincing evidence than in cases where a mere preponderance is required. *State v. Doe*, 143 Idaho 343, 346, 144 P.3d 597, 600 (2006). Clear and convincing evidence is generally understood to be evidence indicating that the thing to be proved is highly probable or reasonably certain. *Roe v. Doe*, 143 Idaho 188, 191, 141 P.3d 1057, 1060 (2006). Further, the trial court's decision must be supported by objectively supportable grounds. *Doe*, 143 Idaho at 346, 144 P.3d at 600.

III.
ANALYSIS

Doe contends the magistrate court erred in finding that termination of his parental rights is in Children's best interests, challenging the magistrate court's factual findings and credibility determinations and its consideration of his testimony concerning his aggravated murder conviction. Specifically, Doe argues that the magistrate court's decision was not based upon objective grounds and that its best interests determination impermissibly rested on subjective, attitude-influenced characterizations of Doe's character. Mother responds that substantial and competent evidence supports the magistrate court's determination and that Doe asks this Court to reweigh the evidence. We agree with Mother.

Once a statutory ground for termination has been established, the trial court must next determine whether it is in the best interests of the child to terminate the parent-child relationship. *Tanner v. State, Dep't of Health & Welfare*, 120 Idaho 606, 611, 818 P.2d 310, 315 (1991). On appeal, Doe does not challenge the magistrate court's conclusion that there were statutory bases

for termination.[1] Thus, we need only address whether termination is in Children's best interests. When determining whether termination is in the child's best interests, the trial court may consider the parent's history with substance abuse, the stability and permanency of the home, the unemployment of the parent, the financial contribution of the parent to the child's care after the child is placed in protective custody, the improvement of the child while in foster care, the parent's efforts to improve his or her situation, and the parent's continuing problems with the law. *Doe (2015-03) v. Doe*, 159 Idaho 192, 198, 358 P.3d 77, 83 (2015); *Idaho Dep't of Health & Welfare v. Doe (2013-15)*, 156 Idaho 103, 111, 320 P.3d 1262, 1270 (2014). A finding that it is in the best interests of the child to terminate parental rights must still be made upon objective grounds. *Idaho Dep't of Health & Welfare v. Doe*, 152 Idaho 953, 956-57, 277 P.3d 400, 403-04 (Ct. App. 2012). However, a magistrate court does not err by describing a parent in pointed terms where such characterizations are grounded in the trial testimony and reflect "objective judgment, based on substantial and credible evidence." *Idaho Dep't of Health & Welfare v. Doe (2017-27)*, 163 Idaho 367, 377, 413 P.3d 767, 777 (2018).

Here, substantial and competent evidence supports the magistrate court's determination that termination of Doe's parental rights is in Children's best interests. The court-appointed investigator recommended termination after considering, among other things, Doe's lack of communication with Children since 2017, the existing custody order, Mother's ability to meet Children's needs, and Children's need for safety and permanence. At the termination trial, Mother testified that Children were thriving in her care; had no meaningful relationship with Doe; and needed stability, consistency, and emotional security. The magistrate court found Mother to be a credible witness.

Doe challenges Mother's credibility based, in part, on her decision to permit some contact between Doe and Children despite the restraining order and custody order. Mother explained that she did so, at least in part, because she feared Doe and sought to placate him. The magistrate court accepted that explanation and found that Mother had done her best to navigate a dangerous and difficult situation. Doe's disagreement with that assessment does not demonstrate error. The

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[1] The statutory bases for termination found by the magistrate court include abandonment, inability to discharge parental duties, and incarceration for a prolonged period of time.

magistrate court observed the witnesses' demeanor, assessed their credibility, and was positioned to judge the character of the parties, and we do not reweigh the evidence or assess witness credibility. Our review is limited to whether substantial and competent evidence supports the magistrate court's decision. *Doe*, 148 Idaho at 245-46, 220 P.3d at 1064-65.

Doe likewise challenges the magistrate court's finding that he overstated his relationship with Children and that his testimony portraying himself as an involved parent was not credible. It was well within the magistrate court's purview to consider Doe's testimony in light of other evidence, including his lack of communication with Children since 2017. Doe's assertion that the evidence supported a different characterization of his relationship with Children does not establish that the magistrate court's finding lacked substantial and competent evidentiary support.

Doe also challenges the magistrate court's consideration of his testimony concerning his aggravated murder conviction. The record reflects that, when questioned, Doe declined to discuss the underlying facts of his conviction, instead, maintaining that his incarceration is unconstitutional. Doe contends that the magistrate court improperly drew negative conclusions from his refusal to discuss the facts of his conviction without conducting a question-by-question analysis of his claimed privilege against self-incrimination. We need not resolve whether the magistrate court erred in its treatment of the privilege. It is generally permissible in a civil proceeding to draw an adverse inference from a party's invocation of the Fifth Amendment. *Idaho Dep't of Health & Welfare v. Doe (2009-21)*, 151 Idaho 300, 309-310, 256 P.3d 708, 717-718 (2011). Even assuming *arguendo* that the magistrate court should have confined its inquiry to specific questions or should not have characterized Doe's refusal as it did, any such error was harmless. As explained above, the magistrate court's best interests determination rested on independent, objective evidence, and was not based solely on Doe's testimony concerning his conviction. The magistrate court also considered the testimony of Mother and the court-appointed investigator, Doe's undisputed absence from Children's lives since 2017, his incarceration for life without parole, the circumstances surrounding Doe's relationship with Mother, and Children's need for stability and permanence. None of these independent, objective grounds depend on Doe's silence. Thus, Doe's disagreement with the magistrate court's assessment of his testimony does not undermine the substantial and competent evidence supporting the magistrate court's determination.

Doe also contends that several of the magistrate court's findings misstate the testimony. For example, the magistrate court's description of Doe's refusal to answer questions about his conviction, its characterization of Doe's mother's and sister's testimony, and its reliance on the custody and restraining order documents. To the extent any such finding was imprecise, it does not undermine the magistrate court's decision. The magistrate court, which observed the witnesses, was entitled to weigh their testimony and assess their credibility, and this Court will not reweigh the evidence or substitute its own credibility determinations for that of the trial court because our review is limited to whether substantial and competent evidence supports the magistrate court's decision. *Doe*, 148 Idaho at 245-46, 220 P.3d at 1064-65.

Finally, the magistrate court applied the presumption in Idaho Code § 16-2005(2)(b)(iv), which provides that there is a rebuttable presumption that termination is in the child's best interests when "the parent has committed murder, aided or abetted a murder, solicited a murder or attempted or conspired to commit murder." Doe was convicted of aggravated murder and is serving a life sentence without the possibility of parole. Doe's direct appeal from that conviction has been denied, and the conviction provides clear and convincing evidence meeting the requirements of I.C. § 16-2005(2)(b)(iv). Doe does not meaningfully challenge the statutory presumption or identify evidence rebutting it. The magistrate court found that Doe failed to rebut the presumption that termination is in Children's best interests. Even without the presumption, however, the evidence discussed above independently supports the magistrate court's best interests determination. Although Doe identifies evidence that he believes supports a different result, the record contains substantial and competent evidence supporting the magistrate court's finding that termination of Doe's parental rights is in Children's best interests.

IV.
CONCLUSION

Substantial and competent evidence supports the magistrate court's finding that termination of Doe's parental rights is in Children's best interests. Accordingly, the magistrate court's judgment terminating Doe's parental rights is affirmed.

Judge LORELLO and Judge FLEMING, **CONCUR**.