

SUMMARY STATEMENT

McCreery v. King, Docket No. 49385

The Idaho Supreme Court affirmed a district court's dismissal of Appellant Kristine McCreery's third amended complaint with prejudice. This lawsuit arose from Respondents' investigation into whether McCreery abused or neglected her fifteen-year-old son, B.M. McCreery filed several complaints against two physicians who reported the alleged abuse, the detective who investigated the reports, the deputy prosecutor who filed the CPA action, and an Idaho Department of Health and Welfare social worker who submitted an investigatory report and testified in the CPA case, alleging they violated her constitutional rights and Idaho's false reporting statutes when they took actions to separate her from B.M. over a 15-month period. The district court dismissed all McCreery's claims with prejudice after finding that the Respondents were immune from liability and that the allegations in McCreery's third amended complaint failed to state a valid claim upon which relief could be granted. McCreery filed a motion to amend her complaint to add new causes of action against the Respondents, which the district court denied. On appeal to this Court, McCreery challenged the district court's dismissal of her claims relying exclusively on the proposed fourth amended complaint. However, in doing so, McCreery failed to argue the district court abused its discretion in denying her motion to amend. The Idaho Supreme Court held that McCreery's sole reliance on facts and allegations in the fourth amended complaint operated as a complete waiver of review of the trial court's dismissal of her third amended complaint.

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