I.R.C.P. 75.a. Definitions.

Idaho Rules of Civil Procedure Rule 75(a). Definitions.

The following definitions apply to this rule.

(1) Petitioner. A petitioner is the person or legal entity initiating a nonsummary contempt proceeding.

(2) Respondent. A respondent is the person or legal entity alleged to have committed an act of contempt.

(3) Contemnor. A contemnor is a person or legal entity adjudged to have committed an act of contempt.

(4) Summary proceeding. A summary proceeding is one in which the contemnor is not given prior notice of the charge of contempt and an opportunity for a hearing to determine whether the charge is true.

(5) Nonsummary proceeding. A nonsummary proceeding is one in which the contemnor is given prior notice of the contempt charge and an opportunity for a hearing.

(6) Civil sanction. A civil sanction is one that is conditional. The contemnor can avoid the sanction entirely or have it cease by doing what the contemnor had previously been ordered by the court to do. A civil sanction can only be imposed if the contempt consists of failing to do what the contemnor had previously been ordered by the court to do.

(7) Criminal sanction. A criminal sanction is one that is unconditional. The contemnor cannot avoid the sanction entirely or have it cease by doing what the contemnor had been previously ordered by the court to do. A suspended sanction with probationary conditions is a criminal sanction, as is a sanction that includes provisions that are both conditional (civil) and unconditional (criminal). A criminal sanction may be imposed for any contempt.

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