I.R.C.P. 75.f. Nonsummary Proceedings - Initial Appearance of Respondent.

Idaho Rules of Civil Procedure Rule 75(f). Nonsummary Proceedings - Initial Appearance of Respondent.

(1) Advice to respondent. At the respondent's first appearance in court to answer to the charge of contempt in nonsummary proceedings, the court shall inform the respondent of:

a. The charge(s) of contempt against the respondent;

b. The possible sanctions for contempt;

c. That the respondent is not required to make a statement and that any statement made may be used against the respondent;

d. The respondent's right to a trial;

e. The respondent's right to confront the witnesses against the respondent, including watching the witnesses testify in court and questioning them; and

f. The respondent's right to bail, if the respondent has been arrested under a warrant of attachment.

(2) Additional advice in order to impose incarceration as a sanction. If the respondent appears without counsel and the court desires to have the option of imposing incarceration as a sanction, the court must inform the respondent that the respondent has the right to be represented by an attorney and that if the respondent desires an attorney and cannot afford one, an attorney will be appointed at public expense.

(3) Appearance by respondent through counsel. A respondent may also appear and respond to the charge through an attorney, who shall either appear in person or shall file, at or before the initial appearance, a written appearance and response to the charge on behalf of the respondent. The court may, in its discretion, require the presence of the respondent at any stage of the proceeding.

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