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IRFLP 104 Computing Time

Idaho Rules of Family Law Procedure Rule 104. Computing Time.

(a) **Computing Time.** The following apply in computing any period of time specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) **Generally.** When the period is stated in days or a longer unit of time:

(A) exclude the day of event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(2) **Inaccessibility of the Clerk's Office.** Unless the court orders otherwise, if the clerk's office is inaccessible, then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday.

(b) **Extending Time.**

(1) **In General.** When an act may or must be done within a specified time, the court may, for good cause shown, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made before the original time or its extension expires; or



(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

(2) **By Stipulation.** The parties may extend time by written stipulation, filed before or after expiration of time period, if the extension does not disturb the orderly dispatch of business or the convenience of the court.

(3) **Exceptions.** A court must not extend time to act under Rules 801, 804, and 805.

(c) **Additional Time after Service by Mail.** When a party may or must act within a specified time after service and service is made by mail, 3 days are added to the specified period.

(d) **Blood or Other Genetic Tests in Paternity Actions.** If a blood or other genetic test is used to prove paternity, the blood or other genetic test report must be served upon the respondent with the petition or as soon as it is obtained. The blood or other genetic test report must be served upon the respondent at least 28 days before the date set for trial, together with a notice that the blood or other genetic test will be admitted under this rule if no objection is filed at least 21 days in advance of trial. The verified expert's blood or other genetic test report will be admitted at trial unless a challenge to the testing procedures or the blood or other genetic analysis has been made by a party at least 21 days before the date set for trial.

(e) **Setting Hearings by Court.** The court, upon its own initiative, may notice for hearing any motion, trial, or proceeding which is pending before it by providing notice to all parties in conformance with these rules.

(f) **Stipulations Not Binding on Court--Continuance of Trial or Hearing.** The parties to any action may present to the court a stipulation as to any procedural matter involved in any proceeding, including a stipulation to vacate or continue a hearing or trial, but such stipulation must be considered as a joint motion by the parties to the court for its consideration, and will not be binding upon the court. The court may approve or disapprove the stipulation in the same manner as the court rules upon a motion. The court may by oral or written notice to the parties limit the time within which a motion or stipulation to vacate or continue a hearing or trial must be made in order to be considered by the court.

(Adopted March 29, 2021, effective July 1, 2021.)