IRFLP 104 Time

Idaho Rules of Family Law Procedure Rule 104. Time.

A. Computation. In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

B. Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the parties, by written stipulation, which does not disturb the orderly dispatch of business or the convenience of the court, filed in the action, before or after the expiration of the specified period, may enlarge the period, or the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but the time may not be extended for taking any action under rules 802 [1], 807.B [2], 807.D [2], 807.E [2] and 809 [3] except to the extent and under the conditions stated in those rules.

C. Additional time after service by mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, three (3) days shall be added to the prescribed 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 shall 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 twenty-eight (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 twenty-one (21) days in advance of trial. The verified expert's blood or other genetic test report shall 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 twenty-one (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 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 shall be considered as a joint motion by the parties to the court for its consideration, and shall 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 April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

Source URL: http://isc.idaho.gov/irflp104

Links:
[1] http://isc.idaho.gov/irflp802
[2] http://isc.idaho.gov/irflp807
[3] http://isc.idaho.gov/irflp809