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IRFLP 210 Counterclaims and Cross-claims

Idaho Rules of Family Law Procedure Rule 210. Counterclaims and Cross-claims.

(a) Compulsory Counterclaim.

(1) **In General.** A pleading must state as a counterclaim any claim that, at the time of service, the pleader has against any opposing party, if the claim:

(A) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim; and

(B) does not require adding another party over whom the court cannot acquire jurisdiction.

(2) **Exceptions.** The pleader need not state the claim if:

(A) when the time the action was commenced, the claim was the subject of another pending action; or

(B) the opposing party sued upon its claim by attachment or other process that did not establish personal jurisdiction over the pleader on that claim, and the pleader does not assert any counterclaim under this rule.

(b) **Permissive Counterclaim.** A pleading may state as a counterclaim against an opposing party any claim that is not compulsory..

(c) **Relief Sought in a Counterclaim.** A counterclaim need not diminish or defeat the recovery sought by the opposing party. It may request relief that exceeds the amount or differs in kind from the relief sought by the opposing party.



(d) **Counterclaim Against Government Entities.** These rules do not expand the right to assert a counterclaim, or to claim a credit, against the state of Idaho or any political subdivision, agency, or officer.

(e) **Counterclaim Maturing or Acquired After Pleading.** The court may permit a party to file a supplemental pleading asserting a counterclaim that matured or was acquired by the party after serving any earlier pleading.

(f) **Cross-claim Against a Coparty.** A pleading may state as a cross-claim any claim by one party against a coparty if the claim arises out of the transaction or occurrence that is the subject matter of the original action or of a counterclaim, or if the claim relates to any property that is the subject matter of the original action. The cross-claim may include a claim that the coparty is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.

(g) **Joining Additional Parties.** Rule 211 governs the addition of a person as party to a counterclaim or cross-claim.

(h) **Separate Trials; Separate Judgments.** If a court orders separate trials under Rule 708, it may enter a judgment on a counterclaim or cross-claim under Rule 803 when it has jurisdiction to do so, even if the opposing party's claims have been dismissed or otherwise resolved.

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

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