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IRFLP 501 Motion Practice

Idaho Rules of Family Law Procedure Rule 501. Motion Practice.

(a) Motions and Other Papers.

(1) **In General.** A request for a court order must be made by motion. That motion must:

(A) be in writing unless made during a hearing or trial;

(B) state with particularity the grounds for the relief sought including the number of the applicable Rule of Family Law Procedure, other relevant rule, or law, if any; and

(C) state the relief or order sought.

(2) **Proposed Order.** A proposed form of an order, if included, must be a separate document.

(3) Filing and Serving Motions, Affidavits and Briefs; Time Limits.

(A) A written motion, other than one which may be heard without notice, affidavits supporting the motion, memoranda or briefs supporting the motion, if any, and, if a hearing is requested, the notice of hearing for the motion, must be filed with the court and served so as to be received by the parties at least 14 days prior to the day designated for hearing.

(B) Affidavits opposing the motion and opposing memoranda or briefs, if any, must be filed with the court and served so as to be received by the parties at least 7 days before the hearing.

(C) The moving party may file a reply brief or memorandum, which must be filed with the court and



served so as to be received by the parties at least 2 days prior to the hearing.

(D) The moving party must indicate on the face of the motion whether oral argument is desired. If a brief or memorandum is not filed with the motion, the motion must indicate on the face of the motion whether the party intends to file a brief or memorandum supporting the motion. If no oral argument is requested, a proposed order must be submitted by the moving party..

(E) If the moving party does not request oral argument or does not timely file a supporting memorandum or brief, the court may deny the motion without further notice if it determines the motion does not have merit.

(F) If oral argument has been requested on any motion, the court may deny oral argument by written or oral notice from the court at least 1 day prior to the hearing. The court may limit oral argument at any time.

(G) If the office of the presiding judge is outside of the county in which the action is pending, the parties must simultaneously provide a copy of any notice, motion, affidavit, brief, or other document relating to a motion to the presiding judge in addition to filing the materials with the court of record.

(H) Any exception to the time limits in this rule may be granted by the court for good cause shown. If time does not permit a hearing or response on a motion to extend or shorten time, the court may rule without opportunity for response or hearing.

(I) The time limits in this rule do not apply to motions and other matters if a different time limit is provided by statute or by another Rule of Family Law Procedure.

(b) **Captions, Signing and Form of Motions.** The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.

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

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