

# SEVENTH JUDICIAL DISTRICT

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## ADMINISTRATIVE JUDGE

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## DISTRICT JUDGES

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**TRIAL COURT ADMINISTRATOR**  
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## MAGISTRATE JUDGES

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**HON. RYAN BOYER**  
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## BUTTE COUNTY

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(Thurs.) Butte  
(Mon. Tues. Wed. Fri.) Bonneville  
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*Clerk of the Court:*  
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## CUSTER COUNTY

**HON. CHARLES L. ROOS**  
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*Clerk of the Court:*  
Barbara C. Tierney  
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## JEFFERSON COUNTY

**HON. ROBERT L. CROWLEY JR.**  
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*Clerk of the Court:*  
Christine Boulder  
210 Courthouse Way, Suite 100  
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## MADISON COUNTY

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## CLARK COUNTY

**HON. PENNY J. STANFORD**  
Clark County Courthouse  
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Dubois, ID 83423  
(Tues.)

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*Clerk of the Court:* Lisa Black  
224 West Main Street  
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## FREMONT COUNTY

**HON. KEITH M. WALKER**  
151 West 1st North  
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*Clerk of the Court:* Abbie Mace  
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## LEMHI COUNTY

**HON. STEPHEN J. CLARK**  
206 Courthouse Drive  
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in Bonneville County varies  
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Clerk's Ext: 225 Dana  
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*Clerk of the Court:* Terri Morton  
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## TETON COUNTY

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150 Courthouse Drive # 307  
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varies between counties)  
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*Clerk of the Court:*  
Mary Lou Hansen  
Teton County Courthouse  
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Magistrate Court  
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## IN THE DISTRICT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

### A. General Rules

1. To schedule any court hearing or proceeding, counsel must contact the clerk of the presiding judge to arrange a time certain. In the absence of a special request, all matters shall be set forth for a fifteen minute hearing.

2. **Law and Motion Days.** Law and motion days are as follows for each District Judge:

<b>Hon. Jon Shindurling Idaho Falls, Bonneville County</b>		
Monday	9:00 a.m. - 12:00 Noon	Civil
Tuesday	9:00 a.m. - 12:00 Noon	Civil
Wednesday	8:45 a.m. - 12:00 Noon	Criminal
Thursday	9:00 a.m. - 12:00 Noon	Criminal

<b>Hon. David C. Nye Blackfoot, Bingham County</b>		
3 <sup>rd</sup> Friday	9:00 a.m. - 12:00 Noon	Criminal
3 <sup>rd</sup> Friday	1:00 p.m. - 5:00 p.m.	Civil

<b>Hon. Joel E. Tingey Idaho Falls, Bonneville County</b>		
Monday	8:30 a.m. - 5:00 p.m.	Criminal
Tuesday	8:30 a.m. - 10:00 a.m.	Civil
Tuesday - Friday	10:00 a.m. - 5:00 p.m.	Jury Trials Civil and/or Criminal
Wednesday	8:30 a.m. - 10:00 a.m.	Civil
Thursday	8:00 a.m. - 9:00 a.m.	Mental Health Court

<b>Hon. Darren B. Simpson Blackfoot, Bingham County</b>		
1st and 3rd Monday	9:00 a.m. - 12:00 Noon	Criminal law and Motion
1st Tuesday and 1st Monday	9:00 a.m. - 5:00 p.m.	Civil Law and Motion
2nd and 4th Mondays	9:00 a.m. - 12:00 Noon	Civil Law and Motion
	1:00 p.m. - 5:00 p.m.	Criminal Law and Motion
1st Friday after the 1st Monday	Out-of-County Law and Motion	
Each Wednesday	3:00 p.m. - 5:00 p.m.	Drug Court
4th Tuesday and Thursday	Criminal Jury Trials	
1st Wednesday and Thursday following 1st Monday	Court Trials	

<b>Hon. Dane H. Watkins, Jr./Hon. Joel E. Tingey Arco, Butte County</b>		
3 <sup>rd</sup> Wednesday	9:30 a.m. - 12:00 Noon	Civil and Criminal

<b>Hon. Dane H. Watkins, Jr./Hon. Joel E. Tingey Challis, Custer County</b>		
3 <sup>rd</sup> Wednesday	2:30 p.m. - 5:00 p.m. 1:30 p.m. - 5:00 p.m.	Civil and Criminal

<b>Hon. Dane H. Watkins, Jr./Hon. Joel E. Tingey Salmon, Lemhi County</b>		
Thursday following 3 <sup>rd</sup> Wednesday	9:00 a.m.	Civil and Criminal

<b>Hon. Gregory W. Moeller Rexburg, Madison County</b>		
Monday	9:00 a.m. - 12:00 Noon	Civil and Criminal

<b>Hon. Gregory W. Moeller Driggs, Teton County</b>		
1st and 3 <sup>rd</sup> Tuesday	9:00 a.m. - 5:00 p.m.	Civil and Criminal

<b>Hon. Gregory W. Moeller St. Anthony, Fremont County</b>		
2 <sup>nd</sup> and 4 <sup>th</sup> Tuesday of each month	1:30 p.m. - 5:00 p.m.	Civil and Criminal

<b>Hon. Gregory W. Moeller Rigby, Jefferson County</b>		
1st and 3 <sup>rd</sup> Mondays	1:30 p.m. - 5:00 p.m.	Criminal

\* Hon. Gregory W. Moeller schedules Civil and Criminal Jury Trials on Wednesday through Friday in every County he serves ( Madison, Fremont, Teton and Jefferson)

<b>Hon. Gregory Anderson Rigby, Jefferson County</b>		
2 <sup>nd</sup> and 4 <sup>th</sup> Mondays	Afternoons	Civil

<b>Hon. Gregory Anderson Idaho Falls, Bonneville County</b>		
2 <sup>nd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> Monday	Afternoons	Criminal
Tuesday	8:30 a.m. - 10:00 a.m. 10:00 a.m. - 5:00 p.m.	Criminal Jury Trials - Civil & Criminal
Wednesday	4:00 p.m. - 5:00 p.m. 8:00 a.m. - 10:00 a.m. 10:00 a.m. - 5:00 p.m.	Felony DUI/ Drug Court Civil Jury Trials - Civil & Criminal
Thursday	8:00 a.m. - 10:00 a.m. 10:00 a.m. - 5:00 p.m.	Civil Jury Trials - Civil & Criminal
Friday	9:00 a.m. - 5:00 p.m.	Jury Trials - Civil & Criminal

3. **Service on non-resident judge.** If the office of a presiding judge or magistrate is outside the county in which an action is pending, the parties shall comply with the requirements of Rule 5 (d) (3), of the Idaho Rules of Civil Procedure with respect to the lodging of all briefs, motions, notices of hearing, orders to show cause and proposed jury instructions with the presiding judge. Failure to comply with Rule (d) (3) shall, in the Court's discretion, result in the postponement of any scheduled hearings or other proceedings to be held in the action.

4. In the event a defendant in a small claims action determines to file an action in the Magistrate Division of the District Court, pursuant to Rule 81 (c), Idaho Rules of Civil Procedure (same transaction or occurrence or in the nature of compulsory counterclaim) said filing must be made three (3) days prior to the scheduled small claims trial.

5. On all matters to be set for the civil law and motion calendar, the return of service shall be submitted to the Clerk of the Court and properly docketed by 5:00 p.m. two working days prior to the date of the calendar in which the matter will be called.

### 6. Authority and Responsibility of Probate Clerk:

A. The probate clerk is authorized to order and schedule hearing dates on probate matters and prepare the probate calendar for the judge assigned to the probate division of the court.

B. The probate clerk is authorized to use the signature stamp of the assigned probate judge on informal matters presented to the clerk for handling.

7. **Appointment of Registrar.** The assigned judge is hereby appointed registrar.

8. **Consolidation of Cases.** (1) Motions to consolidate cases shall be heard by the judge assigned to either the lowest numbered or the first filed case. (2) Notice of a motion to consolidate shall be given to all parties in each action involved and a copy shall be filed in each case involved. (3) In the event a motion is granted, the order shall specify the case number under which all future papers shall be filed, which shall be the lowest of the case numbers involved. Thereafter, that number shall be used exclusively for all papers filed only in the designated case file. (4) If a motion to consolidate is granted the case shall be heard by the judge who is assigned to the lowest numbered of the cases involved.

9. **Continuances.** Any request for continuance of a trial date, of a sentencing or of a motion date, must be in the form of a written stipulation with proposed order or in the form of a motion for continuance with supporting affidavit(s) and a notice of hearing. The Court shall not continue hearing upon the ex parte request of a party. The counsel requesting the continuance shall be responsible for providing and delivering to the clerk sufficient copies together with envelopes to each party with sufficient postage attached.

10. **Ex parte Matters, Stipulated Matters and Supplemental Proceedings.**

A. Ex parte matters based upon stipulations must be presented at an assigned time either during the law and motion calendar, the assigned trial date or by prior arrangement.

B. Add-ons may be heard on the day set for the hearing provided proper notice has been given and the convenience of the Court permits such hearing.

C. Motions for supplemental Proceedings may be set on Mondays at 1:15 p.m. or before the judge or refer assigned to the case on their assigned regular law and motion calendar. (Bonneville County only)

11. **Exhibit Storage Facility Standard.** The court exhibit location shall be a locked facility for storing exhibits received by the court. Responsibility for the security, maintenance and disposition of exhibits shall be fixed with an exhibit manager appointed by the senior district judge. The exhibit manager shall mark the exhibit holding facility and designate its sections or otherwise identify the location by drawer or number, bin number, box number, etc., to facilitate the logging of exhibits on the inventory log and to facilitate locating the exhibits. Access to the exhibits stored in the storage area during the pendency of a trial or other proceeding by any one, other than the exhibit manager and the courtroom clerk is prohibited without a court order. In civil cases, disposal or destruction of exhibits shall be ordered after 2 (two) months have expired from final disposition of the case and no appeals have been filed or a request for new trials or re-hearings have been made. In criminal cases, disposal or destruction shall be ordered after one (1) year after the expiration of the time for appeal. The exhibit manager shall send a notice to dispose of the exhibits to counsel. Unless the exhibits are withdrawn by counsel or unless a written objection is filed within 14 days from the date of notice, the clerk shall dispose of the exhibits as follows:

A. Contraband shall be given law enforcement agency which confiscated it accompanied by an order for destruction issued by the court directing the agency to destroy the contraband and furnish the Court with a certificate of destruction.

B. Weapons shall be given to the sheriff or law enforcement agency which confiscated them to be disposed of in accordance with Idaho law. The agency receiving the weapons shall furnish the court with a receipt to be maintained with the exhibit manager.

C. Property having value shall be returned to its owner or, if unclaimed, shall be given to the sheriff of the county or other law enforcement agency to be sold in accordance with Idaho law. The agency receiving the property shall furnish the Court with a receipt to be maintained with the exhibit manager.

D. Property having no value shall be destroyed by the exhibit manager who shall furnish the Court with a certificate of destruction which shall be maintained by the exhibit manager.

The local rule shall not prohibit the Court from releasing exhibits at any time pursuant to Idaho Court Administrative Rules, 37 (d) or 38 (d).

12. **Jury Instructions.** (1) All jury instruction requests shall be presented to the court 5 days prior to the scheduled trial date unless otherwise ordered by the court. The Court, in its discretion, may allow the presentation of jury instructions at any time prior to the submission of the case to the jury. At the time of presentation to the Court, a copy of the requested instruction shall be furnished to opposing counsel. (2) Jury instruction requests must be in writing and state in full the instruction requested. Each request shall be upon a separate sheet of paper, the original and copies of which shall be free from red lines and firm names and shall be entitled:

**INSTRUCTION NUMBER**

The number of the request shall be written in lead pencil. (3) If case citations are used in support of requested instruction, at least one copy of the requested instruction furnished to the Court shall be submitted without the citations. Citations may be provided upon separate sheets attached to the particular instruction which the citation applies.

13. **Objections to Requested Instructions.** The adverse party shall, at least one day prior to trial, specify objections to any said instructions. Such objections shall be submitted in writing (or orally, if permitted by the Court), shall be numbered, and shall identify the instructions objected to by number, and specify distinctly the matter to which adverse party objects; said objection shall be accompanied by citations of authority in support thereof.

14. **Voir Dire Examinations of Jurors.** During selection, counsel shall not:

A. Ask questions of any individual juror that are susceptible of being asked collectively.

B. Ask questions covered by and answered in the juror qualification form except to explore some answer therein in greater depth.

C. Repeat questions asked and answered, though asked by opposing counsel.

D. Use voir dire for the purposes of attempting to instruct the jury on the law; that is the Court's function.

E. Use voir dire for purposes of arguing the case.

F. Ask a juror what his verdict might be under any hypothetical situation based upon any expected evidence or otherwise.

15. **Standards of Professional Conduct.** Every member of the Bar of this court and any attorney permitted to practice in the court shall be familiar with and comply with the standards of professional conduct required of members of the Idaho State Bar and decisions of any court applicable thereto which are hereby adopted as standards of professional conduct of this court. These provisions shall not be interpreted to be exhaustive of the standards of professional conduct. In that connection, the Idaho Rules of Professional Conduct for the Idaho State Bar should be noted. No attorney permitted to practice before this court or in any manner interferes with the administration of justice therein.

16. **Punctuality.** The court expects counsel to be punctual and on time for all scheduled hearings before the Court. If counsel cannot be on time for a hearing, then such counsel must timely notify the court of the delay and the reasons therefore. In the event counsel decides to cancel a scheduled hearing, the such counsel must timely notify the court of such intention and request a cancellation before the time the hearing is scheduled to commence.

17. **Attorney conduct at Hearings and Trials.**

a. As an officer of the court each attorney should support the authority of the Court and the dignity of the trial courtroom

by strict adherence to any rules of decorum established by the court and by manifesting an attitude of professional respect to the judge, opposing counsel, witnesses, jurors and others in the courtroom.

- b. When court is in session counsel shall address the Court and may not address opposing counsel directly on any matter relating to the case.
- c. Attorneys shall deliver opening statements and closing arguments from counsel table, lectern or from such other location designated by the Court.
- d. Attorneys shall remain at counsel table during direct and cross examination of witnesses.
- e. Attorneys shall hand exhibits to the Bailiff for delivery to Court Clerk for making and for presentation to the witness.
- f. Attorneys shall not approach witnesses on witness stand without leave of the Court.
- g. Attorneys shall:
  1. Avoid needless consumption of time;
  2. Avoid any interrogation or other conduct which would cause harassment, intimidation or embarrassment or humiliation of witnesses;
  3. Avoid any behavior or tactics purposely calculated to irritate or annoy the Court or opposing counsel; and
  4. Be patient, dignified and courteous to the litigants, jurors, witnesses, court staff and other lawyers participating in the trial.

#### 18. Correspondence and Communications with the Judge.

Attorneys or parties to any action or proceeding should refrain from communicating with the judge unless opposing counsel is present. All matters to be called to a judge's attention should be formally submitted. Attorneys may write letters to the judge regarding procedure or scheduling if a copy of the letter is supplied contemporaneously to all counsel in the case.

**19. Motion for Disqualification.** Whenever a motion for the disqualification of a judge is filed a proposed order shall be submitted with the motion.

**20. Notice of Orders of Judgment.** Attorneys or parties to an action shall comply with the requirements of Rule 77 (d), Idaho Rules of Civil Procedure, in regard to providing and delivering to the clerk sufficient copies of an order or judgment together with envelopes addressed to each party with sufficient postage attached.

**21. Jurisdiction of Attorney Magistrates.** Jurisdiction is hereby granted and the following classes or categories of cases are hereby assigned to all attorney magistrate judges of the Seventh Judicial District: All matters designated in Rule 82(c)(1)(A) and 82(c)(2) (A)(B)(C) and (E) of the Idaho Rules of Civil Procedure of Section 1-2208, Idaho Code, as being within the jurisdiction or assignable to attorney magistrates.

#### B. Criminal Rules

1. At the time of the arraignment, each case shall be assigned a pre-trial conference and a trial date.
2. Pre-trial conference shall be scheduled 76-83 days from arraignment; trial dates shall be scheduled approximately 90 days from arraignment.
3. At the time of arraignment, the attorneys shall appear with their calendars and the Court shall select a trial date convenient to all attorneys consistent with the time frames specified by law.
4. The Prosecutor's Office shall assist the court with criminal cases by attending the following court proceedings:
  - A. Felony first appearance hearings
  - B. Arraignments on Information

- C. Sentencing
- D. Pre-Trial Conferences
- E. Bail Hearings
- F. Any scheduled motions

5. The prosecutor in attendance shall be prepared to provide the Court with information relevant to setting bail and sentencing, including criminal history and the factual basis for the offense charged.

6. Unless specifically requested by the Court, the prosecutor is not required to attend arraignments or sentencings on misdemeanors prosecuted on citations.

7. All areas involved in video arraignments are designated as a courtroom. These areas include the Bonneville County Jail and the Bingham County Jail.

8. All rules of the court regarding courtroom procedure and decorum are applicable in video arraignment areas.

9. The prosecuting attorney shall be present at the pre-trial conference and have available at the time names of witnesses which the prosecutor intends to call at trial and all exhibits for pre-marking. The prosecutor shall be prepared to represent the Court that he/she is familiar with the facts of the case.

10. Defense counsel shall be present at the pre-trial conference and have available at the time the names of the witnesses which defense counsel intends to call at trial and all exhibits for pre-marking.

11. The defendant may appear at the pre-trial conference if the defendant so desires.

12. Motions which may be properly made before trial shall be filed with the court and served on opposing counsel prior to the pre-trial conference. If a motion cannot be disposed of at the pre-trial conference, it will be set for hearing before trial.

13. All statements of cost must be submitted to the sentencing court within 30 days of the imposition of sentence. A copy of said statement of costs shall be mailed to the defense counsel.

**14. Jail Leave.** Unless a criminal defendant has been sentenced to a work release program as a part of his incarceration, no requests for furlough or leave from jail will be granted for any holiday, family celebration or other occasion except in extreme emergencies or highly unusual circumstances.

#### C. Domestic Relations Practice

**1. Custody Evaluations.** 1. Custody evaluations shall be performed by persons with the following minimum qualifications:

- A. Social work evaluations shall be performed by social workers licensed by the state in which they practice.
- B. Psychological evaluations shall be performed by psychologists licensed by the state in which they practice.
- C. Psychiatric examinations shall be performed by a licensed Physician with a specialty in psychiatry.

2. Evaluators must consider and respond to each of the following factors:

*Factors as listed under Idaho Code Section 32-717; Any other factors deemed important by the evaluators, by the parties of the Court.*

**3. Modification of Support and Custody Orders (non-emergency and in-state).** To modify an existing order of child support or of child custody (including visitation) the party seeking modification shall file a petition specifically setting forth the change in circumstances relied upon and the modification sought.

Service of the petition shall be made pursuant to Rule 5(b) I.R.P.C. unless the opposing party is not represented or there is no attorney of record for the opposing party. If the opposing party is not represented or there is no attorney of record for said party, then service shall be made pursuant to Rule 4, I.R. C.P.

The opposing party shall have twenty (20) days from service of the petition to file a response.

*Dated this 5th day of August, 1993*