

## Closing the Case

If the petition is denied the disposition finding of "Defacto Custodian Petition or Motion Denied" will be entered for the parties addressed in the petition.

These new "findings" have been entered in your ISTARs system.

Defacto Custodian Petition or Motion Denied	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Defacto Custodian Petition or Motion Granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other than the new filing fees and the findings this case will be processed in the same manner as other civil cases.

3-

In the A13 case filings the case will be closed when the court makes findings on this issue. The appropriate civil disposition will be entered in ISTARs



In the A14 case filings the disposition as to the defacto custodian findings will be entered when those findings are made by the court, but the case will remain open until all issues to be determined in the underlying case have been decided by the court i.e. the divorce granted. A Civil disposition will be entered by the clerk regarding the De Facto Custodian portion of the case. The case will not close until all other matters are disposed of by the court.

I.S.C.

Idaho Supreme Court  
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PO Box 83720  
Boise, Id 83720-0101

208-334-2850  
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9/1/2010



## Idaho Supreme Court

### De Facto Custodian Case Filings

9/1/2010



## 1-2-3 Clerical Case Processing

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### De Facto Custodian Act

Senate Bill 1382 provides an avenue by which a third party who has cared for and supported a child may obtain legal and physical custody of the child where such custody is in the child's best interest.

#### 1-

The filing attorney or person seeking custody will initiate the case by filing a new petition/new case **A13 – filing code. (Petition De Facto Custodian)** The fee amount for this will be **\$88.00**

The petitioning party will be added as an "other party", the child(ren) will be added to the case as "subjects". Parents of the child(ren) as identified will be also added to the case as other parties.

#### Or

by filing a petition to intervene on an existing case **A14 – filing code.**

#### **(Motion for Permissive Intervention – De Facto Custodian)**

*The 'Motion for Permissive Intervention' cannot be filed in a Child Protection Act Case.*

The fee amount for this will also be **\$88.00**. If the motion is granted, a petition will be filed, **there is no additional filing fee for the petition.**

The Petitioning party will be added as an "Other Party" on the case, and the child(ren) identified that the petitioner wants to be "custodian of" will be added as "subjects".

If the child(ren's) parents are not already identified as parties on the underlying case they will be added as "Other Parties". Use the Family Case Law information sheet to get the necessary details for all parties and subjects.



#### 2-

If the petition is being filed as A13 the case subtype will be "Domestic Relations" or "DR". The petition and notice of hearing shall be served upon the parties pursuant to IRCP 4 unless otherwise ordered by the court. Notice of Hearing shall direct the opposing party to file a written response within 20 days.

If the petition is being filed via the A14 filing fee, the underlying case subtype will not change. The petition and notice of hearing shall be served upon the parties pursuant to IRCP 4 unless

otherwise ordered by the court. Notice of Hearing shall direct the opposing party to file a written response within 20 days.

The Court should receive a **"Family Law Case Information Sheet For De Facto Custodian, Adoption and Minor Guardianship Cases"** with each of the filings.

The number of these cases will be tracked by the filing fee codes. No new ROA's will be necessary.

### Entering the findings of the petition in ISTARs.

When a determination has been made by the court, the appropriate documents will be ROA'd in ISTARs and a disposition will be entered in the disposition tab.

If the petition is granted, the civil disposition finding of "Defacto Custodian Petition or Motion Granted" will be entered for the parties addressed in the petition.