

CLERK OF THE DISTRICT COURT MANUAL

11.0 FAMILY LAW LICENSE SUSPENSIONS

Revised October 2006

11.1 PURPOSE

The purpose of this legislation is to create a mechanism to suspend business, occupational, motor vehicle and recreational licenses, certificates or permits for failing to comply with child support orders, paternity/child support subpoenas or visitation orders. This legislation allows for license suspension when child support is three months or \$2,000 in arrears.

Persons can either petition the court for the commencement of a judicial proceeding or petition the Department of Health and Welfare for an administrative proceeding without court action.

The Department of Health and Welfare will upon request supply step-by-step forms and instructions (for Pro Se Applicants) in both English and Spanish to each county, which include the following:

- Instructions
- Petition for Suspension of a License—Visitation
- Affidavit in Support of Petition for Suspension of a License—Visitation
- Notice of Intent to Suspend a License—Visitation
- Request for a License Suspension Hearing—Visitation
- Order on Petition for Suspension of a License—Visitation
- Affidavit of Service—Visitation

For samples contact: Department of Health and Welfare
P.O. Box 83720, 10th floor
Boise ID 83720-0036

Clerical Duties:

1. No filing fees shall be charged for seeking only the relief of license suspension.
2. File stamp and enter in ROA. ISTARs will automatically assign a case number and a judge will be assigned.
3. SUBJECT/LICENSEE ENTRY. Enter the person named on the petition as the subject, and check the appropriate "grounds" for filing the petition in the subject screen. These grounds are detailed in the petition and are part of the Notice of

Proceeding for License Suspension that the petitioner serves upon the subject/licensee alerting him/her of their right to request a hearing within 21 days from service to contest the suspension of his/her license(s).

Note: If the subject/licensee fails to make a timely request for a hearing or fails to appear at the hearing without good cause, the court shall issue an order suspending a license (I.C. § 7-1411). If a hearing is requested by the subject/licensee, schedule in ISTARs. The court mails the notice of hearing to the subject/licensee and copies are printed for parties.

4. PETITIONER/PARTY ENTRY, enter the petitioner and the send notice box will automatically be checked to send a notice of hearing to the parties.

Note: The petitioner must appear at the suspension hearing, if one has been requested by the subject/licensee, to show proof of delinquent child support or failure to comply with visitation or failure to comply with a subpoena and request that the subject's/licensee's license(s) be suspended.

5. LICENSOR(S)/PARTY ENTRY. All licensing authorities "licensor's" listed in the petition must be entered as parties. The "send notice" box must be unchecked since the licensor's do not appear at hearings. The "licensor" box must be checked in order to properly generate orders suspending, reinstating or vacating the license(s).

6. ORDERS SUSPENDING, VACATING/STAYING OR REINSTATING LICENSE(S). To generate orders for license suspension, vacating or reinstating, choose the correct options from the subject document screen. ISTARs has error checking in place to require entry in fields for license suspension data in the subject screen. ISTARs will produce the following documents for suspensions:

- Order Suspending License Under Section I.C. § 7-1410
- Order Vacating or Staying an Order Suspending License under Section 7-1413
- Order Reinstating License Suspension under Section 7-1414