I.R.E. 514. Parent-Child; Guardian or Legal Custodian-Ward Privilege.

Idaho Rules of Evidence Rule 514. Parent-Child; Guardian or Legal Custodian-Ward Privilege.

(a) Definition. A communication is "confidential" if it is made by a minor child to the child's parent or a minor ward to the ward's guardian or legal custodian, and is not intended for disclosure to any other person.

(b) General rule of privilege. A child or ward has a privilege in a civil or criminal action or proceeding to which the child or ward is a party to refuse to disclose and to prevent the child's or ward's parent, guardian or legal custodian from disclosing any confidential communication made by the child or ward to the parent, guardian or legal custodian of the child or ward.

(c) Who may claim the privilege. The privilege may be claimed by the child or ward, the lawyer for the child or ward, or by the parent, guardian or legal custodian on behalf of the child or ward. The authority of the lawyer, parent, guardian or ward to do so is presumed in the absence of evidence to the contrary.

(d) Exceptions. There is no privilege under this rule:

(1) Civil action. In a civil action or proceeding by one of the parties to the confidential communication against the other.

(2) Criminal action. In a criminal action or proceeding for a crime committed by one of the parties to the confidential communication against the person or property of the other.

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