



## **I.R.S.C.A. 4. Default Proceedings**

### **Idaho Rules for Small Claims Actions Rule 4. Default Proceedings.**

(a) Service. In support of a request for default, Plaintiff must show by return of service or affidavit that the instructions and answer form were served on each defendant at the time of service of the complaint.

(b) Proceedings. Rule 55, Idaho Rules of Civil Procedure, controls default judgment proceedings in small claims actions.

(c) Sufficiency of the Evidence. The court must not enter a judgment by default unless the court is satisfied by the evidence presented in support of the claim.

(d) Failure to Attend Hearing. If the plaintiff or employee does not appear at the time set for any hearing on the matter, the court may dismiss the action with or without prejudice.

(Adopted March 1, 2016; effective July 1, 2016.)

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