



## **I.R.E.F.S. 5. Exceptions to Electronic Filing of Documents**

### **Idaho Rules for Electronic Filing and Service**

#### **Rule 5: Exceptions to Electronic Filing of Documents**

**The documents identified in this rule are exceptions to the requirement for electronic filing.**

**(a) Probate / Wills.** Probate matters must be filed electronically; however, any original will, along with any pleading to which it is attached, must be filed both electronically and conventionally. The conventional filing must be made no more than seven business days, excluding legal holidays, from the date of electronic filing.

**(b) Warrants.** A document delivered to the court to secure an arrest warrant pursuant to Idaho Criminal Rule 4 or an initial juvenile detention order pursuant to Idaho Juvenile Rule 7 must be filed conventionally. A document delivered to the court to secure a search warrant pursuant to Idaho Criminal Rules 41 may be filed conventionally.

**(c) Limits on Exhibits.** A demonstrative or oversized exhibit must be filed conventionally. Trial exhibits must not be filed unless or until they are offered by a party to be admitted into evidence.

**(d) Grand Jury Material.** Grand jury materials, which should also be accompanied by a disk or CD-ROM containing the documents in .pdf format, if possible, must be filed conventionally.

**(e) Charging Documents.** Charging documents in a criminal action including complaints and indictments must be filed conventionally unless filed through an electronic system approved by the Supreme Court.

**(f) Federally Restricted Storage.** A document or image that is barred from electronic storage must be filed conventionally, including but not limited to sexually explicit images of a minor.

**(g) Document Submitted for *In Camera* Inspection.** A document submitted for *in camera* inspection must be filed conventionally.

**(h) Motion to Redact or Seal a Document.** A motion to redact or seal a document by court order pursuant to Idaho Court Administrative Rule 32(i) and the document that is the subject of the motion may be filed conventionally. If filed electronically, the motion must comply with Rule 7.

**(i) Foreign Subpoena.** A foreign subpoena submitted to an Idaho court must be filed conventionally.

**(j) Law Enforcement Documents.** Law enforcement, including state police, sheriff's offices, police departments, and probation and parole officers, may file the following documents conventionally:

- documents for which no case number exists at the time of filing;
- documents related to a court event scheduled for the same day as the filing;



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- bonds and accompanying documents received at the jail, and
- documents pertaining to an arrest for one or more offenses where at least one of the offenses is a new filing with no existing case number.

**(k) Hospitalization of Mentally Ill, Detention Without a Hearing.** A document delivered pursuant to Idaho Court Administrative Rule 100 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Court Administrative Rule 100.

**(l) Persons with Neurocognitive Disorders, Protective Custody Without a Hearing.** A document delivered pursuant to Idaho Court Administrative Rule 101 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Court Administrative Rule 101.

**(m) Order of Removal Upon Issuance of a Summons (C.P.A.).** A document delivered pursuant to Idaho Juvenile Rule 34 after office hours, during the weekend, or on a holiday, will be filed in accordance with the procedure set out in Idaho Juvenile Rule 34.

**(n) Other Documents that cannot be Filed Electronically.** Any document or thing that cannot be scanned or otherwise converted to a Portable Document Format (.pdf) must be filed conventionally. Upon a showing of good cause, the court may accept for conventional filing a document that would otherwise be required to be filed through the electronic filing system.

*(Adopted April 15, 2019, effective July 1, 2019; amended April 30, 2024, effective April 30, 2024; amended September 30, 2024, effective October 1, 2024; amended December 18, 2024, effective January 1, 2025; amended effective January 24, 2025.)*

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