

I.C.A.R. 53. Court Assistance Services

Idaho Court Administrative Rule 53: Court Assistance Services

(a) **Statement of Policy:** It is the policy of the Supreme Court to ensure access to the courts by all persons, including those who may not have the benefit of legal representation. The purpose of this rule is to provide a means for assisting persons who do not have legal representation, by authorizing Court Assistance Officers to provide those litigants with educational materials, court approved forms, limited assistance in completing court forms, and information about court procedures so they might better understand the legal requirements of the court system, and to provide referrals to legal, community and social services organizations and resources providing similar assistance.

(b) **Definitions:** For the purposes of this rule, the following words have the following meanings:

(1) 'Court Assistance Officer' is a person qualified under guidelines adopted by the Supreme Court to provide a full range of court assistance services.

(2) 'Deputy Clerk' is an employee of the District Court Clerk who is assigned the responsibility of providing a limited range of court assistance services under guidelines adopted by the Supreme Court, as part of his or her overall clerical duties.

(3) 'Project Director' is person appointed by the Administrative Director of the Courts to oversee and coordinate the statewide operation of court assistance services.

(c) **Court Assistance Services:** Full or limited court assistance services shall be provided in every county.

(1) Where feasible, those services should be provided through a court assistance office staffed with a full or part time Court Assistance Officer, who has the training to provide a full range of court assistance services and referrals under guidelines established by the Supreme Court.

(2) Where the appointment of a Court Assistance Officer is not feasible, the District Court Clerk shall appoint a Deputy Clerk to provide limited court assistance services as defined by the Supreme Court's guidelines. The Project Director shall be notified of the assignment, and provide input on the selection if requested.

(d) **Assignment of Court Assistance Officers:** A Court Assistance Officer may be an employee of the District Court Clerk, or another county employee who is under the direction of the Administrative District Judge or Trial Court Administrator, or an independent contractor retained by the Supreme Court who is under the direction of the Administrative District Judge or Trial Court Administrator. The

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Administrative District Judge or Trial Court Administrator, the Project Director, and the District Court Clerk shall provide advice and consent in the selection and assignment of Court Assistance Officers under guidelines for minimum qualifications established by the Supreme Court for that position.

(e) Management of Daily Operations: The Administrative Judge or Trial Court Administrator shall be responsible for managing and supervising the day-to-day activities of Court Assistance Officers who have been retained by the Court or are county employees other than deputy clerks. The District Court Clerk shall be responsible for managing and supervising the day-to-day activities of Court Assistance Officers who are employees of the District Court Clerk, and Deputy Clerks who provide limited court assistance services. The Administrative District Judge or Trial Court Administrator, and the Program Director, may, from time to time, provide input on the performance of employees of the District Court Clerk providing court assistance services, which shall be considered by the District Court Clerk, in good faith.

(f) Policy and Rules of Conduct: The Supreme Court shall establish guidelines for court assistance services which specifically define the types of referrals, instructions, forms, educational materials, and information about the court and court processes, which may be provided by a Court Assistance Officer or Deputy Clerk, as well as requirements for education and training of court assistance personnel.

(g) Unauthorized Practice of Law: It is the policy of the Supreme Court to encourage the use of attorneys whenever possible. The materials and assistance provided through court assistance services are not intended as a substitute for legal advice. Services, materials or information provided by Court Assistance Officers or Deputy Clerks providing court assistance services under the guidelines established by the Supreme Court shall not constitute the unauthorized practice of law.

(h) Schedule of Fees: Charges for forms, materials and other services provided under this rule shall not exceed the amounts defined in the following Cost Recovery Fee Schedule, adopted by the Supreme Court pursuant to the authority of section 32-1406, Idaho Code. Fees collected for court assistance services shall be distributed as required by section 32-1406, Idaho Code.

COST RECOVERY FEE SCHEDULE

FOR COURT ASSISTANCE SERVICES

Pursuant to I.C.A.R. 53

Adopted by the Idaho Supreme Court August 15, 2005

The fees set forth are the maximum amounts which may be charged. There is no charge for forms downloaded from court websites.

Forms which are available as a packet include all forms necessary for completing the stated action if the matter is uncontested, and includes form review to ensure the forms are completed properly. The costs for form packets are set forth below. The maximum fee for forms not purchased as part of

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a packet is \$.25 per page. The maximum fee for form review when forms are not purchased as a packet is \$5.00. A waiver of fees shall be issued if it is shown to the Court Assistance Officer's satisfaction that the applicant's household income is less than 125% of the Federal Poverty Guidelines. Additional cost recovery charges may be assessed if forms are combined with other family court services and/or workshops.

Divorce -Available Divorce Packets: On Paper and/or on Disk - \$30

Default Divorce -- with children

Default Divorce--without children

Agreed Divorce--with children (joint Petition)

Agreed Divorce--without children (joint
Petition)

Responding to a Divorce Complaint--with
children

Responding to a Divorce Complaint--without
children

Custody, Paternity and Support -Available On Paper and/or on Disk - \$20

Custody Packets:

Filing for Custody, Visitation and Support

Agreed (joint) Petitions for Custody,
Visitation and Support

Responding to a (Divorce) Complaint--with
children

Modifications - Available Modification On Paper and/or on Disk - \$15

Packets:

Filing a Motion to Modify an Order or
Decree

Agreed (Joint) Modification

Responding to a (Divorce) Complaint--with
children

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Name Change Petitions -Available Name On Paper and/or on Disk - \$15

Change Packets:

Name Change

Minor Name Change

Landlord-Tenant Actions -Available On Paper and/or on Disk - \$15

Landlord-Tenant Packets:

Eviction for Non-payment of Rent

(Landlord's Packet)

Requesting Repairs (Tenant's Complaint for

Specific Performance)

Requesting Security Deposit Refund Tenant Per page charge

Answer (to Eviction)

Enforcement Actions - Available On Paper and/or on Disk

Enforcement Packets:

Enforcing Orders to Pay Third Parties Per page charge

(Obtaining a Partial Judgment Enforcing An

Existing Court Order)

Guardianship - Available Guardianship On Paper and/or on Disk - \$20

Packets:

Guardianship of a Minor

(i) Waiver of Fees: Fees for court assistance services shall be partially or fully waived for persons found to be financially unable to pay fees based upon guidelines established by the Supreme Court.

(Adopted September 13, 2004, effective October 1, 2004; amended August 4, 2005, effective August 15, 2005.)

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