



## **IRFLP 103 Definitions**

### **Idaho Rules of Family Law Procedure Rule 103. Definitions.**

(a) **Parties.** Reference to a party to the action may include the State.

(b) **Definitions.** In these rules, unless the context otherwise requires, the following definitions apply:

(1) **Answer.** An answer is a pleading that substantially responds to a petition.

(2) **Civil Protection Order Action.** Any action related to a petition for civil protection order sought under the Idaho Domestic Violence Crime Prevention Act, Idaho Code, Title 39, Chapter 63, and all proceedings to register, modify, renew or terminate the civil protection order.

(3) **Confer.** To confer means to speak directly with the opposing attorney or a self-represented party in person or by telephone, to identify and discuss a disputed issue, and to make a reasonable effort to resolve the disputed issue. The sending of electronic or voicemail communication does not satisfy the requirement to confer. The attorney or a self-represented party will respond in a reasonable time to a request to confer and will be reasonably available to confer. For cases where a self-represented party is incarcerated, a written communication will satisfy the requirement to confer.

(4) **Family Law Action.** Any action related to annulment; divorce; legal separation; separate maintenance; paternity; grandparent visitation or custody; de facto custodian; to establish, enforce, register or modify custody or parenting time; to establish, enforce, register or modify child support; and all proceedings related to the registration, modification, or enforcement of judgments or decrees in such cases, except contempt.

(5) **Good Cause.** A sufficient reason, based on the particular circumstances of each case, as determined by the discretion of the presiding judge.

(6) **I.C.A.R.** References herein to I.C.A.R. are the Idaho Court Administrative Rules.



(7) **Motion.** A motion is a written request made after a petition seeking relief is filed. There is no procedure for Order to Show Cause.

(8) **Moving Party.** The party (movant or applicant) who has filed a written request for relief, regardless of whether or not that party was the petitioner or respondent in the initial petition.

(9) **Petition.** The petition is the initial pleading that commences a family law or civil protection order action or the initial pleading that commences a post-decree matter. All initial documents must be denominated as a petition followed by brief descriptive wording summarizing the nature of the relief sought.

(10) **Petitioner.** A petitioner is a person or entity who files the first petition, and must be referred to as such in all subsequent documents, including all post-decree petitions, motions, and documents in the same case.

(11) **Relevant Evidence.** Evidence is relevant if it has the tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.

(12) **Respondent.** A respondent is any opposing party other than the petitioner.

(13) **Responding Party.** The party who is to respond to a petition or motion, regardless of whether or not the party was the petitioner or respondent in the initial petition.

(14) **Response.** A response is a document that responds to a motion or other paper.

(15) **Service of Process.** Service of process is the act of delivering a petition, summons, motion, notice of hearing, affidavit, brief, or any of the other documents referenced in these rules.

(16) **Title IV-D.** Title IV-D means Title IV-D of the Social Security Act, United States Code, Title 42. Title IV-D is administered in Idaho by the State Department of Health and Welfare.

(17) **Venue.** Refers to the particular county where a court with jurisdiction hears and determines the case.



(18) **Witness.** A witness is a person whose declaration under oath or affirmation is received as evidence for any purpose, whether such declaration is made on oral examination, by deposition, or by affidavit.

**(c) Use of Singular, Plural, and Gender Words.**

(1) Words in the singular number include the plural, and those in the plural include the singular; and

(2) Words of any gender also refer to any other gender.

(Adopted March 29, 2021, effective July 1, 2021.)

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