IRFLP 106 Consolidation

Idaho Rules of Family Law Procedure Rule 106. Consolidation.

A. Court may make orders. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

B. Consolidation into lowest case number. Except as set forth in subdivision C, motions to consolidate actions in the same county shall be presented to and ruled upon by the judge to whom the lowest numbered case or first filed case has been assigned among those matters sought to be consolidated. Notice shall be given to all parties in each action involved and a copy filed in each case involved. In the event the motion is granted, the order shall specify the case number under which all future papers shall be filed, which shall be the lowest of the case numbers involved. Thereafter, that number shall be used exclusively for all papers filed only in the designated case file. If a motion to consolidate is granted, all further action with regard to the consolidated cases shall be heard by the judge who is assigned the lowest numbered case or first filed cases involved.

C. Consolidation of child support and custody cases. If a domestic relations case involving custody is filed in the proper venue, and there is a previous case involving only child support in the same county or a different county, a motion to consolidate may be filed and ruled upon by the judge assigned to preside over the domestic relations case. In the event the motion is granted, the order shall specify that the actions are consolidated under the case number assigned to the action involving custody and all future papers shall be filed under that case number. All further action with regard to the consolidated cases shall be heard by the judge who is assigned the action involving custody.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015; amended April 2, 2015, effective April 15, 2015.)

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