



## **IRFLP 201 Commencement of Actions**

### **Idaho Rules of Family Law Procedure Rule 201. Commencement of Actions.**

#### **(a) Commencement of a Family Law Action.**

(1) A family law action is commenced by filing a petition with the clerk of the court.

(2) **Designation of Parties.** The party filing the initial petition is designated as the petitioner and any party against whom it is filed is designated as the respondent.

(3) **Name and Date of Birth of Child.** If a child is involved in the family law action, the child's full name and date of birth must be included in the petition and any subsequent order, decree, or judgment.

(4) **Service.** Unless the parties have filed a stipulation for entry of a decree or judgment prior to service of the petition, a petition must be served on all parties entitled to service along with (1) a summons and (2) any notice, form, or order issued by the court at the time of filing of the petition as set forth in Rule 204.

#### **(b) Commencement of a Civil Protection Order Action or Modification.**

(1) A civil protection order action is commenced by the filing of a sworn petition in the form approved by the Supreme Court with the clerk of the court. Such action may be commenced or defended on behalf of a minor as set forth in Rule 112.

(2) A civil protection order may be modified, terminated, or renewed by a party filing an application in the form approved by the Supreme Court with the clerk of the court.

(3) **Name and Date of Birth of Child.** If a child is involved in the civil protection order action, the child's full name and date of birth must be included in the petition and any subsequent order.



(4) **Law Enforcement Information Sheet.** A petition will not be filed unless accompanied by information in whatever form required by the court to allow entry of the protection order into the Idaho public safety and security information system (to be transferred by the court to the appropriate law enforcement agency with any signed order). A copy of this information form will not be maintained in the court file.

**(c) Commencement of a Family Law Modification Action.**

(1) An action to modify child custody, child support, or spousal maintenance is commenced in the original family law action by filing a:

(A) **Petition to Modify.** A petition to modify will be in a form similar to an original petition. All allegations of substantial and material changes in circumstances supporting a petition to modify a term of a prior judgment or decree must be stated with particularity; or

(B) **Stipulation.** The stipulation must expressly authorize the court to enter a modification judgment attached to or specifically identified in the stipulation.

(2) **Designation of Parties.** The parties will remain as designated as the petitioner and respondent as set forth in the original family law action, regardless of whether that party is now the moving party.

(3) **Service.** Unless the parties have filed a stipulation for entry of a judgment, a petition to modify must be served upon all parties entitled to service along with a (1) summons and (2) any notice, form, or order issued by the court at the time of filing of the petition to modify. The method of service will be the same as for an original family law action set forth in Rule 204 and service will be on the responding party rather than on the previous attorney of record for the party.

(4) **Adjudication.** A petition to modify will be adjudicated in the same manner as an original family law action.

**(d) Family Law Case Information Sheet.**

(1) **Required to File a Petition or Stipulation.** A petition or stipulation in a family law or civil protection order action will not be filed unless and until the moving party furnishes to the clerk a completed family law case information sheet on a form adopted by the Supreme Court and furnished by the clerk. This family law case information sheet will be exempt from disclosure according to I.C.A.R.



32(g).

(2) **Required to File an Answer.** An answer to a family law action will not be filed unless and until the responding party furnishes to the clerk a completed family law case information sheet on a form adopted by the Supreme Court and furnished by the clerk. This family law case information sheet will be exempt from disclosure according to I.C.A.R. 32(g).

(e) **Filing Fee--Waiver.** . The filing fee prescribed by Appendix "A" of the Idaho Rules of Civil Procedure must be paid before the filing of a pleading or motion listed in the filing fee schedule. Any waiver of the filing fee will be made by the court upon verified application of a party which will require no filing fee. Provided, the filing fees will be automatically waived in any case in which a party is represented by an attorney under the Idaho Law Foundation Volunteer Lawyers Program, the University of Idaho Legal Aid Clinic, the Idaho Legal Aid Program, or an attorney under a private attorney contract with Legal Aid.

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