



IRFLP 215 Amended Pleadings

Idaho Rules of Family Law Procedure Rule 215. Amended Pleadings.

(a) Amendments Before Trial.

(1) **Amending as a Matter of Right.** A party may amend its pleading once as a matter of right within:

(A) 21 days after serving it; or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 206(b), (e), or (f), whichever is earlier.

(2) **Other Amendments.** In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

(A) **Request to Amend Pleading.** Whether by stipulation or motion, the request to amend must:

(i) attach a copy of the unsigned proposed amended pleading setting forth the entire pleading as an amended without incorporating the prior pleading by reference; and

(ii) include a statement with particularity of what amendments are being requested, or in the alternative, a "redline" or comparison version of the proposed amended pleading that shows the changes to the current pleading.

(B) **Proposed Order.** A proposed order allowing the amendment of the pleading must be submitted by the party seeking to amend a pleading.

(C) **Amended Pleading Must be Filed.** Once the order to amend is granted by the court, the moving



party must file the amended pleading and serve a copy to the opposing party.

(3) **Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

(b) **Amendments During and After Trial.**

(1) **Based on an Objection at Trial.** If, at trial, a party objects that evidence is not within the issues raised in the pleadings, the court may permit the pleadings to be amended. The court should freely permit an amendment when doing so will aid in presenting the merits and the objecting party fails to satisfy the court that the evidence would prejudice that party's action or defense on the merits. The court may grant a continuance to enable the objecting party to meet the evidence.

(2) **For Issues Tried by Consent.** When an issue not raised by the pleadings is tried by the parties' express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move, at any time, even after judgment, to amend the pleadings to conform them to the evidence and to raise an unpleaded issue. But failure to amend does not affect the result of the trial of that issue.

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

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