

## **IRFLP 302 Default Proof - Time Limitation**

### **Idaho Rules of Family Law Procedure Rule 302. Default proof - Time limitation.**

Default proof shall not be presented to the court nor a default entered against a party prior to the expiration of the period of time allowed by these rules for an appearance or defense unless, (1) the party required to make the appearance or defense executes a waiver under oath stating that the party waives the permitted time for appearance or defense, refuses to plead further, and consents to the immediate hearing of a default proceeding without further notice, and (2) the court enters an order shortening the time for appearance or defense by such party for good cause shown by the affidavit or testimony of the moving party. Upon compliance with this rule, default may be entered, a default proceeding held and judgment by default be entered without notice to the defaulting party in the same manner as though the normally prescribed time for an appearance or defense had expired, subject to the limitations of section 32-716, Idaho Code.

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

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