



## **IRFLP 405 Interrogatories**

### **Idaho Rules of Family Law Procedure Rule 405. Interrogatories.**

(a) **Uniform Interrogatories.** The Uniform Family Law Interrogatories set forth in Form 2 are approved for use as a standard or guide recommended in preparation of interrogatories under these rules.

- (1) The use of uniform interrogatories will be governed by this rule.
- (2) The use of uniform interrogatories is not mandatory.
- (3) Uniform interrogatories are not to be used as a standard set for submission in all cases.
- (4) Each interrogatory may be used only where it fits the particular case.

### **(b) Interrogatories to Parties.**

#### **(1) In General.**

(A) **Number.** Unless the parties stipulate or the court finds good cause to allow a specific additional number of interrogatories, a party may serve on any other party no more than 40 written interrogatories, including all subparts. Any uniform interrogatory and its subparts will be counted as 1 interrogatory.

(B) **Scope.** An Interrogatory may relate to any matter that may be inquired into under Rule 402. An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to a fact or the application of law to fact, but the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.

(C) **When Served.** Interrogatories may be served pursuant to Rule 402.



(2) **Answers and Objections.** The method of propounding and responding to interrogatories will be as follows:

(A) **Propounding Party.** The propounding party must serve a copy of the interrogatories on each other party to the action, identifying which party or parties the interrogatories are directed to.

(B) **Responding Party.** The interrogatories must be answered:

(i) by the party to whom they are directed; or

(ii) if that party is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who must furnish the information available to the party.

(C) **Time to Respond.** The responding party must serve its answers and any objections within 30 days after being served with the interrogatories. A shorter or longer time may be stipulated to by the parties or be ordered by the court.

(D) **Answering Each Interrogatory.** Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The answers must first set forth each interrogatory asked, followed by the answer or objection.

(E) **Spacing.** A space sufficient for the answer must be left within or immediately below each interrogatory or subpart thereof. The responding party will insert the answer in the space provided, or if more space is needed, on a separate sheet, restating the question before giving the answer.

(F) **Objections.** The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

(G) **Signature.** The person who makes the answers must sign them, and the attorney who objects must sign any objections.

(3) **Use of Interrogatories at Trial or on Motions.**



(A) **In General.** An answer to an interrogatory may be used to the extent allowed by the Idaho Rules of Evidence and these rules.

(B) **Use of Interrogatories with the Court.** If interrogatories or their answers are to be used at trial or in support or opposition to any motion, only the relevant portion of the interrogatory or answer should be submitted to the court. Unless a genuine issue of authenticity is raised, a party may submit excerpts from copies of the original interrogatories or answers and is not required to submit the originals to the court.

**(4) Option to Produce Business Records.**

(A) If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by:

(i) specifying the records that must be reviewed in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and

(ii) giving the requesting party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.

(5) **Not Filed with Court.** Neither the interrogatories nor the answers are to be filed with the court. The propounding party must maintain the original interrogatories and the original answers, along with the original proof of service, for one year following the final disposition of the action and expiration of any period for appeal, unless the court orders that they may be retained for a longer period.

(6) **Notice of Service.** The party serving either interrogatories or responses must file with the court a notice of when the interrogatories or responses were served and by whom.

(7) **Duty to Supplement Responses.** The duty to respond will be a continuing duty, and each party must make additional or amended responses before a motion hearing or trial in the event new or different information is discovered or revealed.



(c) **Stipulations to Serve Additional Interrogatories.** If a party believes that good cause exists to serve more than 40 interrogatories on another party that party must attempt to secure a written stipulation as to the number of additional interrogatories that may be served. If a stipulation is not secured, the party must seek leave of the court.

(d) **Leave of Court to Serve Additional Interrogatories.** On written motion showing good cause, the court may grant leave to serve a specific number of additional interrogatories on another party.

(1) The moving party must establish:

(A) the issues presented in the action warrant the service of additional interrogatories;

(B) additional interrogatories are a more practical or less burdensome method of obtaining the information sought; or

(C) other good cause.

(2) The motion must be accompanied by the proposed additional interrogatories.

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

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