IRFLP 511 Bond or Notice Discretionary in Prohibitive or Mandatory Orders

Idaho Rules of Family Law Procedure Rule 511. Bond or Notice Discretionary in Prohibitive or Mandatory Orders.

In suits for divorce, annulment, alimony, separate maintenance, legal separation or custody of children, the court may make prohibitive or mandatory orders, with or without notice or bond as may be just, including bond for payment of costs, damages and reasonable attorney's fees, as may be just. If a party applies for an order without notice to the adverse party, the party or the party's attorney must certify to the court in writing the efforts if any, which have been made to give the notice and the reasons supporting the party's claim that notice should not be required. Any party may elect to produce testimony and evidence at any hearing, or to cross-examine the adverse party or the party's affiants, by first giving at least twenty-four (24) hours notice to the court and opposing counsel before the hearing, which requirement shall be stated in the body of the notice. If such notice is timely given it shall not be necessary to subpoena the adverse party or the party's affiants and the adverse party shall appear with the party's designated affiants without further notice unless otherwise ordered by the court. If the adverse party and the adverse party's affiants designated in the notice are not excused by the court and do not appear as requested, the court may impose such sanctions as it deems appropriate including attorney's fees for the requesting party. The hearing, notice, and expiration periods set forth in Rule 508 apply to any order issued under this rule.

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