



## IRFLP 802 Judgments

### Idaho Rules of Family Law Procedure Rule 802. Judgments.

#### (a) Definition and Form of Judgment.

(1) **“Judgment”** means a separate document entitled "Judgment" or "Decree". A judgment must state the relief to which a party is entitled on one or more claims for relief in the action, which may include dismissal with or without prejudice. A judgment must not contain a recital of pleadings, the report of a master, the record of prior proceedings, the court's legal reasoning, findings of fact, or conclusions of law. A judgment is final if either it is a partial judgment that has been certified as final pursuant to subsection (b)(1) or judgment has been entered on all claims for relief, except costs and fees, asserted by or against all parties in the action. A judgment or partial judgment must begin with the words “JUDGMENT IS ENTERED AS FOLLOWS...,” and it must not contain any other wording between those words and the caption. A judgment may include any findings of fact or conclusions of law expressly required by statute, rule, or regulation.

(2) **Amended Judgments.** If the court orders an amendment to a judgment, the amendment will be effective only after the court enters an amended judgment setting forth all of the terms of the new judgment, including those terms of the prior judgment that remain in effect.

#### (3) Modification Judgments.

(A) **Modification Granted.** If the court modifies child custody, child support, or spousal maintenance provisions in a prior judgment, the modification will be effective only after the court enters a modification judgment setting forth all of the terms of the new judgment. The judgment may identify and refer to the prior judgment and need not include the provisions of the prior judgment that were not modified.

(B) **Modification Denied.** If the court denies the petition to modify, the court must enter a judgment denying the requested modification.

#### (b) Partial Judgment on Multiple Claims or Involving Multiple Parties.



(1) **Certificate of Partial Judgment as Final.** When an action presents more than one claim for relief, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any judgment, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

(2) **Form.** In the event the court determines that a partial judgment should be certified as final under this rule, the court must execute a certificate which must immediately follow the court's signature on the partial judgment and be in substantially the form found in Appendix C.

(3) **Jurisdiction if Appealed after Certificate of Final Judgment.** If a Certificate of Final Judgment is issued on a partial judgment and an appeal is filed, the court retains jurisdiction to take any actions and rule upon any matters unaffected by the Rule 802(b) judgment, including conducting a trial of these issues remaining in the case, except as provided in Idaho Appellate Rules 13 and 13.4.

(c) **Demand for Judgment.** A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings.

(d) **Entry of Judgment.** Every judgment, modification judgment, and amended judgment must be set forth on a separate document. The filing of a judgment by the court as provided in Rule 205 or 809, or the placing of the clerk's filing stamp on the judgment constitutes the entry of the judgment, and the judgment is not effective before such entry. The entry of the judgment must not be delayed for the taxing of costs.

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