# **(Effective July 12, 2024)**

## **APPENDIX "A"**

### FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION

#### COMMENCING A CIVIL ACTION

A civil action is commenced by filing a complaint, petition, application, or other document that begins a new civil lawsuit. A civil action is commenced if the clerk opens a new case file rather than filing the document in an existing case file. Whether a filing fee is charged does not depend upon the title or name of the document filed, but upon whether it commences a new case.

In a civil lawsuit, a party usually seeks to obtain an order or judgment from the court against another party. However, there are some times when a clerk will have to file a document, such as registering a trust, when it will not commence a lawsuit. In such instances, no filing fee will be charged.

Only one filing fee is charged even if the complaint, petition, or application includes two or more separate claims for relief. If the claims would have differing filing fees if they were filed as separate actions, then the appropriate fee is whichever is higher; for example, if one action was filed to have a marriage annulled or, if that were denied, to obtain a divorce, the appropriate filing fee would be the fee for filing a divorce action because it is higher than the filing fee for an annulment. Likewise, if one action was filed to compromise a minor's claim and to appoint a conservator, the appropriate filing fee would be for the appointment of a conservator.

The fee for opening any civil case in the District Court not found on this schedule is \$221.00 and the correct filing fee code is AA. The fee for opening any civil case in the Magistrate Division not found on this schedule is \$166.00 and the correct filing fee code is A.

## **APPEARING IN A CIVIL ACTION (Category I)**

An appearance is the <u>first</u> document filed by a party (other than the plaintiff or petitioner) in an existing civil action, regardless of whether it is filed *pro se* or through counsel and regardless of the title of the document (e.g., "notice of appearance," "answer," "motion," or other title).

If a party acting *pro se* has already filed an appearance in an action and then an attorney later files a "notice of appearance" to appear on behalf of that party, the attorney's "notice of appearance" does not constitute an appearance for the purpose of assessing a filing fee because the party has already appeared in the action *pro se*.

	Idaho	Judges	County		State/ Guardship	County	Court	Senior Mag.	
	Code	Retire.	Facility		Project	Dist. Ct.	Tech.	Judges	
Fee Category	Fund	Fund	Fund	State	Fund	Fund	Fund	Fund	Total
A. A. All initial civil case filings in District									
Court of any type not listed in categories E,									
F, and H(1).									
1. Creditor/debtor collections									
(more than \$10,000) 2. Breach of contract									
(more than \$10,000)									
3. Employment dispute									
(more than \$10,000)									
4. Real property									
(more than \$10,000)									
5. Medical malpractice									
(more than \$10,000)									
6. Personal injury									
(more than \$10,000)	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
(				-,,,,		-,			
A. All initial case filings in Magistrate									
Division of any type not listed in categories									
B, C, D, G, and H(2):									
1. Adoptions									
2. Adoption and Termination of parental									
rights									
3. Termination of parental rights									
4. Personal Injury									
(\$10,000 or less)									
5. Petition for formal probate									
6. Application for informal probate									
7. Name change									
8. Relief from interlock device									
9. Child Support / Custody									
(unless filed by DHW)									
10. Habeas by prisoners									
11. Paternity action									
12. Unlawful detainer / Eviction									
13. Defacto custodian									
14. Relief from firearm disability									
15. Legal separation a. with minor children									
b. without minor children									
16. Surrogacy/Gestational Carrier									
17. Creditor/debtor collections									
(\$10,000 or less)									
18. Breach of contract									
(\$10,000 or less)									
19. Employment dispute									
(\$10,000 or less)									
20. Real property									
(\$10,000 or less)									
21. Medical malpractice									
(\$10,000 or less)	10.00	26.00	10.00	17.00		17.00	80.00	6.00	166.00

	Idaho	Judges	County		State/ Guardship	County	Court	Senior Mag.	
Fac Catagory	Code	Retire.	Facility	Stata	Project	Dist. Ct.	Tech.	Judges	Total
Fee Category  B. 1. Divorce  State portion includes additional \$20 displaced homemaker fund and additional \$20 domestic violence fund district court fund includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence	Fund	Fund	Fund	State	Fund	Fund	Fund	Fund	Total
cases. I.C. § 31-3201A(q)  a. with minor children b. without minor children	10.00	26.00	10.00	52.00		23.00	80.00	6.00	207.00
Petition or stipulation to reopen or modify divorce     a. with minor children     b. without minor children	10.00	26.00	10.00	15.00		17.00	70.00	6.00	154.00
3. Amended complaint to convert an action that was not one for divorce (e.g. separate maintenance) into an action for divorce (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)  a. with minor children	10.00	20.00	10.00	13.00		17.00	70.00	0.00	134.00
b. without minor children				41.00					41.00
C. Small claims		26.00	10.00			7.00	20.00	6.00	69.00
D. Summary administration of small estates			10.00	17.00		17.00	80.00	6.00	130.00
E. Petition for release from common law lien						35.00			35.00
F. Petition for entry of judgment on worker's comp award	10.00	26.00	10.00			9.00	20.00	6.00	81.00
<ul> <li>G. 1. Guardianships</li> <li>a. Initial Petition motion or apperance</li> <li>by any person on behalf of a minor.</li> <li>b. Initial Petition motion or appearance</li> <li>by any person on behalf of an</li> <li>incapacitated person.</li> </ul>	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
Conservatorship     a. Initial Petition motion or apperance by any person on behalf of a minor.     b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
3. Joint petition for guardianship/ conservatorship or joint petition for receipt and acceptance of foreign guardianship a. where same party is guardian and conservator of a minor person									

	Idaho	Judges	County		State/ Guardship	County	Court	Senior Mag.	
Fee Category	Code Fund	Retire. Fund	Facility Fund	State	Project Fund	Dist. Ct. Fund	Tech. Fund	Judges Fund	Total
b. where same party is guardian and	rung	runu	runu	State	runu	Tunu	Tunu	runu	Total
conservator of incapacitated person	10.00	26.00	10.00	17.00	50.00	17.00	80.00	6.00	216.00
c. where different parties are petitioners for guardian and conservator of a minor									
d. where different parties are petitioners									
for guardian and conservator of									
incapacitated person									
(considered two filings)	20.00	52.00	20.00	17.00	50.00	17.00	80.00	6.00	262.00
4. Status reports guardianship					25.00				25.00
5. Intermediate or final account of									
conservator					41.00	9.00			50.00
6. Petition for distribution of estate in				12.00	44.00				
conservatorship				13.00	41.00	6.00		6.00	66.00
7. Inventories by conservator					41.00				41.00
H. Case filings with no fee									
1. In District Court									
<ul><li>a. Petition for sterilization</li><li>b. Judicial consent for abortion petitions</li></ul>									
c. Post-conviction act proceedings*									
d. Stipulation for entry of judgment*									
e. Court initiated contempt*									
2. In Magistrate Division									
a. Cases brought under Ch. 3, Title 66,									
I.C. for commitment of mentally ill									
persons									
b. Demand for bond before personal									
representative is appointed.									
c. Petition to compromise minor's claim									
d. Petition for civil protection order									
(i) Petition for civil protection order									
or to enforce foreign CPO pursuant to I.C. 39-6304 or 39-6306A (domestic									
violence)									
(ii) Petition for civil protection order									
pursuant to I.C. 18-7907 (malicious									
harassment, stalking, and telephone									
harassment)									
e. Post-conviction act proceedings*									
f. Stipulation for entry of judgment after									
initial case filing or reopening fee paid*									
g. BAC license suspension									
h. Child support proceedings filed by									
DHW i. Fugitive warrants									
j. Court initiated contempt*									
k. Child protective cases									
Proceeding to suspend a license for									
non-payment of child support									
m. Petition for review of out of home									
placement									
n. Cases brought under Ch. 4, Title 66,									
IC, for commitment of developmentally									
disabled persons									
3. Registration of trusts and renunciations									

	Idaho Code	Judges Retire.	County Facility		State/ Guardship Project	County Dist. Ct.	Court Tech.	Senior Mag. Judges	
Fee Category	Fund	Fund	Fund	State	Fund	Fund	Fund	Fund	Total
4. Filing of a custody decree from another									
state									
*Whether filing is in district court of									
magistrate division depends upon individual									N. E
case.									No Fee
I. The fees set out in Category I apply to the									
first document filed by a party other than the									
plaintiff or petitioner no matter what the									
documents is entitled.									
1. Initial Appearance by persons other									
than the plaintiff or petitioner	10.00	26.00		10.00		4.00	80.00	6.00	136.00
a. Motion for Permissive Intervention -									
Defacto custodian	10.00	26.00		10.00		4.00	80.00	6.00	136.00
2. Small Claims									No fee
Stipulation for entry of judgment     Any objection or motion filed in a									No fee
4. Any objection or motion filed in a guardianship or conservatorship by the									
minor or alleged incapacitated person									No fee
5. Appearing after judgment when the									No ice
party has not previously appeared	10.00	26.00		10.00		9.00	80.00	6.00	141.00
	10.00	20.00		10.00		7.00	00.00	0.00	1.11.00
J. Additional filings in probate and trusts: the following fees shall be collected from									
any person filing the following documents,									
whether or not the person has appeared									
previously:									
1. Probate									
a. petition for distribution of estate				13.00		6.00		6.00	25.00
b. demand for notice						9.00			9.00
c. demand for bond after appointment of									
personal representative						9.00			9.00
d. intermediate or final accounting of									
personal rep						9.00			9.00
e. petition for approval of compromise				10.00		4.00			14.00
f. filing of copy of appointment of				10.00		17.00			27.00
foreign personal representative  2. Trusts and Renunciations				10.00		17.00			27.00
a. intermediate or final accounting of									
trustee						9.00			9.00
b. petition for final distribution of estate				13.00		6.00		6.00	25.00
K. Special Filings						0.00			
1. Motion for change of venue						9.00	20.00		29.00
2. Petition, motion or stipulation to reopen									
a case after no activity for one year	10.00	26.00	10.00			9.00	70.00	6.00	131.00
3. Third party complaint – This fee is <i>in</i>									
addition to any fee filed as a plaintiff									
initiating the case or as a defendant									
appearing in the case						8.00		6.00	14.00
4. Cross claim (defendant v. defendant or									
plaintiff v. plaintiff). This fee is in									
addition to any fee filed as a plaintiff to									
initiate the case or as a defendant									
appearing in the case						8.00		6.00	14.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/ Guardship Project Fund	County Dist. Ct. Fund	Court Tech. Fund	Senior Mag. Judges Fund	Total
a. For divorce when the complaint did					3 4				
not allege a claim for divorce. The \$41									
fee is in addition to the fee for a general									
cross-claim. (\$1 for court clerk fee, I.C.									
§ 39-266 & \$20 for displaced									
homemaker account, I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-									
520 domestic violence project, i.c. § 39- 5213)									
1. With minor children									
2. Without minor children				41.00		8.00		6.00	55.00
2. Without filliof children				41.00		0.00		0.00	33.00
5. Counterclaim for divorce when the									
complaint did not allege a claim for									
divorce *(\$1.00 for court clerk fees I.C. §									
39-266 & \$20 for the displaced									
homemaker account I.C. § 39-5009 & \$20									
domestic violence project, I.C. § 39-5213)									
a. With minor children				41.00					41.00
b. Without minor children				41.00		0.00	20.00		41.00
6. Renewing a judgment 7. Filing a foreign judgment						9.00 7.00	20.00		29.00 27.00
						7.00	20.00		27.00
L. Appeals	10.00	26.00	10.00			0.00	20.00	6.00	01.00
1. Small Claims Dept to Magistrate	10.00	26.00	10.00			9.00	20.00	6.00	81.00
Magistrate Division to District court     Appeal or petition for judicial review	10.00	26.00	10.00			9.00	20.00	6.00	81.00
or cross appeal or cross-petition from									
commission, board, or body to district									
court	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
a. Petition for judicial review of IDWR									
adjudication of water rights	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
b. Petition for judicial review of County									
area of impact decision, I.C. § 67-									
6526(5)	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
4. Civil appeal or cross-appeal to Supreme									
Court (with exception of a. and b. below).									
The clerk of the district court shall collect									
the entire fee and remit the \$94.00 fee to									
the Supreme Court with a certified copy of	04.00					0.00	20.00	<i>(</i> 00	120.00
the notice of appeal. (Rule 23(b), I.A.R.) a. Post-Conviction	94.00					9.00	20.00	6.00	129.00
	Sup. Ct.								
b. Habeas Corpus									No Fee