(Effective July 1, 2022)

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 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 |
| 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): Adoptions Adoption and Termination of parental rights Termination of parental rights Personal Injury (\$10,000 or less) Petition for formal probate Application for informal probate Application for informal probate Relief from interlock device Child Support / Custody (unless filed by DHW) Habeas by prisoners Paternity action Defacto custodian Relief from firearm disability Legal separation with minor children without minor children Surrogacy/Gestational Carrier Creditor/debtor collections (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) Breach of contract (\$10,000 or less) | | | | | | | | | |
| (\$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. | |
|--|-------|---------|----------|-------|---------------------|-----------|-------|----------------|--------|
| | Code | Retire. | Facility | | Project | Dist. Ct. | Tech. | Judges | |
| Fee Category | Fund | Fund | Fund | State | Fund | Fund | Fund | Fund | Total |
| 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 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 |
| | 10.00 | 20.00 | 10.00 | 52.00 | | 25.00 | 00.00 | 0.00 | 207.00 |
| 2. 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. § 39-5007 & \$20 | | | | | | | | | |
| | | | | | | | | | |
| a. with minor children | | | | | | | | | |
| 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 |
| G. 1. Guardianships | | | | | | | | | |
| 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 |
| 2. 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/ | Т | | | | | | | | |
| conservatorship or joint petition for | | | | | | | | | |
| receipt and acceptance of foreign | | | | | | | | | |
| guardianship | | | | | | | | | |
| a. where same party is guardian and | | | | | | | | | |
| conservator of a minor person | | | | | | | | | |
| b. where same party is guardian and | 10.0- | | 10.05 | | -0.6- | | 00.05 | | |
| conservator of incapacitated person | 10.00 | 26.00 | 10.00 | 17.00 | 50.00 | 17.00 | 80.00 | 6.00 | 216.00 |

| | | | | | State/ | | | Senior | |
|--|---------------|-------------------|--------------------|-------|----------------------|---------------------|----------------|----------------|--------|
| | Idaho Code | Judges Retire. | County Facility | | Guardship Project | County Dist. Ct. | Court Tech. | Mag. Judges | |
| Fee Category | Fund | Fund | Fund | State | Fund | Fund | Fund | Fund | Total |
| 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 | | | | | 41.00 | 0.00 | | | 50.00 |
| conservator6. Petition for distribution of estate in | | | | | 41.00 | 9.00 | | | 50.00 |
| conservatorship | | | | 13.00 | 41.00 | 6.00 | | 6.00 | 66.00 |
| 7. Inventories by conservator | | | | 15.00 | 41.00 | 0.00 | | 0.00 | 41.00 |
| H. Case filings with no fee | | | | | 41.00 | | | | 41.00 |
| 1. In District Court | | | | | | | | | |
| a. Petition for sterilization | | | | | | | | | |
| b. Judicial consent for abortion petitions | | | | | | | | | |
| 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 | | | | | | | | | |
| 1. 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 | | | | | | | | | |
| 5. Registration of trusts and renunciations | | | | | | | | | |

| 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 |
|--|-----------------------|---------------------------|----------------------------|-------|--|-----------------------------|------------------------|----------------------------------|---------|
| 4. Filing of a custody decree from another | Funu | Funu | Funu | State | Fund | Fullu | runu | runu | 10141 |
| state | | | | | | | | | |
| *Whether filing is in district court of | | | | | | | | | |
| magistrate division depends upon individual | | | | | | | | | |
| 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 - | 10.00 | 20.00 | | 10.00 | | 4.00 | 00.00 | 0.00 | 150.00 |
| Defacto custodian | 10.00 | 26.00 | | 10.00 | | 4.00 | 80.00 | 6.00 | 136.00 |
| 2. Small Claims | 10.00 | 20.00 | | 10.00 | | 4.00 | 00.00 | 0.00 | No fee |
| 3. Stipulation for entry of judgment | | | | | | | | | No fee |
| 4. Any objection or motion filed in a | | | | | | | | | 110 100 |
| guardianship or conservatorship by the | | | | | | | | | |
| minor or alleged incapacitated person | | | | | | | | | No fee |
| 5. Appearing after judgment when the | | | | | | | | | |
| party has not previously appeared | 10.00 | 26.00 | | 10.00 | | 9.00 | 80.00 | 6.00 | 141.00 |
| 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 | | | | | | | | | |
| foreign personal representative | | | | 10.00 | | 17.00 | | | 27.00 |
| 2. Trusts and Renunciations | | | | | | | | | |
| a. intermediate or final accounting of | | | | | | | | | |
| trustee | | | | 10.00 | | 9.00 | | 1.00 | 9.00 |
| b. petition for final distribution of estate | | | | 13.00 | | 6.00 | | 6.00 | 25.00 |
| K. Special Filings | | | | | | | | | |
| 1. Order granting change of venue (pay to | | | | | | 0.00 | 20.00 | | 20.00 |
| new county). | | | | | | 9.00 | 20.00 | | 29.00 |
| 2. Petition, motion or stipulation to | 10.00 | 26.00 | 10.00 | | | 0.00 | 70.00 | 6.00 | 121.00 |
| 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 | | | | | | 0.05 | | 1.05 | |
| appearing in the case | | | | | | 8.00 | | 6.00 | 14.00 |
| 4. Cross claim (defendant v. defendant or | | | | | | | | | |
| plaintiff v. plaintiff). This fee is <i>in</i> | | | | | | | | | |
| <i>addition</i> to any fee filed as a plaintiff to initiate the same or as a defendent | | | | | | | | | |
| initiate the case or as a defendant | | | | | | | | | |
| appearing in the case | | | | | | 8.00 | | 6.00 | 14.00 |

| | 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 |
| a. For divorce when the complaint did | | | | | | | | | |
| not allege a claim for divorce. The \$41 | | | | | | | | | |
| fee is <i>in addition</i> 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- | | | | | | | | | |
| 5213) 1. With minor children | | | | | | | | | |
| 2. Without minor children | | | | 41.00 | | 8.00 | | 6.00 | 55.00 |
| 2. Without minor children | | | | 41.00 | | 8.00 | | 0.00 | 55.00 |
| 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 | | | | | | | | | |
| b. Without minor children | | | | 41.00 | | | | | 41.00 |
| 6. Renewing a judgment | | | | | | 9.00 | 20.00 | | 29.00 |
| 7. Filing a foreign judgment | | | | | | 7.00 | 20.00 | | 27.00 |
| L. Appeals | | | | | | | | | |
| 1. Small Claims Dept to Magistrate | 10.00 | 26.00 | 10.00 | | | 9.00 | 20.00 | 6.00 | 81.00 |
| 2. Magistrate Division to District court | 10.00 | 26.00 | 10.00 | | | 9.00 | 20.00 | 6.00 | 81.00 |
| 3. Appeal or petition for judicial review | | | | | | | | | |
| 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 |
| 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 the potion of appeal (Bula 22(b) | | | | | | | | | |
| of the notice of appeal. (Rule 23(b), | 94.00 | | | | | 9.00 | 20.00 | 6.00 | 120.00 |
| I.A.R.) a. Post-Conviction | 94.00 Sup. Ct. | | | | | 9.00 | 20.00 | 0.00 | 129.00 |
| b. Habeas Corpus | Sup. Ct. | | | | | | | | No Fee |
| 0. Habeas Colpus | | | | | | | | | INO FEE |