



## **IRFLP 202 Real Party in Interest**

### **Idaho Rules of Family Law Procedure Rule 202. Real Party in Interest.**

(a) **Designation in General.** An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought:

- (1) an executor;
- (2) an administrator;
- (3) a personal representative;
- (4) a guardian;
- (5) a bailee;
- (6) a trustee of an express trust;
- (7) a party with whom or in whose name a contract has been made for another's benefit; and
- (8) a party authorized by statute.

(b) **Action in the Name of the State of Idaho for Another's Use or Benefit.** When a statute in the state of Idaho so provides, an action for the use or benefit of another must be brought in the name of the state of Idaho.



(c) **Joinder of the Real Party in Interest.** The court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.

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

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