

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO )  
IDAHO APPELLATE RULES )  
11.1, 12.1, 40 and 46 )  
\_\_\_\_\_ )

ORDER

The Court, having reviewed a recommendation from the Idaho Appellate Rules Advisory Committee to amend the Idaho Appellate Rules, and the Court being fully informed,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Appellate Rules be amended as follows:

**Rule 11.1. Appealable Judgments and Orders from the Magistrate Court. The following appeals from the magistrate court are expedited pursuant to Rule 12.2.**

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(b) **By Permission.** When permission has been granted pursuant to Rule 12.1, an appeal from the following may be taken to the Supreme Court:

- (1) a final judgment, as defined in Rule ~~803~~802 of the Idaho Rules of Family Law Procedure, or an order made after final judgment, involving the custody of a minor, or
- (2) a final judgment or order after judgment in a Child Protective Act proceeding.

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**Rule 12.1. Permissive Appeal in Custody Cases.**

(a) **Motion for permission to appeal.** Whenever the best interest of a child would be served by an immediate appeal to the Supreme Court, any party may move the magistrate court for permission to seek an immediate appeal to the Supreme Court from the following:

- (1) a final judgment, as defined in Rule ~~803~~802 of the Idaho Rules of Family Law Procedure, or an order entered after final judgment, involving the custody of a minor, or
- (2) a final judgment or an order entered after final judgment in a Child Protective Act proceeding.

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**Rule 40. Taxation of Costs.**

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(b) **Items of Costs.** Costs shall, unless otherwise ordered, include the following items:

(1) Filing fees.

(2) Cost of reporter's transcript including the cost of computer-searchable disks filed with the Supreme Court under Rule 26.1(c), but excluding the cost of all other disks.

(3) Cost of clerk's or agency's record.

~~(4) Cost for the production of all appellant's briefs, respondent's briefs, reply briefs and briefs in support of or in opposition to petitions for rehearing or review, including covers but excluding appendixes, at the rate of \$6.00 per page. Recovery of this cost applies to only the original briefs and does not include copies.~~

~~(5)~~ Cost of premiums of a supersedeas bond, unless the party taxed with costs had agreed in writing, within seven (7) days of the filing of the notice of appeal, not to execute pending appeal as provided in Rule 16(b).

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**Rule 46. Extensions of Time Generally.**

The time prescribed by these rules for any act, except the physical filing of a notice of appeal, a notice of cross-appeal, or petition for rehearing, or a challenge to a final redistricting plan may be enlarged by the Court or any Justice thereof for good cause shown upon the motion of a party. Applications for extensions of time for filing briefs shall also be subject to the requirements of Rule 34(ed). Any motion for the extension of time to do an act must be served upon all parties, but the order enlarging the time for performance may be issued immediately and ex parte in the discretion of the Court or any Justice thereof, subject to review upon any written objection filed within seven (7) days of service of the motion. Any order of extension of time to do an act shall be served by the Clerk on all parties.

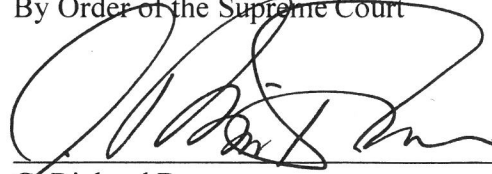
IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Appellate Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 28<sup>th</sup> day of April, 2022.

By Order of the Supreme Court



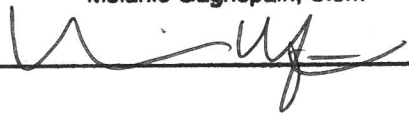
G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 4-28-22  
Melanie Gagnepain, Clerk

By  Deputy