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IRFLP 815 Enforcement of Terms of Orders, Judgments, or Decrees Other Than Custody

Idaho Rules of Family Law Procedure Rule 815. Enforcement of Terms of Orders, Judgments, or Decrees Other Than Custody.

(a) **Commencement.** A party seeking enforcement of an order, judgment, or decree in a family law action may file a verified petition to enforce, alleging denial or interference with a court ordered term. The provisions of this rule are separate and distinct from a contempt proceeding under Rule 812, enforcement proceedings under Rules 814 and 816, and other remedies provided by law.

(b) **Form of Petition to Enforce.** The verified petition to enforce of no more than 20 pages must set forth:

(1) the date of the court order, judgment, or decree awarding the moving party the term sought to be enforced;

(2) how the responding party or their attorney was served with a copy of the order, judgment, or decree or had knowledge of it;

(3) the term of the order, judgment, or decree for which enforcement is sought;

(4) specific facts constituting a denial or interference with the order, judgment, or decree;

(5) the efforts the moving party has made to confer with the responding party regarding the relief sought;

(6) the relief sought;



(7) and attach a copy of the order, judgment, or decree with the clerk's file stamp showing the date of filing. The attached order, judgment, or decree is excluded from the 20 page limitation.

(c) **Service.** The petition must be served upon all parties entitled to service along with a summons. The method of service will be the same as for an original family law action set forth in Rule 204 and service will be on the responding party rather than on the previous attorney of record for the party. If the petition to enforce is initiated in a family law action currently pending, the petition may be served as provided by Rule 205(c)-(e), unless the court orders personal service.

(d) **Adjudication.** A petition to enforce will be adjudicated in the same manner as an original family law action or may be expedited as directed by the court.

(e) **Available remedies for enforcement of court ordered terms.** After a hearing, if the court finds a party has failed to comply or interfered with the order, judgment, or decree, the court may order one or more of the following:

(1) costs associated with the denial or interference;

(2) enter a money judgment upon which interest accrues;

(3) order compliance with the term by a specific time;

(4) clarification of the terms to effectuate the order, judgment, or decree;

(5) award reasonable attorney fees, when available by statute or contract, and costs to the prevailing party; and

(6) any other appropriate remedy as determined by the court.

(Adopted June 12, 2023, effective July 1, 2023.)



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