IRFLP 103 Definitions

Idaho Rules of Family Law Procedure Rule 103. Definitions.

A. Parties. Reference to a party to the action may include the State.

B. Definitions. In these rules, unless the context otherwise requires, the following definitions shall apply:

1. I.C.A.R. References herein to I.C.A.R. are the Idaho Court Administrative Rules [1].

2. Motion. A motion is a written request made after a petition seeking relief is filed. There shall be no procedure for Order to Show Cause.

3. Moving Party. The party (movant or applicant) who has filed a written request for relief, regardless of whether or not that party was the petitioner or respondent in the initial petition.

4. Petition. The petition is the initial pleading that commences a family law case or the initial pleading that commences a post-decree matter. All initial documents shall be denominated as a petition followed by brief descriptive wording summarizing the nature of the relief sought.

5. Petitioner. A petitioner is a person or entity who files the first petition, and shall be referred to as such in all subsequent documents, including all post-decree petitions, motions and documents in the same case.

6. Respondent. A respondent is any opposing party other than the petitioner.

7. Response. A response is a document that substantially responds to a petition or a motion, and includes a response to a petition.

8. Service of Process. Service of process is the act of delivering a petition, summons, motion, notice of hearing, affidavit, brief, or any of the other documents referred to in these rules.

9. Title IV-D. Title IV-D means Title IV-D of the Social Security Act, 42 U.S.C. 651 et seq. Title IV-D is administered in Idaho by the State Department of Health and Welfare.

10. Venue. Refers to the particular county where a court with jurisdiction hears and determines the case.

11. Witness. A witness is a person whose declaration under oath or affirmation is received as evidence for any purpose, whether such declaration is made on oral examination, by deposition or by affidavit.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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[1] http://www.isc.idaho.gov/icar