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## IRFLP 112 Capacity

### Idaho Rules of Family Law Procedure Rule 112. Capacity.

(a) **Capacity to Sue or be Sued.** The capacity of a party, who is not acting in a representative capacity, to sue or be sued, is determined by the law of this state.

(b) **Minor or Incompetent Persons.**

(1) **With a Representative.** The following representatives may sue or defend on behalf of a minor or an incompetent person:

(A) a general guardian;

(B) a committee;

(C) a conservator; or

(D) a like fiduciary.

(2) **Without a Representative.** A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court must appoint a guardian ad litem, or issue another appropriate order, to protect a minor or incompetent person unrepresented in an action.

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



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