IRFLP 123 Involuntary Dismissal - Effect Thereof

Idaho Rules of Family Law Procedure Rule 123. Involuntary Dismissal - Effect Thereof.

For failure of the petitioner to prosecute or to comply with these rules or any order of court, a respondent may move for dismissal of an action or of any claim against the respondent. After the petitioner, in an action tried by the court without a jury, has completed the presentation of the petitioner's evidence, the respondent, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the petitioner has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the petitioner or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the petitioner, the court shall make findings as provided in Rule 801 [1]. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, or for failure to join a party under Rule 210 [2], operates as an adjudication upon the merits. The provisions of this rule apply to the dismissal of any counterclaim, cross-claim, or third-party claim.

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

Source URL: http://www.isc.idaho.gov/irflp123

Links:
[1] http://www.isc.idaho.gov/irflp801
[2] http://www.isc.idaho.gov/irflp210