IRFLP 208 General Rules of Pleading

Idaho Rules of Family Law Procedure Rule 208. General Rules of Pleading.

A. Claims for relief. A pleading which sets forth a claim for relief shall contain: (1) a short and plain statement of the grounds upon which the court's jurisdiction depends; (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment or decree for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

B. Defenses - form of denials. A party shall state in short and plain terms the defenses to each claim asserted and shall admit or deny the statements upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of a statement, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the statements denied. When a pleader intends in good faith to deny only a part or a qualification of a statement, the pleader shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the statements of the preceding pleading, the pleader may make denials as specific denials of designated statements or paragraphs, or may generally deny all the statements except such designated statements or paragraphs as the pleader expressly admits; but, when the pleader does so intend to controvert all its statements, including statements of the grounds upon which the court's jurisdiction depends, the pleader may do so by general denial subject to the obligations set forth in Rule 212 [1].

C. Affirmative defenses. In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory or comparative negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

D. Effect of failure to deny. Statements in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading, except those necessary to sustain an action for divorce. Statements in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

E. Manner of pleading.

1. Pleading to be concise and direct - consistency. Each statement of a pleading shall be simple, concise, and direct. No technical forms of pleading or motions are required.

2. Two or more statements of claim or defense permissible. A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the

insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in Rule 212 [1].

F. Construction of pleadings. All pleadings shall be so construed as to do substantial justice.

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

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Links:
[1] http://www.isc.idaho.gov/irflp212