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IRFLP 209 General Rules of Pleading

Idaho Rules of Family Law Procedure Rule 209. General Rules of Pleading.

(a) **Claims for Relief.** A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds upon which the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

(b) **Defenses; Admissions and Denials.**

(1) **In General.** In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it;

(B) admit or deny the allegations asserted against it by the opposing party.

(2) **Denials; Responding to the Substance.** A denial must fairly respond to the substance of the allegation.

(3) **General and Specific Denials** A party that intends in good faith to deny all of the allegations of a pleading, including the jurisdictional grounds, may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted.



(4) **Denying Part of an Allegation.** A party that intends in good faith to deny only part of the allegation must admit the part that is true and deny the rest.

(5) **Lacking Knowledge or Information.** A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

(6) **Effect of Failing to Deny.** An allegation, other than one relating to the amount of damages, is admitted if a responsive pleading is required and the allegation is not denied except those necessary to sustain an action for divorce. If a responsive pleading is not required, an allegation is considered denied or avoided.

(c) **Affirmative Defenses.**

(1) **In General.** In responding to a pleading, a party must affirmatively state any avoidance or affirmative defense, including:

(A) accord and satisfaction;

(B) arbitration and award;

(C) assumption of risk;

(D) contributory or comparative responsibility;

(E) duress;

(F) estoppel;

(G) failure of consideration;



(H) fraud;

(I) illegality;

(J) injury by fellow servant;;

(K) laches;

(L) license;

(M) payment;

(N) release;

(O) res judicata;

(P) statute of frauds;

(Q) statute of limitations;

(R) waiver; and;

(S) discharge in bankruptcy.

(2) **Mistaken Designation.** If a party mistakenly designates a defense as a counterclaim, or a counterclaim as a defense, the court must, if justice so requires, treat the pleading as though it were correctly designated and may impose terms for doing so.



(d) Pleadings to be Concise and Direct; Alternative Statements, Inconsistency.

(1) **In General.** Each allegation must be simple, concise, and direct. No technical form is required.

(2) **Alternative Statements of Claims or Defense.** A party may set forth 2 or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.

(3) **Inconsistent Claims or Defenses.** A party may state as many separate claims or defenses as it has, regardless of consistency.

(e) **Construing pleadings.** Pleading must be construed as to do justice.

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

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