## **IRFLP 210 Third Party Practice**

## Idaho Rules of Family Law Procedure Rule 210. Third party practice.

A. When respondent may bring in third party. At any time after commencement of the action a respondent as a third-party petitioner may cause to be served a summons and petition upon a person not a party to the action who is or may be liable to such third-party petitioner for all or part of the petitioner's claim against the third-party petitioner. The third-party petitioner need not obtain leave to make the service if the third-party petitioner files the third-party petition not later than 10 days after serving the original response. Otherwise the third-party petitioner must obtain leave on motion upon notice to all parties to the action. The person so served, hereinafter called the thirdparty respondent, shall make any defenses to the third-party petitioner's claim as provided in Rule 205 [1] and any counterclaims against the third-party petitioner and cross-claims against other thirdparty respondents as provided in Rule 209 [2]. The third-party respondent may assert against the petitioner any defenses which the third-party petitioner has to the petitioner's claim. The third-party respondent may also assert any claim against the petitioner arising out of the transaction or occurrence that is the subject matter of the petitioner's claim against the third-party petitioner. The petitioner may assert any claim against the third-party respondent arising out of the transaction or occurrence that is the subject matter of the petitioner's claim against the third-party petitioner, and the third-party respondent thereupon shall assert any defenses as provided in Rule 205 [1] and any counterclaims and cross-claims as provided in Rule 209 [2]. Any party may move for severance, separate trial, or dismissal of the third-party claim; and the court may direct a final judgment upon either the original claim or the third-party claim alone in accordance with the provisions of Rule 804 [3]. A third-party respondent may proceed under this rule against any person not a party to the action who is or may be liable to the third party respondent for all or part of the claim made in the action against the third-party respondent.

B. When petitioner may bring in third party. When a counterclaim is asserted against a petitioner, he may cause a third party to be brought in under circumstances which under this rule would entitle a respondent to do so.

\*Pilot Project for Fourth Judicial District (Adopted November 20, 2012, effective January 1, 2013)

Source URL: http://www.isc.idaho.gov/irflp210

## Links:

[1] http://www.isc.idaho.gov/irflp205

[2] http://www.isc.idaho.gov/irflp209

[3] http://www.isc.idaho.gov/irflp804