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## **IRFLP 302 Entering a Default Judgment**

### **Idaho Rules of Family Law Procedure Rule 302. Entering a Default Judgment.**

(a) **For Sum Certain.** If a claim is for a sum certain or a sum that can by computation be made certain, the court, on the moving party's request, with an affidavit showing the amount due, must enter judgment for that amount and costs against the party who has been defaulted for not appearing and who is neither a minor nor an incompetent person and has been personally served, other than by publication or personal service outside the state. The affidavit must show the method of the computation, together with any original instrument evidencing the claim, unless otherwise permitted by the court. An application for a default judgment must also contain written certification of the name of the party against whom judgment is requested and the address most likely to give the defaulting party notice of the default judgment. The clerk must use this address in giving the party notice of judgment.

(b) **Other Cases.** In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 3 days before the hearing. The court may conduct hearings or make referrals when, to enter or effectuate judgment, it needs to:

- (1) conduct an accounting;
- (2) determine the amount of damages;
- (3) establish the truth of any allegation by evidence; or
- (4) investigate any other matter.

(c) **Name and Address of Defaulting Party.** Any application for a default judgment must contain written certification of the name of the party against whom the judgment is requested and the address most likely to give the party notice of default judgment. The clerk must use the address provided in giving the party notice of judgment.



(d) **Default Judgment Against the State.** A default judgment may be entered against the state of Idaho, its officers, its agencies, or its political subdivisions only if the claimant establishes a claim or right by evidence that satisfies the court.

(e) **Vital Statistics Certificate Required.** An application for default judgment in a divorce or annulment action must be accompanied by a certificate furnished by the Department of Vital Statistics fully filled out by the party seeking the default divorce or annulment.

(f) **Child Support Transmittal Required.** An application for default judgment requesting child support or a modification of an award of child support must be accompanied by a child support transmittal form fully filled out by the party seeking the default judgment.

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

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