IRFLP 429 Persons Before Whom Depositions May Be Taken

Idaho Rules of Family Law Procedure Rule 429. Persons Before Whom Depositions May Be Taken.

A. Within the United States. Within the state of Idaho, depositions shall be taken before a person authorized by the laws of this state to administer oaths; without the state, but within the United States, or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before a person authorized to administer oaths by the laws of this state, by the United States, or of the place where the examination is held; within or without the state of Idaho, depositions may also be taken before a person appointed by the court in which the action is pending, which persons so appointed shall have the power to administer oaths and take testimony.

B. Taking in foreign countries. In a foreign state or country depositions shall be taken (1) before a secretary of embassy or legation, consul, vice consul, or consular agent of the United States, or any officer authorized to administer oaths under the laws of this state, or of the United States or (2) before a person appointed by the court. The officer or person is empowered to administer oaths and take testimony. A commission shall be issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate. Officers may be designated in notices or commissions either by name or descriptive title.

C. Members of the armed forces. The deposition of a person in any of the armed forces of the United States or of the state of Idaho or of their spouses and children or any other person subject to military or naval law or their spouses and dependents, may be taken before any officer of any component of any branch of such armed forces of the United States or the state of Idaho. Recital in the certificate of such officer that the officer holds the office stated in the certificate and that affiant is a member of such armed forces or subject to military or naval law or is a spouse or child of such member, shall be prima facie evidence of such facts.

D. Disqualification for interest. No deposition shall be taken before a person who is a relative, employee or attorney or counsel of any party, or is a relative or employee of such attorney or counsel, or is financially interested in the action; provided that such disqualification shall not apply to an attorney acting as a notary public for the acknowledgment of a document, or the verification of an affidavit or pleading in an action.

*Pilot Project for Fourth Judicial District
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