IRFLP 432 Certification by Officer and Non-filing - Exhibits

Idaho Rules of Family Law Procedure Rule 432. Certification by Officer and Non-filing - Exhibits.

A. Duties of officer. The officer shall certify on the transcript of the deposition that the witness was duly sworn by the officer and that the transcript is a true record of the testimony given by the witness. The officer shall then securely seal the transcript in an envelope or package indorsed with the title of the action and marked "Deposition of (here insert the name of witness)" and shall then promptly transmit it to the attorney for the party who noticed the deposition and for whom the deposition was taken. This attorney shall store the transcript under conditions that will protect it against loss, destruction, or tampering.

B. Non-filing of transcript. The transcript of a deposition shall not be filed with the court. The attorney to whom the transcript of a deposition is transmitted shall retain custody of it until one (1) year after final disposition of the action. At that time, the transcript may be destroyed, unless the court, on motion of any party and for good cause shown, orders that the transcript or record be preserved for a longer period.

C. Documents to be annexed. Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that (1) the person producing the materials may substitute copies to be marked for identification, if the person affords to all parties fair opportunity to verify the copies by comparison with the originals, and (2) if the person producing the materials request their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court, pending final disposition of the case.

D. Copies to be furnished. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

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

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