(Effective July 1, 2011)

APPENDIX "A"

FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION

DISTRICT COURT FILING FEES

COMMENCING A CIVIL ACTION

A civil action is commenced by filing a complaint, petition, application, or other document that begins a new civil lawsuit. A civil action is commenced if the clerk opens a new case file rather than filing the document in an existing case file. Whether a filing fee is charged does not depend upon the title or name of the document filed, but upon whether it commences a new case.

In a civil lawsuit, a party usually seeks to obtain an order or judgment from the court against another party. However, there are some times when a clerk will have to file a document, such as registering a trust, when it will not commence a lawsuit. In such instances, no filing fee will be charged.

Only one filing fee is charged even if the complaint, petition, or application includes two or more separate claims for relief. If the claims would have differing filing fees if they were filed as separate actions, then the appropriate fee is whichever is higher; for example, if one action was filed to have a marriage annulled or, if that were denied, to obtain a divorce, the appropriate filing fee would be the fee for filing a divorce action because it is higher than the filing fee for an annulment. Likewise, if one action was filed to compromise a minor's claim and to appoint a conservator, the appropriate filing fee would be for the appointment of a conservator.

The fee for opening any civil case not found on this schedule is $88.00, and the correct filing fee code is "A".

APPEARING IN A CIVIL ACTION (Category I)

An appearance is the first document filed by a party (other than the plaintiff or petitioner) in an existing civil action, regardless of whether it is filed *pro se* or through counsel and regardless of the title of the document (e.g., "notice of appearance," "answer," "motion," or other title).

If a party acting *pro se* has already filed an appearance in an action and then an attorney later files a "notice of appearance" to appear on behalf of that party, the attorney's "notice of appearance" does not constitute an appearance for the purpose of assessing a filing fee because the party has already appeared in the action *pro se*.

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/ Guard-ship Project Fund	County Dist. Ct. Fund	ISTARS Tech. Fund	Senior Mag. Judges Fund	Total
A. All initial civil case filings of any type not listed in categories B-H, including: 1. Adoptions 2. Adoption and Termination of parental rights 3. Termination of parental rights 4. Personal injury 5. Petition for formal probate 6. Application for informal probate 7. Name change 8. Permission to marry 9. Child Support (unless filed by DHW) 10. Habeas by prisoners 11. Paternity action 12. Unlawful detainer 13. Defacto custodian 14. Relief from firearm disability	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
B. 1. Divorce State portion includes additional $20 displaced homemaker fund and additional $20 domestic violence fund district court fund includes $5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(q)	10.00	18.00	10.00	52.00		23.00	10.00	6.00	129.00
2. Motion to reopen or modify divorce	10.00	18.00	10.00	15.00		17.00		6.00	76.00
3. Amended complaint to convert an action that was not one for divorce (e.g. separate maintenance) into an action for divorce ($1.00 for court clerk fees I.C. § 39-266 & $20 for the displaced homemaker account I.C. § 39-5009 & $20 domestic violence project, I.C. § 39-5213)				41.00					41.00
C. Small claims		18.00	10.00			7.00		6.00	41.00
D. Summary administration of small estates			10.00	17..00		17.00	10.00	6.00	60.00
E. Petition for release from common law lien						35.00			35.00
F. Petition for entry of judgment on worker's comp award	10.00	18.00	10.00			9.00		6.00	53.00
G. 1.Guardianships a. Initial Petition motion or appearance by any person on behalf of a minor. b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.	10.00	18.00	10.00	17.00	50.00	17.00	10.00	6.00	138.00

2. Conservatorship a. Initial Petition motion or appearance by any person on behalf of a minor. b. Initial Petition motion or appearance by any person on behalf of an incapacitated person.	10.00	18.00	10.00	17.00	50.00	17.00	10.00	6.00	138.00
3. Joint petition for guardianship/ conservatorship or joint petition for receipt and acceptance of foreign guardianship a. where same party is guardian and conservator of a minor person b. where same party is guardian and conservator of incapacitated person	10.00	18.00	10.00	17.00	50.00	17.00	10.00	6.00	138.00
c. where different parties are petitioners for guardian and conservator of a minor d. where different parties are petitioners for guardian and conservator of incapacitated person (considered two filings)	20.00	36.00	20.00	17.00	50.00	17.00	10.00	6.00	176.00
4. Status reports guardianship					25.00				25.00
5. Intermediate or final account of conservator					41.00	9.00			50.00
6. Petition for distribution of estate in conservatorship				13.00	41.00	6.00		6.00	66.00
7. Inventories by conservator					41.00				41.00
H. Case filings with no fee 1. Cases brought under Ch. 3, Title 66, I.C. for commitment of mentally ill persons 2. Child Protective cases 3. Demand for bond before personal representative is appointed in probate 4. Petition for sterilization 5. Judicial consent for abortion petitions 6. Registration of trusts and renunciations 7. Petition to compromise minor's claim 8. Petition for civil protection order or to enforce foreign CPO pursuant to Ch. 63, Title 39, I.C. pleadings 9. Proceedings to suspend a license for non-payment of child support 10. Post-conviction act proceedings 11. Stipulation for entry of judgment 12. Filing of a custody decree from another state 13. BAC license suspension 14. Child support proceedings filed by DHW 15. Fugitive warrants 16. Court initiated contempt									No fee

I. **The fees set out in Category I apply to the first document filed by a party <u>other than</u> the plaintiff or petitioner no matter what the document is entitled**									
1. Initial Appearance by persons other than the plaintiff or petitioner	10.00	18.00		10.00		4.00	10.00	6.00	58.00
a. Motion for Permissive Intervention – Defacto custodian	10.00	18.00		10.00		4.00	10.00	6.00	58.00
2. Small Claims									No fee
3. Stipulation for entry of judgment									No fee
4. Any objection or motion filed in a guardianship or conservatorship by the minor or alleged incapacitated person									No fee
5. Appearing after judgment when the party has not previously appeared	10.00	18.00	10.00			9.00	10.00	6.00	63.00
J. Additional filings in probate and trusts: the following fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:									
1. Probate a. petition for distribution of estate				13.00		6.00		6.00	25.00
b. demand for notice						9.00			9.00
c. demand for bond after appointment of personal representative						9.00			9.00
d. intermediate or final accounting of personal rep						9.00			9.00
e. petition for approval of compromise				10.00		4.00			14.00
f. filing of copy of appointment of foreign personal representative				10.00		17.00			27.00
2. Trusts and Renunciations a. intermediate or final accounting of trustee						9.00			9.00
b. petition for final distribution of estate				13.00		6.00		6.00	25.00
K. Special Filings									
1. Order granting change of venue (pay to new county).						9.00			9.00
2. Petition to reopen a case after no activity for one year	10.00	18.00	10.00			9.00		6.00	53.00
3. Third party complaint – This fee is *in addition* to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case						8.00		6.00	14.00

4. Cross claim (defendant v. defendant or plaintiff v. plaintiff) This fee is in addition to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case						8.00		6.00	14.00
a. For divorce when the complaint did not allege a claim for divorce. The $41 fee is in addition to the fee for a general cross-claim. ($1 for court clerk fee, I.C. § 39-266 & $20 for displaced homemaker account, I.C. § 39-5009 & $20 domestic violence project, I.C. § 39-5213)				41.00		8.00		6.00	55.00
5. Counterclaim for divorce when the complaint did not allege a claim for divorce *($1.00 for court clerk fees I.C. § 39-266 & $20 for the displaced homemaker account I.C. § 39-5009 & $20 domestic violence project, I.C. § 39-5213)				41.00					41.00
6. Renewing a judgment						9.00			9.00
7. Filing a foreign judgment						7.00			7.00
L. Appeals									
1. Small claims Dept to magistrate	10.00	18.00	10.00			9.00		6.00	53.00
2. Magistrate Division to District court	10.00	18.00	10.00			9.00		6.00	53.00
3. Appeal or petition for judicial review or cross appeal or cross-petition from commission, board, or body to district court	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
a. Petition for judicial review of IDWR adjudication of water rights	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
4. Civil appeal or cross-appeal to Supreme Court (with exception of a. and b. below). The clerk of the district court shall collect the entire fee and remit the $86.00 fee to the Supreme Court with a certified copy of the notice of appeal. Rule 23(b), I.A.R.)	86.00 Sup. Ct.					9.00		6.00	101.00
a. Post-Conviction									No fee
b. Habeas Corpus									No fee