

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF )  
IDAHO RULE OF FAMILY LAW ) ORDER  
PROCEDURE 111(b) )  
\_\_\_\_\_ )

The Court, having reviewed a recommendation to amend the Idaho Rules of Family Law Procedure, and the Court being fully informed as to the recommendation:

IT IS ORDERED that Idaho Rule of Family Law Procedure 111(b) is AMENDED as follows:

## **Idaho Rules of Family Law Procedure Rule 111. Withdrawal of Attorney.**

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### **(b) Service; Content of Order; Stay of Action; Dismissal or Default Judgment; Application for default judgment.**

(1) **Service; Content of Order.** The clerk of the court will serve on all parties, including the party represented by the withdrawing attorney, an order permitting an attorney to withdraw. Service must be in the same manner as provided in Rule 809. The order allowing withdrawal must notify the party whose attorney is withdrawing that the party's claims will be subject to dismissal with prejudice or that default and default judgment may be entered against the party without further notice if the party does not, within 21 days after service of the order, either appoint another attorney to appear or file notice with the court that the party will be self-represented in the action.

(2) **Stay of Action.** An action is stayed for 21 days after service by the court of an order allowing withdrawal of the attorney.

(3) **Dismissal or Default; Application for Default Judgment.** If a notice of appearance of a new attorney or notice of self-representation is not filed within 21 days after service of the order allowing withdrawal, the court, either on its own motion or upon application by the opposing party, may dismiss with prejudice any claims of the party or may enter a default judgment against the party. Application for entry of default judgment must proceed in accordance with the Idaho Rules of Family Law Procedure, provided that a party who applies for entry of default judgment is not required to serve the opposing party with written notice of the application for default judgment at least 3 days before the hearing.

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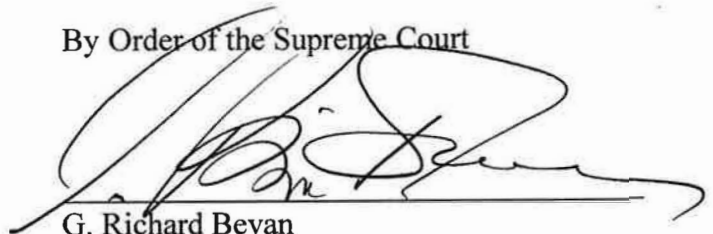
IT IS FURTHER ORDERED that the amendments shall be effective immediately.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rule by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Family Law Procedure.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.


DATED this 29<sup>th</sup> day of January, 2025.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:

  
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
Certify that the above is a true and correct copy of the  
Order entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 1-30-25  
Melanie Gagnepain, Clerk

By  Deputy