

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE )  
IDAHO RULES OF CIVIL )  
PROCEDURE )  
\_\_\_\_\_ )

ORDER

The Court, having received a recommendation to amend the Civil Filing Fee Schedule by adding new case types and modifying an existing case type to aid in assignment of cases, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Fee Categories A.A. and A. of the Filing Fee Schedule that appears as Appendix "A" to the Idaho Rules of Civil Procedure, be amended as follows:

SEE "APPENDIX "A", SECTIONS A.A and A." ATTACHED HERETO

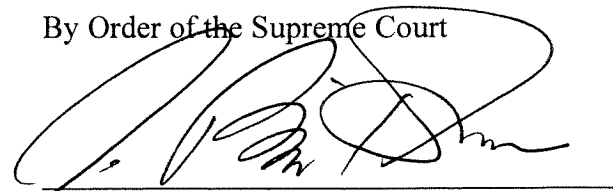
IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2022.

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 Rules 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 Civil Procedure.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

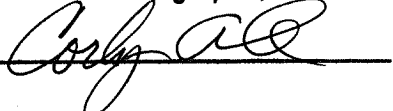
DATED this 3<sup>rd</sup> day of March, 2022.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

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: Amendments/RCP~~ entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court March 3, 2022  
Melanie Gagnepain, Clerk

By  Deputy

ATTEST:

*Michael L. Jones*  
Clerk

(Effective July 1, 2022)

## APPENDIX “A”

### FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION

#### 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 in the District Court not found on this schedule is \$221.00 and the correct filing fee code is AA. The fee for opening any civil case in the Magistrate Division not found on this schedule is \$166.00 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/Guardship Project Fund	County Dist. Ct. Fund	Court Tech. Fund	Senior Mag. Judges Fund	Total
A. A. All initial civil case filings in District Court of any type not listed in categories E, F and H(1): <ol style="list-style-type: none"> <li>1. <u>Creditor/debtor collections</u> (more than \$10,000)</li> <li>2. <u>Breach of contract</u> (more than \$10,000)</li> <li>3. <u>Employment dispute</u> (more than \$10,000)</li> <li>4. <u>Real property</u> (more than \$10,000)</li> <li>5. <u>Medical malpractice</u> (more than \$10,000)</li> <li>6. <u>Personal injury</u> (more than \$10,000)</li> </ol>	10.00	26.00	10.00	17.00		17.00	135.00	6.00	221.00
A. All initial case filings in Magistrate Division of any type not listed in categories B, C, D, G and H(2): <ol style="list-style-type: none"> <li>1. Adoptions</li> <li>2. Adoption and Termination of parental rights</li> <li>3. Termination of parental rights</li> <li>4. Personal injury or other claims (\$10,000 or less)</li> <li>5. Petition for formal probate</li> <li>6. Application for informal probate</li> <li>7. Name change</li> <li>8. Relief from interlock device</li> <li>9. Child Support / Custody (unless filed by DHW)</li> <li>10. Habeas by prisoners</li> <li>11. Paternity action</li> <li>12. Unlawful detainer / Eviction</li> <li>13. Defacto custodian</li> <li>14. Relief from firearm disability</li> <li>15. Legal separation               <ol style="list-style-type: none"> <li>a. with minor children</li> <li>b. without minor children</li> </ol> </li> <li>16. Surrogacy/Gestational Carrier</li> <li>17. <u>Creditor/debtor collections</u> (\$10,000 or less)</li> <li>18. <u>Breach of contract</u> (\$10,000 or less)</li> <li>19. <u>Employment dispute</u> (\$10,000 or less)</li> <li>20. <u>Real property</u> (\$10,000 or less)</li> <li>21. <u>Medical malpractice</u> (\$10,000 or less)</li> </ol>	10.00	26.00	10.00	17.00		17.00	80.00	6.00	166.00

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