

# In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING LOCAL RULES )  
OF THE FIRST JUDICIAL DISTRICT )  
 )  
 )

ORDER

The Administrative Judge of the First Judicial District, having submitted a proposal to amend the local rules pursuant to Rule 1(c) of the Idaho Rules of Civil Procedure and Rule 2(c) of the Idaho Criminal Rules, and the Court having approved that proposal:

IT IS ORDERED, that the local rules of the First Judicial District be amended, and that the local rules attached to this order are hereby approved and adopted.

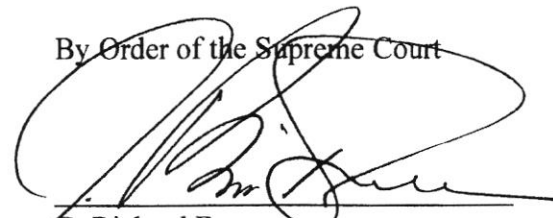
IT IS FURTHER ORDERED, that the amended local rules of the First Judicial District shall become effective on July 1, 2025.

IT IS FURTHER ORDERED, that the amendments to the Local Rules of the First Judicial District of the State of Idaho shall be sent to the Idaho State Bar Association and the trial court administrator of the First Judicial District for publication and dissemination.

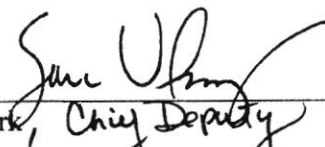
IT IS FURTHER ORDERED, that the First Judicial District is hereby authorized to submit the amendments to the editors of *The Advocate* for publication and inclusion in the *Idaho State Bar Desk Book*.

DATED this 18th day of June, 2025.

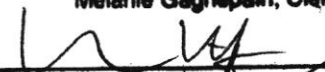
By Order of the Supreme Court

  
G. Richard Bevan  
Chief Justice, Idaho Supreme Court

ATTEST:

  
Clerk, Chief Deputy

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 6-18-25  
Melanie Gagnepain, Clerk

By  Deputy

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO**

\*\*\*\*\*

**ADMINISTRATIVE ORDER  
A25-DW.1**

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**ORDER RESCINDING LOCAL DISTRICT RULES & CREATING LOCAL RULES  
FOR THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT, IN AND FOR  
THE COUNTIES OF BENEWAH, BONNER, BOUNDARY, KOOTENAI AND  
SHOSHONE**

**WHEREAS** the local rules as they now exist for the First Judicial District in the State of Idaho appear to be in need of amendment and

**WHEREAS** a review of those local rules has been conducted by the District Judges of the First Judicial District, now, therefore

**IT IS HEREBY ORDERED** that the local rules of the First Judicial District as they are hereinafter set forth be and are hereby adopted and that they replace and supersede all prior local rules for the counties comprising the First District.

**IT IS FURTHER ORDERED** that these local rules are supplemental to the Idaho Rules of Civil Procedure, Idaho Rules of Evidence, Idaho Criminal Rules, Idaho Misdemeanor Criminal Rules, Idaho Rules of Family Law Procedure, Idaho Infraction Rules, Idaho Juvenile Rules, Idaho Court Administrative Rules, and Idaho Appellate Rules.

**RULE 1: Authority for the Rules**

These local rules are promulgated under the authority of I.R.C.P. 1(c) and I.C.R. 2(c) and govern the procedures of the District Court and Magistrate Division for the First Judicial District. These local rules will replace and supersede all prior Local Rules for the counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone. These local rules apply unless in conflict with I.R.C.P., I.C.R., or I.R.F.L.P.

## **RULE 2: Jurisdiction and Case Management**

The allocation of caseload assignments by a division of cases among the Magistrates shall be as directed by the order of the Administrative District Judge. Where there is more than one resident Magistrate, the method of allocating the caseload of that county between Magistrates shall be by consensus among resident Magistrates, if approved by the Administrative District Judge. All other cases shall be assigned to the District Judges, with the allocation of caseloads by a division of cases between the District Judges to be as directed by the Administrative District Judge. Assignments upon disqualification of a judge shall be as directed by the Administrative District Judge on District Court cases and as directed by the Trial Court Administrator for Magistrate Court cases.

## **RULE 3: Calendaring**

Each District Judge shall control and set his or her own schedule for civil and criminal trials and for law and motion matters, subject to the authority of the Administrative District Judge pursuant to §1-907. Cases assigned to Judges of the Magistrate Division shall be scheduled pursuant to the Magistrate Assignment Schedule of the First Judicial District established by the Trial Court Administrator, as directed by the Administrative District Judge. A rotation schedule within each county consistent with the Magistrate Assignment Schedule of the First Judicial District shall be established by the resident Magistrate (if only one) or by a consensus of the resident Magistrates (if two or more), subject to the approval of the Administrative District Judge.

## **Rule 4: Scheduling**

To schedule or re-schedule any court hearing or proceeding, the movant must contact the court's clerk to arrange a time certain. If a hearing or proceeding is re-scheduled at the request of either party, that party is responsible for providing notice to other parties. A party must not vacate a hearing without the consent of the other parties, except as ordered by the court. A party may file notice of withdrawal of a motion which will also result in the hearing on that motion being vacated, unless the court orders otherwise.

### **RULE 5: Notice of Trial Setting**

When a case has been assigned a trial date, the Clerk will prepare a *Notice of Trial Setting* and provide copies of the notice to the attorneys involved, or to the parties if not represented by counsel.

### **RULE 6: Appearance of Counsel – Contested Motions**

In the absence of a stipulation or court order granting a continuance:

**6.1 Failure to Appear for Hearing – Movant.** If the movant or his or her attorney fails to appear to argue a contested motion at the time set, the court may summarily deny the motion for failure to prosecute to I.R.C.P. 41(b) or I.R.F.L.P. 123 or may deem the motion withdrawn.

**6.2 Failure to Appear for Hearing – Opposing Party.** If the opposing party or his or her attorney does not appear, and if the motion has been properly and timely noticed for hearing with proof of due service, the court may render a decision on the merits of the motion.

**6.3 Failure to Notice for Hearing.** If, within fourteen days of the filing date of a motion, a movant fails to notice the motion for hearing and fails to request the matter be decided without hearing, the court may consider the motion withdrawn.

### **RULE 7: Time for Oral Argument**

Oral arguments on contested motions must be limited to fifteen minutes for each side, except for summary judgment motions, which must be limited to thirty minutes per side, subject to the court's discretion to shorten or lengthen the amount of time allotted for argument on any motion.

### **RULE 8: Motion Practice**

These practices shall be put in place except as otherwise may be required by rule.

**8.1 Motion.** Each motion, other than a routine or uncontested matter, must be accompanied by a separate memorandum or brief that must not exceed fifteen pages. For summary judgment and other dispositive motions, the supporting memorandum or brief must not exceed twenty-five pages.

**8.2 Opposing Memorandum or Brief.** A party opposing the motion must submit a responding memorandum or brief that must not exceed fifteen pages. For summary judgment

and other dispositive motions, the opposing memorandum or brief must not exceed twenty-five pages.

**8.3 Reply Memorandum or Brief.** The movant party may submit a reply brief that must not exceed ten pages. For summary judgment and other dispositive motions, the reply memorandum or brief must not exceed fifteen pages.

**8.4 Reliance on Record.** Any memorandum or brief, supporting or opposing a motion, shall contain a statement of facts and all of the reasons and points and authorities relied upon by that party. To the extent a party relies on facts in the record, the party must specifically cite to the precise place in the record, affidavit/s, transcript/s, or documentary evidence.

**8.5 Proposed Order.** Proposed orders on routine or uncontested matters may be submitted at the time the motion is filed. The court may require the movant to submit a proposed order on any other motions or matters, together with any other documents necessary to complete a case. Any proposed order must be filed as a separate document.

**8.6 Amendments to Pleadings.** A party who moves to amend a pleading must attach to the motion (1) the unsigned proposed amended pleading setting forth the entire pleading as amended without incorporating the prior pleading by reference and (2) a "redline" or comparison version of the proposed amended pleading that shows the changes to the current pleading.

#### **RULE 9: Courthouse Attire**

Courtroom participants (i.e. attorneys and their staff, parties, and the party representatives) are expected to wear appropriate business attire when appearing for court proceedings. Courtroom participants are expected to dress neatly and to exercise common sense in selecting clothing and footwear appropriate for court. Courtroom participants not wearing appropriate business attire may be excluded from participating in courtroom proceedings.

Courtroom visitors are expected to dress appropriately for court. Compliance with the participant rule above is encouraged but not required. Collared shirts, slacks, and other business casual attire is generally acceptable. The court reserves the right to exercise its judgment on the propriety of attire on a case-by-case basis and to make orders accordingly.

#### **RULE 10: Courtroom Decorum**

Persons appearing for court shall be punctual. While in court, participants and visitors shall not engage in interruptions, personal attacks, and/or speaking in a manner that disrupts the court proceedings. Cell phones and other electronic devices shall be turned off or set to the silent or vibration mode before entering the courtroom.

#### **RULE 11: Caseflow Management Plans**

To the extent possible, all civil and criminal matters shall progress pursuant to the case flow management plans, as developed by the First Judicial District and promulgated and directed by the Idaho Supreme Court. The caseflow management plans can be found at this website:

<https://www.kcgov.us/281/Statutes-Court-Rules>

#### **RULE 12: Supplemental Order for Custody**

Unless otherwise ordered by the Court, all divorce decrees or temporary orders filed involving child custody, child support or alimony will contain the following paragraph:

"It is Further Ordered, Adjudged, and Decreed Appendix A, attached hereto, is by this reference made a part here of as if fully set forth herein."

#### **APPENDIX "A" SUPPLEMENTAL ORDER FOR PARENTAL AND CHILD SUPPORT RESPONSIBILITIES**

**Best Interests of Children:** Divorce is an unfortunate part of modern life and is particularly difficult for children. The jurisdiction of the Court to control custody and child support is intended to allow the Court to make rulings in the best interests of the children and to minimize the negative impact of divorce or separation upon children. You and your former spouse have divorced or separated; that is your right. However, you cannot divorce your children. You both have continuing duties and responsibilities as parents to your children. No matter how carefully the Court crafts custody and child support orders, the success of the order and the well-being of your children will be limited unless both parents make a firm commitment to serve the best interests of their children. Please commit yourself to working with your former spouse to promote the well-being of your children.

**Mediation:** If you are unable to agree upon parenting issues between yourselves, the Court strongly recommends that you consider mediation before resorting to Court intervention. Mediation is a problem-solving process in which you can discuss alternatives and assess options with the assistance of an independent, neutral and qualified mediator.

**On-Duty/Off-Duty Parent:** A parent is "ON-DUTY" when the child(ren) are in his or her care pursuant to agreement of the parents or any court order, including: a parenting plan; custody or residential schedule; or visitation schedule. A parent is "OFF-DUTY" when the other parent is "ON-DUTY."

**You have the following rights and responsibilities regarding the child(ren) of your marriage UNLESS THE COURT ORDERS OTHERWISE:**

**1. AFFIRMATIVE BASIC DUTIES:** When "ON-DUTY" each parent shall provide the child(ren) with: (a) regular and nutritious food; (b) clean and appropriate clothing; (c) reasonably private living and sleeping quarters; and (d) appropriate health care.

**Both parents shall** instruct in and promote: (a) ethical and moral principles; (b) respect for the law and the rights of others; (c) conscientious attendance at all regular sessions of school until graduation, unless excused for medical reasons, by the school, by the Court, or by law.

**Neither parent** will engage in, permit the children to engage in, or allow the child(ren) to be present during the use of any illegal drug, excessive alcohol use, violence, or disrespect for law and order. If the "ON-DUTY" parent does not prevent the use of illegal drugs, the excessive use of alcohol, violence or disrespect for the law and order by other persons in the child(ren)'s presence, then the "ON-DUTY" parent shall remove the child(ren) immediately from the environment where the conduct is occurring.

**Each parent** shall deliver their child(ren)'s clothing, school supplies and other personal belongings at the same time that the children are delivered. All clothing shall be delivered in a clean condition.

**Neither parent** shall schedule activities for their child(ren) during the time the other parent is "ON-DUTY" without the prior agreement of the other parent.

**2. TRANSPORTATION:** The receiving parent shall provide transportation and shall arrive on time (no more than 10 minutes early or late).

**3. ADDRESS AND TELEPHONE INFORMATION:** Each parent shall provide to the other his or her current telephone number, physical and mailing addresses, and if different from the parent's, the telephone number, physical and mailing address of where the child(ren) live.

**4. MOVE FROM CURRENT RESIDENCE:** Each parent shall provide the other not less than 60 days prior written notice of a decision to move. A move requiring more than 2 hours automobile travel between the homes of the parents ("two hour travel zone") will require modification of the parenting plan, custody or residential schedule, or visitation schedule. The moving parent shall not move the child(ren) to a location outside the "two hour travel zone" until a new order is in place.

**5. DURING "ON-DUTY" PERIODS** the child support obligor shall remain liable for child support payments unless the decree or child support order specifically provides otherwise. Child support may not be withheld for failure to comply with any court order, including failure to comply with a parenting plan, custody schedule, or visitation schedule. Parenting time shall not be withheld for nonpayment of child support or other financial obligations.



6. **CHILD SUPPORT/METHOD OF PAYMENT:** All child support payments shall be paid to the **State of Idaho, Child Support Receipting, P.O. Box 70008, Boise, ID 83707.** Any amount not paid through the State of Idaho will be considered a gift and will not be credited as child support. The State may report a failure to pay child support to the prosecuting attorney, who may enforce payment. The child support obligee may request forms for entry of a Wage Withholding Order from the Clerk's Office.

If the decree or child support order is entered on or before the 15<sup>th</sup> day of the month, child support payments shall be due on or before the last day of the month in which the decree or child support order is entered and on the 10<sup>th</sup> day of each and every month following. If the decree or child support order is entered after the 15<sup>th</sup> day of the month, the child support payment shall be due on the 10<sup>th</sup> of each calendar month following the month in which the decree of child support order is entered.

7. **NOTICES:**

**NOTICE OF AUTOMATIC AND IMMEDIATE INCOME  
WITHHOLDING**

This support order is enforceable by automatic and immediate income withholding as of the effective date of this order under chapter 12, title 32, Idaho Code. This automatic and immediate income withholding order shall be issued by the department of health and welfare or other obligee to your employer or other person who pays your income *without additional notice to you.*

**NOTICE OF MEDICAL ENFORCEMENT**

Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child(ren) in a health benefit plan as provided by Sections 32-1214A through 32-1214J, Idaho Code, and applicable rules of the Department. Any claimed health care expense for the child, whether or not covered by insurance, which would result in an out-of-pocket expense of \$500 or more to the parent who did not incur or consent to the expense, must be approved in advance, in writing, by both parties or by prior court order. Relief may be granted by the Court for failure to comply under extraordinary circumstances, and the Court may, in its discretion, apportion the incurred expense in some percentage other than the existing support order, and in so doing, may consider whether consent was unreasonably requested or withheld.

**NOTICE OF LIEN**

This support order shall be enforced by the filing of a statewide lien upon all real and personal property of the obligor *if* the delinquency in the support obligation is equal to \$2,000 or 90 days of support, whichever is less, pursuant to Idaho Code 7-1206 and 45-1901, et seq.



**8. FAILURE TO COMPLY WITH COURT ORDERS** may result in civil contempt proceedings pursuant to Idaho Code 7-601 and/or license suspensions pursuant to Idaho 7-1401. *Either parent's willful failure or refusal to return the children to the other parent in accordance with the court-ordered parenting plan, custody, or residential schedule, or visitation schedule may subject that parent to criminal prosecution for custodial interference.*

**9. INTERFERENCE:** Neither parent will intrude on the privacy of the other nor make unkind statements about the other to or in the presence of the children. Neither parent will interfere in any way or encourage or permit any other person to interfere in any way, with the other parent's rights granted by the decree or other order of the Court.

**10. INJUNCTION:** This Order restrains and enjoins both parents from doing, attempting, or threatening to do harm of any kind to the other parent or to the child(ren), or permitting to so act on their behalf.

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**BY ORDER OF THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO**

DATED this 13<sup>th</sup> day of June, 2025.

Casey Simmons  
Casey Simmons, District Judge

Ross Pittman  
Ross Pittman, District Judge

Susie Jensen  
Susie Jensen, District Judge

Barry McHugh  
Barry McHugh  
Administrative District Judge

John A. Caffery 723  
John Caffery, District Judge

Lamont Berez  
Lamont Berez, District Judge

Barbara Duggan  
Barbara Duggan, District Judge