

Proposed Amendments to the Idaho Rules of Civil Procedure

December 2024

The Idaho Supreme Court is seeking input on a proposed “new” rule to the Idaho Rules of Civil Procedure regarding debtor exams. Please send your comments to **Deena Layne** at dlayne@idcourts.net by **Monday, December 23, 2024**. Thank you.

Proposed “New” I.R.C.P. 69.2. Deposition in Aid of Enforcing Judgment: The proposed new rule makes clear that a court can require debtor exams to be conducted by video conference or at a location other than a courthouse, and allows the presiding judge in the case to officiate the deposition, even if the debtor resides out of the county, by providing that the presiding judge or designee, initiate and officiate the deposition remotely.

Idaho Rules of Civil Procedure Rule 69.2. Deposition in Aid of Enforcing Judgment.

After the return of a writ of execution that does not fully satisfy a judgment debt, the judgment creditor may move for permission to depose the judgment debtor in aid of enforcing the judgment and to require the judgment debtor to produce at the deposition, documents and things that bear on the judgment debtor’s ability to satisfy the judgment debt. Upon such a motion, the presiding judge shall order the judgment debtor to appear for a deposition and to produce at the deposition, as the presiding judge considers appropriate, documents and things that bear on the judgment debtor’s ability to satisfy the judgment.

- (a) **Deposition of a Judgment Debtor Who Resides in the County.** If the judgment debtor resides in the county in which the judgment was obtained, the presiding judge may order that the deposition be held (1) at the county courthouse, (2) at another location arranged by the judgment creditor, or (3) by video conference. In any of these instances, the presiding judge or the presiding judge’s designee may appear, administer the oath, and officiate by video conference.

Deposition of a Judgment Debtor Who Resides Outside the County. If the judgment debtor resides outside the county in which the judgment was obtained, the presiding judge may order that the deposition be held (1) at a location arranged by the judgment creditor in the county in which the judgment debtor resides, or (2) by video conference. In either instance, the presiding judge or the presiding judge’s designee may appear, administer the oath, and officiate by video conference.