

**CAO FL INSTRUCTION 4-1
FILING A STIPULATION OR MOTION TO CONSOLIDATE COURT CASES WHERE
THE DEPARTMENT OF HEALTH AND WELFARE IS NOT A PARTY**

The forms described in these instructions can be used to ask the court to consolidate, or join together in one court file, two separate court proceedings or claims. This is permitted when the two separate claims involve some of the same parties or the same issues. Consolidating cases with the same parties or claims will prevent conflicting orders and everyone will know clearly which order they should follow.

If you have filed a divorce or custody case and your spouse has also filed a divorce or custody case, you should file documents to ask the court to combine the two separate cases into one. These instructions explain the forms you will need, and the procedure for making that request.

Note: If you have filed a divorce or custody case and the Department of Health and Welfare has filed a separate case against either parent to establish a child support order, you should use a different set of forms. Please review CAO GCS Instruction 4-18 which explains the forms you will need and the procedure for combining cases which involve the Department of Health and Welfare.

When you ask the court to order something, you must notify all parties involved, and all parties must have the option of agreeing or disagreeing with what you are asking the court to do. The other party may sign an agreement (also called a Stipulation) to consolidate the two cases. If not, you must file a motion and schedule a hearing so the court can hear arguments for and against granting your request to consolidate the two cases.

Talk to an attorney, if possible.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex. Following these instructions will not guarantee you get what you want. We always recommend you talk to a lawyer about your problem before filing your paperwork. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lower cost. Contact the Idaho State Bar Lawyer Referral Service (208-334-4500) for the name of an attorney in your area who will provide an initial half-hour consultation for \$35. Contact the Court Assistance Office for information about resources for low-income people, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

To determine which forms to use, you should first contact the other party and ask if he/she will sign a Stipulation to consolidate the separate cases into one. If the other party is willing to sign a Stipulation, use those forms instead of the forms for a Motion to Consolidate. If the other party is unwilling to sign a stipulation or will not respond to your request, use the forms for a Motion to Consolidate and have the Motion set for hearing before the judge. Fill in your information on the blanks by typing or, if allowed by the local court, by printing neatly in black ink.

Step 1: Complete these forms:

- Stipulation to Consolidate (CAO FL 4-20)
- Order to Consolidate (CAO FL 4-21)

OR

- Motion to Consolidate (CAO FL 4-18)
- Notice of Hearing Motion to Consolidate (CAO FL 4-19)
- Order to Consolidate (CAO FL 4-21)

To determine which forms to use, you can contact the attorney for your spouse or the other parent if they have an attorney, or contact them directly and ask if he/she will sign a Stipulation to consolidate the two cases into a single case file. If they agree, have them sign the Stipulation to Consolidate and submit it along with the proposed order of consolidation to the clerk of the court for the judge to sign.

If the other party does not agree, then you must file the Motion to Consolidate, set it for hearing, and serve the Motion and Notice of Hearing on that party. At the hearing, if the judge grants the Motion, have the Order to Consolidate ready for his signature.

You may want to review instructions for consolidating cases when Health and Welfare is a party for more detailed instructions. The process outlined for those cases is similar and applies to these instructions as well. Those instructions are found in CAO GCS Instruction 4-18.

Note: Under most local court rules, if the two cases have been assigned to different judges, you must present the Motion to the judge who was assigned first. If the motion is granted, that judge accepts the other case. You cannot select which of the two judges you want to handle the consolidated cases.