

Instructions: Petition to Enforce Court Ordered Terms other than Parenting Time per I.R.F.L.P. 815

If you have a family law order, judgment, or decree (Decree) in an Idaho court, or have registered an out-of-state Decree in Idaho, this *Petition* allows you to ask the court for specific actions when the other party doesn't follow the court's order.

You can request an order for:

- **Reimbursement:** Payment for expenses caused by the other party's interference or failure to comply with the Decree.
- **Money Judgment:** You can seek a specific amount of money for costs like out-of-pocket medical expenses. Note that you may be able to add pre and post judgment interest to your claim - please talk to an attorney for advice before you file your claim as you may not be able to claim this interest later.
- **Deadline:** Set a deadline for the other party to follow the Decree.
- **Clarification:** Ask the court to clarify any unclear sections from the previous Decree.
- **Other Terms:** The court can also decide on additional terms.

What do I need to complete my court documents?

1. **Decree:** Obtain a copy of the Decree you want to enforce. Attach this copy to your *Petition* and write **Exhibit A** on the bottom.
2. **Effective Date:** Date stamp on the top right of your Order, Judgment, or Decree.

If you are seeking reimbursement or a money judgment:

- Prepare a **list** of costs and expenses you have paid and want reimbursed.
- Gather copies of **receipts** for these payments.

Step 1. Complete the *Petition, Summons and Judgment Forms*

- Type or fill out the *Petition* and *Summons* in black ink.
- Fill in your contact information at the top of the *Petition, Summons* and *Judgment*.
- Fill in the district, county, case number, and Petitioner/Respondent names exactly as they appear on the Decree that you are asking to enforce on the *Petition, Summons* and *Judgment*.

John Doe Full Name of Party Filing Document	
12345 Main St Mailing Address (Street or Post Office Box)	SAMPLE FORM
AnyCity, ID 83111 City, State and Zip Code	
111-555-1111 Telephone	
myemail@address.com Email Address (if any)	
IN THE DISTRICT COURT FOR THE <u>THIRD</u> JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF <u>CANYON</u>	
John Doe Petitioner,	Case No. <u>CV14-00-XXXXX</u>
vs.	PETITION TO ENFORCE COURT ORDERED TERMS OTHER THAN PARENTING TIME
Person Doe Respondent.	I.R.F.L.P. 815
	Fee Category: _____ Filing Fee: _____

Forms needed:

1. Petition to Enforce Court Ordered Terms other than Parenting Time I.R.F.L.P. 815 (CAO FLE 10-7)
2. Summons (CAO FL 1-3)
3. Judgment Enforcing Court Ordered Terms Other Than Parenting Time (I.R.F.L.P. 815) (CAO FLE 10-8)
4. Provide a completed Family Law Case Information Sheet (CAO FL 1-1).

Page Limit: There is a 20-page limit. The Petition and Exhibits B and C count towards the page limit. The *Summary of Expenses Paid* sheet can be used in place of receipts or documents for reimbursement if you are over the 20-page limit.

Step 2. File Your *Petition, Summons and Judgment* with the Court

1. Appropriate filing fee.
2. Original plus 2 copies, a copy for you and the other party, of all documents you are filing with the court. You can also e-file your petition and print the stamped copies the court sends you.
3. Completed *Family Law Case Information Sheet* (CAO FL 1-1). (You do not need to make a copy of the *Family Law Case Information Sheet*. It is exempt from public disclosure in the case and only for the court's use.)

Sign and date your *Petition*. Make a copy of the *Petition* (with all attachments), *Summons* and *Judgment* for your records, and a copy for all other parties in the case. There is a filing fee to file your *Petition*.

To file, bring the original document and copies to the county court where the underlying family law case was filed. Ask the court clerk to date stamp (conform) your copies. Or file your forms online by creating an iCourt account at <https://idaho.tylertech.cloud/OfsWeb> .

Step 3. Serve the Other Party(ies) with a Copy

Open Case: If the case is currently open – mail a copy to the other party or their attorney if they have one. You can email the copies if the other party has agreed to e-filing

Closed Case: If the case is being reopened – you must have someone over 18, not you, personally deliver a copy to the other party.

Step 4. File the Proof of Service and Wait 21 days for a Response

The person who delivered the documents to the other party must complete and sign the *Affidavit of Service* (CAO FL 2-2).

File this completed form with the court clerk and wait for 21 days to pass, starting from the date after the document was delivered to the other party. You can monitor the status of your case on the iCourt Portal.

Step 5. Go to Court for your Hearing Attend the Hearing on your *Petition*

The other Party Responds

1. The court will set your *Petition* for a hearing and notify you and the other party of the date to go to court.
2. At the hearing, both parties will be allowed to provide proof.
3. The Judge will make a decision and issue the *Judgment Enforcing Court Ordered Terms Other Than Parenting Time* (I.R.F.L.P. 815) (CAO FLE 10-8).

The other Party Does not Respond – Default

1. You may request a Default if the other party does not respond. This means that the judge can now make a decision to grant or deny your request because the other party failed to respond in time. The judge will consider only the information you provide at your hearing and that you filed in writing with your *Petition*.
2. You must request a Default Hearing, to do so you can file the following forms:
 - a. *Motion and Affidavit for Entry of Default* (CAO FL 7-1)
 - b. *Default* (CAO FL 7-4)
 - c. *Judgment Enforcing Court Ordered Terms Other Than Parenting Time* (I.R.F.L.P. 815) (CAO FLE 10-8).

Talk to an attorney. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. We always recommend you talk with an attorney before filing paperwork.