

Instructions: Petition to Enforce Parenting Time per I.R.F.L.P. 816

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 denies or interferes with your parenting time.

You can request an order for:

- **Temporary changes to parenting time:** Ask the court to allow you to make up for missed parenting time or temporarily change the transportation and exchange arrangements.
- **Money Judgment:** You may seek reimbursement of a specific amount of money for expenses paid because of the other parent's denial or interference with court ordered parenting time. 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.
- **Parenting coordinator:** You can ask the court to appoint a parenting coordinator to decide certain discretionary issues related to custody of the minor child or assist the parties with reaching agreements to resolve certain custody issues.
- **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)

Anycity, ID 83111
City, State and Zip Code

111-555-1111
Telephone

myemail@address.com
Email Address (if any)

SAMPLE FORM

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

John Doe
Petitioner,

vs.

Person Doe
Respondent.

Case No. CV14-00-XXXX
PETITION TO ENFORCE
PARENTING TIME
I.R.F.L.P. 816

Forms needed:

1. Petition to Enforce Parenting Time I.R.F.L.P. 816 (CAO FLE 10-9)
2. Summons for Petition to Enforce Parenting Time I.R.F.L.P. 816 (CAO FLE 10-10)
3. Judgment Enforcing Parenting Time (I.R.F.L.P. 816) (CAO FLE 10-11)
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 so as not to exceed 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), *Judgment* and *Summons* 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

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. You can monitor the status of your case on the iCourt Portal. The court will provide notice of your court date.

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

1. You may file a reply affidavit if the other party responds to your *Petition*. Your reply may not be more than 3 pages in length and must be filed and served on the other party at least 2 days before any hearing.
2. The court will set your *Petition* for a hearing within 28 days after the filing of the petition and notify you and the other party of the court date. (Please note that in certain circumstances the court may extend the time for a hearing.)
3. Show up for the court date prepared to answer any questions the court may have for you.
4. The petition will be decided only on the petition, affidavits and any oral argument presented at the hearing. The court may set the matter for a separate hearing if the court determines that the parties should be allowed to present evidence.
5. The Judge will decide the matter and issue the *Judgment Enforcing Parenting Time (IRFLP 816)* (CAO FLE 10-11).

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.