

Idaho Child Custody Process



1. Petition & Summons

A petition is asking the court to make a decision regarding custody of your children and to enter an Order that both parents have to follow. A summons is a notice to the other parent (or "opposing party") that he or she has been sued and needs to file a response in order to have a say in the custody decision

2. File with the Court

File completed 'Petition, Summons and Family Law Case' Information Sheet with the Court. They will give you an Order to Attend Focus on Parenting and a Joint Temporary Restraining Order (Children).

3. Serve Opposing Party

Serve the other parent with the Petition, Summons, Order to Attend Focus on Parenting Class and the Joint Temporary Restraining Order (Children). Service is made by hand delivering to the other parent. Anyone over 18, who is not a party to the action, can do this.

4. Mandatory Disclosures

Within 35 days of opposing party having filed a response with the court, certain information must be disclosed. This information include all items listed in Idaho Rules of Family Law Procedure rule 401.

Temporary Orders

If they file a response, you can file a reply within 21 days

Default

A scheduling conference is set once a response has been filed

6. Negotiation

Parties (and counsel if retained) will negotiate terms of the custody agreement.

5. Discovery

Discovery is used to request information from the other parent to support your argument and find out what they will use at trial. Discovery requests must be answered no more than 30 days after having been received

7. Trial or Settlement

If both parties are unable or unwilling to reach a settlement agreement, the case will proceed to trial.

Mediation is not required, but may be mandated by the court or stipulated to by the parties
