

STATEMENT OF PURPOSE

RS20069

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. Idaho Code § 32-1215 allows a person whose income is subject to withholding to satisfy a child support order to make a motion and request a hearing to quash, modify or terminate the withholding order. The statute states that a copy of the motion and notice of hearing must be served upon the other party at least five days before the hearing "pursuant to the Idaho rules of civil procedure." In fact, Rule 7(b)(3) of the Idaho Rules of Civil Procedure requires motions and notices of hearing to be served at least 14 days before the hearing. This bill amends the statute to provide that service will take place in the manner and time provided by the Idaho Rules of Civil Procedure. This will make the statute and the rule consistent and will prevent confusion as to the time in which service must be made.

FISCAL NOTE

This bill would have no impact on the general fund.

Contact:

Name: Patricia Tobias
Office: Administrative Director of the Courts
Phone: (208) 334-2246