

TITLE 8
PROVISIONAL REMEDIES IN CIVIL ACTIONS

CHAPTER 7
DEPOSIT IN COURT

8-701. WHEN DEPOSIT MAY BE ORDERED. When it is admitted by the pleading, or shown upon the examination of a party, that he has in his possession, or under his control, any money or other thing capable of delivery, which, being the subject of litigation, is held by him as trustee for another party, or which belongs or is due to another party, the court may order the same, upon motion, to be deposited in court or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.

[(8-701) C.C.P. 1881, sec. 347; R.S., R.C., & C.L., sec. 4339; C.S., sec. 6823; I.C.A., sec. 6-701.]

8-702. CUSTODY OF MONEY DEPOSITED. If the money is deposited in court it must be paid to the clerk, who must deposit it with the county treasurer, by him to be held subject to the order of the court. For the safe keeping of the money deposited with him the treasurer is liable on his official bond.

[(8-702) C.C.P. 1881, sec. 348; R.S., R.C., & C.L., sec. 4340; C.S., sec. 6824; I.C.A., sec. 6-702.]

8-703. ENFORCEMENT OF ORDER FOR DEPOSIT. Whenever, in the exercise of its authority, a court has ordered the deposit or delivery of money, or other thing, and the order is disobeyed, the court, besides punishing the disobedience, may make an order requiring the sheriff to take the money, or thing, and deposit or deliver it in conformity with the direction of the court.

[(8-703) C.C.P. 1881, sec. 349; R.S., R.C., & C.L., sec. 4341; C.S., sec. 6825; I.C.A., sec. 6-703.]

8-704. WAGE ASSIGNMENT FOR CHILD SUPPORT. In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign such sum as the court may determine to be equitable to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due in the future to apply on the amount ordered by the court for the support and maintenance of the minor child. Such order shall be binding upon an employer upon the service of a copy of such order upon such employer and until further order of the court. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

[8-704, added 1977, ch. 90, sec. 1, p. 184.]

8-705. WAGE ASSIGNMENT FOR SUPPORT AND CARE OF DELINQUENT CHILD. In any proceeding where the court has ordered a parent or custodian to pay any amount for the care, support or maintenance of a child adjudged to be within the purview of [chapter 5, title 20](#), Idaho Code, and through the adjudication

has rendered a liability upon the parent or custodian to pay damages or to pay for the child's support and care, the following procedure may be utilized for collection. The court may order the parent or custodian to assign a sum as the court may determine to be equitable or as may otherwise be provided by statute or contract to the county clerk, probation officer or other office of the court or county officer designated by the court to receive such payment. The assignment shall be that portion of salary or wages of the parent or custodian the court deems would be due in the future to apply on the amount ordered by the court for the care, support or maintenance of the delinquent child or for breach of contract caused by the child's delinquency. The order shall be binding upon an employer and until further order of the court. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution or other assignment, unless otherwise ordered by the court. All sums collected pursuant to the provisions of this section shall be remitted as may be provided by law.

[8-705, added 1989, ch. 155, sec. 15, p. 395; am. 2004, ch. 23, sec. 1, p. 26; am. 2012, ch. 257, sec. 1, p. 709.]