

Instructions for Filing a Civil Foreign Judgment in Idaho

CAO CvPi Instruction 10-1

You file a judgment from another state as a “foreign” judgment to enforce it against a judgment debtor living in Idaho. A judgment debtor is someone who owes a judgment. A properly filed “foreign judgment” is treated the same as an Idaho judgment (Chapter 13, of Title 10 of the Idaho Code).

1. First, obtain a certified copy of the judgment. You get a certified copy from the court clerk where the judgment was entered. The clerk “certifies” that the copy is an exact copy of the original on file in the clerk’s office. You will be charged for a certified copy.
2. Next, decide where you want to file the judgment. A foreign judgment can be filed in any county in Idaho, but you should consider certain factors. If you plan on asking for an examination of the judgment debtor so you can find out about assets to satisfy the judgment, the examination must take place in the county where the judgment debtor lives. You may want to file in that county. Also, it may be convenient to file in a county where you know the judgment debtor earns money or has property.
3. Get the correct court assistance office forms to file the judgment.
 - a. The first form you need is an Affidavit of Filing Foreign Judgment. In the Affidavit you fill in the name and last known post-office address of the judgment debtor(s), as well as your own name and address.
 - b. The clerk will charge you a filing fee. After the certified judgment and the Affidavit are filed in the District Court, the clerk should send a Notice letting the judgment debtor know the judgment has been filed. Some district court clerks have their own notice form and will automatically send the notice of filing to the judgment debtor. Others will require you to provide this Notice. You can get the form for Notice from the court assistance office.
 - c. Although the court clerk is supposed to send a Notice directly to the judgment debtor, sometimes this doesn’t happen. To make sure you can still enforce the judgment, send your own Notice directly to the judgment debtor and to the judgment debtor’s attorney (if there is one). The form for this Notice is also available at the court assistance office.
4. Wait **five days (not including weekends and holidays)** after filing the Affidavit before attempting to enforce the judgment. If the judgment debtor files an objection or requests a stay of execution the judge may prevent you from enforcing the judgment until a hearing can be held. If this happens, you should receive all of the court documents letting you know what the objection is and when the hearing will be held. If you receive an order notifying you enforcement is stayed, you must stop and wait until the judge holds a hearing and decides if you will be allowed to enforce the judgment in Idaho.