

**FL INSTRUCTION 4-1**  
**FILING A STIPULATION OR MOTION TO CONSOLIDATE COURT CASES**

If you have filed a divorce or custody case and the Department of Health and Welfare has filed a separate case against either parent to establish a child support order, you should file documents to ask the court to combine the child support case with the divorce or custody case you have filed. The support and custody issues regarding your child/ren will then be in the same file and heard by the same judge.

When you ask the court to order something, you must notify all parties involved, and all parties must have the option of agreeing or disagreeing with what you are asking the court to do. The Department of Health and Welfare may sign an agreement (also called a Stipulation) to consolidate the two cases. If not, you must file a motion and schedule a hearing so the court can hear arguments for and against granting your request to consolidate the two cases.

**Talk to An Attorney, If Possible.**

**WARNING:** When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. The Idaho State Bar (208-334-4500) may be able to refer you to an attorney in your area who will provide reduced fee legal services.

Fill in your information on the blanks by typing or, if allowed by the local court, by printing neatly in black ink.

**Step 1: Complete these forms:**

- Stipulation to Consolidate
- Order to Consolidate

**OR**

- Motion to Consolidate
- Notice of Hearing Motion to Consolidate
- Order to Consolidate

To determine which forms to use, you can contact the attorney for the Department of Health & Welfare. Tell the attorney you have filed a court action to determine custody of your child/ren and ask if he/she will sign a Stipulation to consolidate Health and Welfare's child support case with the case you have filed.

If the child support case is still pending, contact the office of the attorney who is handling that case. The attorney's name, address and telephone number will be on the paperwork for the child support case.

If a child support order has already been signed and the case is closed, contact the office of the Deputy Attorney General, Department of Health & Welfare in your region. The local Child Support Services office or the Court Assistance Office can help you locate that office.

Note: A deputy clerk or the Court Assistance Officer can help you determine if the child support case is pending or is closed.

If you are told the attorney for the Department of Health & Welfare will agree to having the two cases consolidated, you will complete a “Stipulation to Consolidate” and an “Order to Consolidate”.

If the attorney for the Department of Health & Welfare cannot stipulate to consolidate the cases, you will complete the “Motion to Consolidate”, “Notice of Hearing” and “Order to Consolidate”

Follow the instructions below to complete the forms you need.

**On page 1 of every form:**

- At the top left-hand corner, fill in your legal name, mailing address and telephone number.
- Fill in the county and judicial district in the heading (for example, “In the District Court of the Fourth Judicial District in and for the county of Ada”) as they appear on your Complaint or Petition for divorce or custody.
- Write in the Case Number for the child support case.
- Write in the name of the “Defendant(s)” exactly like it is in the child support case.
- Write in the Case Number for the divorce or custody case.
- Fill in your name and the other parent’s name, exactly like they are in the divorce or custody Complaint or Petition.

**Stipulation to Consolidate:**

- Check the box to indicate if the action you have filed is for a divorce or for custody.
- Sign the Stipulation. Both parents should sign if you have filed a joint Petition for Divorce or Custody.
- Mail or hand-deliver the Stipulation to Consolidate with a copy of your Complaint or Petition to the attorney for the Department of Health & Welfare. Ask that the signed original Stipulation to Consolidate be returned to you.
- Make 3 copies of the signed Stipulation. (1 for yourself, 1 for the other parent and 1 copy for the court file.)

**Motion to Consolidate:**

- Fill in the current date.
- Sign the motion.
- Complete the Certificate of Service
  - Write in the name and address (mail, fax or residence) of the attorney for the Department of Health & Welfare.
  - Fill in the name and address (mail, fax or residence) of the other parent, unless you are co-petitioners.
  - Check the box to indicate how you will serve the copy.
  - Enter the date you will serve a copy to the other party(ies).
  - Sign the Certificate of Service
- Make 4 more copies of the completed Motion to Consolidate.

**Notice of Hearing:**

Contact the office of the judge who has been assigned to your divorce or custody case and ask for a date and time for a hearing on your Motion to Consolidate. You will need to give the judge’s clerk the case numbers for both cases.

**Note:** The attorney for the Department of Health & Welfare and the other parent (unless you are co-petitioners) must be served with the Notice of Hearing at least 14 days before the time set for the hearing. If you are mailing your Notice of Hearing you must allow 3 additional days for mailing.

- Fill in the day, month, year and time of day given to you by the judge’s clerk for the hearing.

- Fill in the street address of the courthouse.
- Fill in the city where the courthouse is located.
- Date and sign. (Only one co-petitioner needs to sign.)
- Complete the Certificate of Service
  - Enter the date you will serve a copy to the other party(ies).
  - Write in the name and address (mail, fax or residence) of the attorney for the Department of Health & Welfare.
  - Fill in the name and address (mail, fax or residence) of the other parent, unless you are co-petitioners.
  - Check the box to indicate how you will serve the copy.
  - Sign the Certificate of Service
- Make 4 more copies of the Notice of Hearing.

**Order to Consolidate:**

- Fill in the case number for the custody or divorce case you have filed.
- Leave the date and signature line blank.
- Complete the Clerk’s Certificate of Service
  - Fill in the name and mailing address for the attorney for the Department of Health & Welfare.
  - Fill in the name and mailing address for the other parent.
  - Fill in the name and mailing address for yourself.
  - Leave the date and signature line blank.
- Make 4 more copies.
- Address postage-paid envelopes for the attorney, the other parent and yourself.

**Step 2: File with the Court Clerk.**

Go to the Clerk's Office in the courthouse and give to the clerk:

- Stipulation to Consolidate (original and one copy)
- Order to Consolidate (original + 4 copies)
- Postage paid, addressed envelopes for the attorney, the other parent and yourself. **or**
- Motion to Consolidate (original and one copy)
- Notice of Hearing (original and one copy)
- Order to Consolidate (original + 4 copies)
- Postage paid, addressed envelopes for the attorney, the other parent and yourself

If you filed a signed Stipulation the Order to Consolidate will be sent to the judge for signature and all parties should receive back a signed Order to Conolidate.

If you filed a Motion to Consolidate, continue to Steps 3 and 4 of these instructions.

**Step 3: Serve copies of the Motion to Consolidate and the Notice of Hearing Motion to Consolidate on the attorney for the Department of Health & Welfare and the other parent in the manner indicated in your Certificate of Service.**

- Keep a copy for your records.

**Step 4: Attend the Court Hearing.**

On the day of the hearing, make sure you go to the correct courtroom. Bring your copy of all the documents you filed with the court. Dress neatly and address the judge as “Your Honor.” The judge will call the name and the number of your case. Go to the clerk’s table by the judge’s bench. Then the clerk will swear you in and you will take a seat at the witness stand and give your testimony of the things you stated in the Stipulation or Petition. The judge may ask you questions. If the judge has no questions, you are finished. The judge will tell you if he will sign your Agreed Custody Order. (For more information about court see Ci Instruction 5).

**Note:** The Department of Health and Welfare very rarely objects to consolidating a child support case with a case filed by the parent(s) regarding custody of the child/ren unless there is a great disparity in the amount of child support requested. After reviewing your Complaint or Petition, the attorney for the Department may let the judge know they will not object to the motion, making a hearing unnecessary. You can contact the judge’s clerk the day before the hearing to see if the hearing has been cancelled and if the order has been signed without the hearing. Unless you have been notified by the court the hearing has been cancelled and the Order to Consolidate has been signed, it is very important that you attend the hearing as scheduled.