

**CAO CvPi INSTRUCTION 10-3
INSTRUCTIONS FOR FILING A FOREIGN JUDGMENT IN IDAHO**

A judgment from another state is called a “foreign judgment.” The person who owes the judgment is called the judgment debtor. If the judgment debtor lives in Idaho or owns property located in Idaho which might be applied to satisfy the judgment, the foreign judgment can be registered in Idaho and enforced against the judgment debtor or his/her property in the same manner as an Idaho judgment.

To properly register the foreign judgment to make it enforceable in Idaho:

Step One. 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.

Step Two. 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. It may be more practical, convenient and less complicated if you file or register the judgment where the judgment debtor lives. Also, it may be more practical or convenient to file in a county where you know the judgment debtor earns money or has property.

Step Three. Get the correct court assistance office forms to file the judgment. Once you have decided where you will file, you will need to obtain the correct court approved forms. These forms can be obtained from the clerk of the court, local court assistance office, or the Supreme Court’s Self-Help Center at <http://www.courtselfhelp.idaho.gov/>. The forms you will need are:

CAO CvPi 10-7 Affidavit Submitted with Foreign Judgment
CAO CvPi 10-8 Clerk’s Notice of Filing of Foreign Judgment
CAO CvPi 10-9 Judgment Creditor’s Notice of Filing of Foreign Judgment

- Complete the forms listed above by typing or neatly and legibly printing in black ink. Fill in your full current name, address, telephone number, and email address (if you have one) on the lines provided at the left-hand corner of page 1 of each form. Fill in the judicial district and your county in the heading in capital letters (for example, “IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF ADA”). Fill in the name of the plaintiff and the defendant in the caption just as they appear in the foreign judgment. Fill in the name and last known mailing address of the judgment debtor(s).
- File the Affidavit Submitted with Foreign Judgment and certified copy of the foreign judgment with the clerk of the court. The clerk will charge you a filing fee. After the certified judgment and the affidavit are filed, the clerk should send a notice letting the judgment debtor know the foreign 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. If so, use form CAO CvPi 10-8 Clerk’s Notice of Filing of Foreign Judgment. Complete that form leaving the date and signature line blank for the court clerk to sign.

- 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). Use form CAO CvPi 10-9 Judgment Creditor's Notice of Filing of Foreign Judgment. After inserting all of the information needed in the form, serve the form on the judgment debtor(s) and complete the Certificate of Service at the end of the form indicating the manner in which the judgment debtor was served.

Step Four. 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.

Step Five. If no objection is raised, or the judge denies the objection, you may then request a Writ of Execution be issued by the clerk of the court.