

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO

|                                    |   |                      |
|------------------------------------|---|----------------------|
| RE: JURISDICTION OF MAGISTRATES IN | ) | 09-1                 |
| THE FIFTH JUDICIAL DISTRICT        | ) | ADMINISTRATIVE ORDER |
| _____                              | ) |                      |

Pursuant to the statutes of the State of Idaho and the Idaho Rules of Civil Procedure, the District Judges of the Fifth Judicial District of the State of Idaho do hereby designate and clarify the kinds of cases and matters to be processed by all Magistrates in the District Courts of said district, as follows:

1. Civil Proceedings as follows:

A. When the amount of money or damages or the value of personal property claimed does not exceed ten thousand dollars (\$10,000).

1) Actions for the recovery of money only arising on contracts express or implied; actions for damages or injury to person, property or reputation or for taking or detaining personal property, or for fraud;

2) Actions for rent and distress for rent;

3) Actions for claim and delivery;

4) Proceedings in attachment, garnishment, wage deductions for the benefit of creditors, trial or right of personal property and exemptions, and supplementary proceedings;

5) Actions arising under the laws for the incorporation of cities or counties or any ordinance passed in pursuance thereof; actions for the confiscation or abatement of nuisances and the seizure, condemnation and forfeiture of personal property;

proceedings in respect of estrays and lost property;

6) Actions to collect taxes.

B. Proceedings in forcible entry, forcible detainer, and lawful detainer; and

C. Proceedings for the enforcement and foreclosure of common law and statutory liens of not to exceed ten thousand dollars (\$10,000) on real or personal property.

2. Proceeding in the probate of wills and administration of estates of decedents, minors and incompetents.

3. The following criminal and quasi-criminal proceedings;

A. Misdemeanors and quasi-criminal actions;

B. Proceedings to prevent the commission of crimes;

C. Proceedings pertaining to warrants for arrest or for searches and seizures; and

D. Proceedings for the preliminary examination to determine probable cause, commitment prior to trial or the release on bail of persons charged with criminal offenses.

4. Any juvenile proceedings except those within the scope of the provisions of Section 1-2210, Idaho Code, unless otherwise authorized herein.

5. Miscellaneous proceedings as follows:

A. Proceedings under Title 66, Chapter 3, Idaho Code, relating to the hospitalization of the mentally ill;

B. Preliminary proceedings under the Child Protective Act, Section 16-1628 through 16-1634, Idaho Code;

C. Preliminary proceedings under the Juvenile Corrections Act, Sections 20-520 through 20-543, Idaho Code; and

D. Preliminary proceedings under the Termination of Parent-Child Relationship Act, Sections 16-2007 and 16-2008, Idaho Code;

Provided, however, that lay magistrates certified by the Supreme Court may conduct all proceedings under the Child Protective Act and Juvenile Corrections Act.

### **ADDITIONAL JURISDICTION**

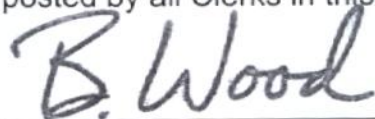
Pursuant to the statutes of the State of Idaho and the Idaho Rules of Civil Procedure, the District Judges of the Fifth Judicial District of Idaho do hereby grant additional jurisdiction to Lawyer Magistrates of the District as follows:

1. A. Civil actions where the amount of damages or value of the property claimed does not exceed ten thousand dollars (\$10,000);

- B. Adoption proceedings pursuant to Chapter 15, Title 16, Idaho Code;
- C. Termination of parent-child relationships pursuant to Chapter 20, Title 16, Idaho code.
- 2. Pursuant to I.R.C.P. 82(c) as amended, all lawyer Magistrates in the Fifth Judicial District shall have concurrent jurisdiction with the District Court as of January 1, 1984, in the following cases:
  - A. Habeas Corpus proceedings regardless of the nature of origin including criminal cases;
  - B. All Proceedings involving the custody of minors incidental to divorce proceedings;
  - C. Proceedings for divorce, separate maintenance, or annulment, including orders to show cause, hearings and issuance of restraining orders;
  - D. Proceedings pursuant to the Revised Uniform Reciprocal Enforcement of Support Act, and Section 32-710A, Idaho Code;
  - E. Magistrates may be assigned cases or matters, otherwise heard only in District Court, pursuant to the applicable Criminal and Civil Rules.
  - F. All paternity proceedings, and all actions for change of name.

The jurisdiction amounts designated in this document shall be exclusive of interest, costs, attorney's fees, and punitive damages; but, all counts will be added together to determine the amount claimed.

IT IS SO ORDERED, effective March 23, 2009, superseding all previous orders, and a copy of this Order is to be posted by all Clerks in this district.



Honorable Barry Wood  
Administrative District Judge