District Local Rule Civ 17.1 (Civil)

INFANTS AND INCOMPETENT PERSONS

(a) **Infants and Incompetent Persons.**

(1) No claim of an infant or incompetent person will be settled or compromised without leave of the Court, embodied in an order approving the stipulation of settlement.

(2) Whenever an infant or incompetent person has recovered a sum of money, whether by settlement or judgment, such money, whether collected upon execution or otherwise, shall be deposited with the Clerk, unless otherwise ordered by the Court, to abide the further order of the Court in the premises. Such money shall not be withdrawn except as hereinafter provided.

(3) Upon production of a certified copy of letters of guardianship of the property of the infant or incompetent person, or like commission, or of an order approving the compromise of a disputed claim of a minor, as contemplated by Idaho Code § 15-5-409a, issued out of any court of competent jurisdiction of the state, county, or district where the infant or incompetent person resides, an application may be made on behalf of the infant or incompetent person for an order directing the Clerk to pay over to such guardian or other named or authorized person the amount so deposited. Such application must be made either by the attorney of record of the infant or incompetent person, or on notice to such attorney.

(4) On such application, the amount of the attorney's lien on the fund, if any, must be fixed and determined by the Court, which determination will be embodied in the order directing the disposal of the fund. The Clerk shall thereupon pay out the monies as directed.

(b) **Bond of Guardian Ad Litem.** In cases in which an infant or incompetent person is represented by a next friend or by a guardian ad litem, as required by Idaho Code § 16-1614, no such next friend or guardian ad litem will receive money or other property of the infant or incompetent person until the next friend or guardian ad litem has given such security for the faithful performance of such duties as the Court prescribes. If such next friend or guardian ad litem does not desire to receive any such money or property, the same may be paid or delivered to the Clerk, or to such persons as may be directed by the judge, with like effect as if paid or delivered to the next friend or guardian ad litem, subject to payment of the Clerk's fees.

RELATED AUTHORITY

Fed. R. Civ. P. 17(c)