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## IRFLP 707 Informal Trial

### Idaho Rules of Family Law Procedure Rule 707. Informal Trial.

(a) **Informal Trial Model for Custody and Child Support.** An Informal Trial is an optional alternative trial procedure that is voluntarily agreed to by the parties, attorneys, and the court to try child custody and child support issues. The model requires that the application of the Idaho Rules of Evidence and the normal question and answer manner of trial be waived. Once the waiver is obtained, the matter proceeds to trial by consent as follows:

(1) The moving party is allowed to speak to the court under oath as to his desires as to child custody and child support determination. The party is not questioned by the attorney, but may be questioned by the court to develop evidence required by the Idaho Child Support Guidelines and best interest of the child.

(2) The court then asks the attorney for that party, if any, if there are any other areas the attorney wants the court to inquire about. If there are any, the court does so.

(3) The process is then repeated for the other party.

(4) If there is a Guardian ad Litem or other expert, the expert's report is entered into evidence as the court's exhibit. If either party desires, the expert is sworn and subjected to questioning by the attorney, parties, or the court.

(5) The parties may present any documents they want the court to consider. The court must determine what weight, if any, to give each document. The court may order the record to be supplemented.

(6) The parties are then offered the opportunity to respond briefly to the comments of the other party.

(7) Attorneys or self-represented parties are offered the opportunity to make legal argument.



(8) At the conclusion of the case, the court will make a decision.

(b) **Consent and Waiver.** The consent to and waiver to the Informal Trial must be given verbally on the record under oath or in writing on a form adopted by the Supreme Court.

(Adopted March 29, 2021, effective July 1, 2021.)

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