

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF
IDAHO RULES OF FAMILY LAW
PROCEDURE 110, 509, AND 706

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ORDER

The Court, having reviewed a recommendation from the Children and Families in the Courts Committee (CFCC) and the Administrative Conference to amend the Idaho Rules of Family Law Procedure (I.R.F.L.P.), and the Court being fully informed;

IT IS ORDERED that Idaho Rule of Family Law Procedure 110 is AMENDED as follows:

Idaho Rules of Family Law Procedure Rule 110. Substitution of Attorney.

(a) **In General.** An attorney may be substituted by filing written notice with the court. The notice must be signed by both the new attorney and the withdrawing attorney. This rule only applies when a licensed attorney seeks to replace a licensed attorney.

(b) **Effect of Substitution.** The substitution of attorneys or the appearance of a new attorney must not delay the proceedings except for good cause shown.

IT IS FURTHER ORDERED that Idaho Rule of Family Law Procedure 509 is AMENDED as follows:

Idaho Rules of Family Law Procedure Rule 509. ~~Prohibitive or Mandatory Judgments~~ Joint Preliminary Order and Discretionary Orders.

~~In family law actions, the court may make prohibitive or mandatory orders, with or without notice or bond as may be just, including bond for payment of costs, damages and reasonable attorney fees, as may be just.~~

(a) **Joint Preliminary Order.** The court may issue a joint preliminary order in the form authorized by the Idaho Supreme Court.

(b) **Discretionary Orders.** When justice requires, the court may issue, with or without notice, additional orders.

IT IS FURTHER ORDERED that Idaho Rule of Family Law Procedure 706 is AMENDED as follows:

Idaho Rules of Family Law Procedure Rule 706. Taking Testimony.

(a) **In Open Court.** At trial or an evidentiary hearing, witness testimony must be taken in open court unless a statute, these rules, the Idaho Rules of Evidence, other rules or orders adopted by the Idaho Supreme Court provide otherwise. ~~For good cause shown in compelling circumstances and with appropriate safeguards, t~~The court may permit testimony in open court by contemporaneous transmission from a different location through the use of video conferencing.

(b) **Affirmations ~~Instead of Oath.~~** When these rules require an oath, a solemn affirmation ~~suffices~~ is sufficient.

(c) **Interpreter.** If any party, or person the party intends to call as a witness, needs an interpreter as provided in I.C.A.R. 52, the party must notify the court at least 14 days before commencement of the court proceeding, or as soon as practicable in the event of an expedited hearing. ~~If the party fails to do so without a showing of good cause, and as a result the trial or hearing is postponed, the court may require the party to pay costs resulting from failing to give adequate notice.~~

(d) **Direct and Cross-e**Examination. The ~~examination~~ questioning of a witness by the party ~~producing~~ calling the witness is called the direct examination; the ~~examination~~ questioning of the same witness by the ~~adverse~~ other party is called the cross-examination. The direct examination must be completed before the cross-examination begins, unless the court allows otherwise allows.

(e) **Limitation on Examination.** Only one attorney on each side must conduct the examination of a witness until such examination is completed, ~~except when~~ unless the court grants permission for other attorneys to conduct the examination.

(f) **Calling by Court.** When the court is the trier of fact, the court may call witnesses on its own ~~motion or at the suggestion of a party or at a party's request. All parties are entitled to cross-examine witnesses called.~~ Each party is entitled to cross-examine the witness.

(g) **~~Interrogation by Court~~ Examination by Court.** The court may examine a witness regardless of who calls the witness. ~~interrogate witnesses, whether called by itself or by a party.~~

(h) **Objection.** ~~Objections to the interrogation of a witness by the court may be made at the time of interrogation or at the next available opportunity. A party wishing to object to the court examining a witness must do so at the time of the examination.~~

(i) **Reexamination and Recalling of Witnesses.** ~~After a witness has been A witness once examined, they cannot be reexamined as to the same matter without leave permission of the court, but t~~The witness may be reexamined as to any new matter on which the witness has been examined

by the adverse party. A witness, after being examined by the party ~~producing who called~~ the witness and adverse party, cannot be recalled by the same party without ~~leave~~ permission of the court. This rule does not preclude the adverse party from calling such witness as that party's own witness for direct examination.

(j) **View of Premises, Property, or Things.** During a trial, the court may order that the court may view any property, place, item, or circumstance relevant to the action. A viewing by the court must be conducted personally by the court after notice to all parties. Attorneys have the right to be present at any viewing by the court.

(k) **Inspection of Writings.** Whenever a writing is shown to a witness it may be inspected by any other party.

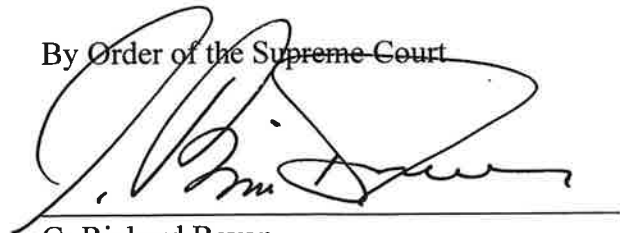
IT IS FURTHER ORDERED that the amendments shall be effective January 1, 2026.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rule by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Family Law Procedure.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

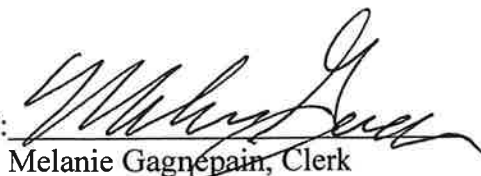
DATED this 6th day of November, 2025.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 11-06-2025
Melanie Gagnepain, Clerk

By Lena McKee Deputy