



IRFLP 604 Court Ordered Judicial Settlement Conference

Idaho Rules of Family Law Procedure Rule 604. Court Ordered Judicial Settlement Conference.

(a) **In General.** A Judicial Settlement Conference is a voluntary process in which a judge facilitates communication between the parties and assists them in their negotiations as they attempt to resolve their claims pending before the court. The nature, extent, and results of the settlement conference are within the sole control of the parties.

(b) **Initiation of Judicial Settlement Conference.** Once a family law action commences, and after both parties have voluntarily agreed, in the appropriate case, the court may order a Judicial Settlement Conference on its own initiative, by motion of a party, or by stipulation of the parties. The presiding judge has the discretion to deny a request for a Judicial Settlement Conference even if the parties stipulate to participate.

(c) **Order.** The court will issue an order setting the date for the Judicial Settlement Conference and requiring the parties' attendance. The order may include provisions governing the process used by the judge.

(d) **Participation.**

(1) **Required Participants.** Once the parties voluntarily agree to participate, and it is ordered by the court, all parties and counsel must participate in the Judicial Settlement Conference fully, reasonably, and in good faith. Lead counsel, parties, and persons with full authority to settle the case must attend.

(2) **Optional Participants.** A judge may authorize a mental health professional, an attorney mediator, or the family court service manager to participate in the Judicial Settlement Conference. In addition, the court may authorize other necessary participants.

(A) The mental health professional must have a minimum of a master's in social work or professional counseling and maintain a current license.

(B) The attorney mediator must be on the official list compiled by the Idaho Supreme Court and



maintained by the Administrative Director of the Courts.

(e) **Non-Presiding Judge as Judicial Settlement Conference Judge.**

(1) **Report of Settlement Conference.** At the conclusion of the Judicial Settlement Conference, the judge will report to the presiding judge by written notice or on the record whether a settlement was achieved.

(2) **Confidentiality.** None of the matters or information discussed during the settlement conference will be communicated to the presiding judge assigned to the case unless all parties stipulate to said communication.

(f) **Presiding Judge as the Judicial Settlement Conference Judge.**

(1) **Agreement.** The presiding judge may handle the Judicial Settlement Conference only if the parties agree.

(2) **Substantive Discussion.** The presiding judge may have substantive discussions about the case during the Judicial Settlement Conference. If the matter proceeds to trial, only the evidence admitted at trial will be considered in rendering a decision. Any offer made during a Judicial Settlement Conference will be given no weight and will not be considered by the presiding judge in determining any issue in the case. Neither party may testify or produce any evidence about any offer made during a Judicial Settlement Conference.

(3) **Waiver.** A signed waiver, in a form authorized by the Idaho Supreme Court, must be filed prior to the start of the Judicial Settlement Conference where the parties agree to the following:

(A) waive any conflict with the presiding judge participating in the conference and if the matter should not resolve, the presiding judge shall still preside over the case and specifically the trial;

(B) during the Judicial Settlement Conference, the presiding judge may meet with a party outside the presence of the other party; have substantive discussions about the case; review and discuss probable evidence; consider strengths or weaknesses of the case; discuss the applicable law, legal arguments, possible outcomes, and appropriate settlement;



(C) disregard any statement, opinion, or evaluation expressed by the presiding judge as a commitment by the presiding judge about how the presiding judge will rule on any factual or legal issue, or decide the ultimate outcome of the case; and

(D) understand that any information, other than a settlement offer, discussed during a Judicial Settlement Conference with the presiding judge may be used for any purpose, including, but not limited to, evidence at trial.

(g) **Resolutions.** Full or partial resolutions must be placed on the record as soon as reasonably possible after the Judicial Settlement Conference with both parties swearing to the contents under oath. The parties must reduce the agreements to a judgment for approval by the court.

(Adopted June 12, 2023, effective July 1, 2023.)

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