IRFLP 102 Applicability of Other Rules

Idaho Rules of Family Law Procedure Rule 102. Applicability of Other Rules.

A. Applicability of Idaho Rules of Civil Procedure [1]. The Idaho Rules of Civil Procedure apply only when incorporated by reference in these rules. Appeals from family law cases shall be governed by the Idaho Rules of Civil Procedure.

B. Applicability of Idaho Rules of Evidence [2].

1. Upon notice to the court filed by any party within thirty (30) days after a response or other responsive pleading is filed, or, if none, within forty-two (42) days from the filing of the motion or petition, or such other date as may be established by the court, any party may require strict compliance with the Idaho Rules of Evidence, except as provided in Rule 102.B.3.

2. If no such notice is filed, all relevant evidence is admissible, provided, however, that the court shall exclude evidence if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay, waste of time, needless presentation of cumulative evidence, lack of reliability or failure to adequately and timely disclose same. This admissibility standard shall replace rules 403, 602, 801-806, 901-903 and 1002-1005, Idaho Rules of Evidence, except as provided in Rule 102.B.3. All remaining provisions of the Idaho Rules of Evidence apply.

3. Regardless of whether a notice is filed under Rule 102.B.1, records of regularly conducted activity as defined in Rule 803(6), Idaho Rules of Evidence, may be admitted into evidence without testimony of a custodian or other qualified witness as to its authenticity if such document (i) appears complete and accurate on its face, (ii) appears to be relevant and reliable, and (iii) is seasonably disclosed and copies are provided at time of disclosure to all other parties.

C. Applicability of local rules. To the extent these rules are inconsistent with local rules, the provisions of these rules shall apply.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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[1] http://www.isc.idaho.gov/ircp
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