IRFLP 115 Public Access to Proceedings - Trials and Hearings

Idaho Rules of Family Law Procedure Rule 115. Access to Proceedings – Trials and Hearings.

A. Trials and Hearings.

All trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom; except that in an action for divorce, annulment, civil protection order or breach of promise of marriage, the court may exclude all persons from the courtroom except officers of the court, the parties, their witnesses, and counsel, provided that in any cause the court may exclude witnesses as provided in the Idaho Rules of Evidence [1]. All trials or hearings of any court held before a judge or magistrate assigned thereto, and all judgments and orders issued by such courts shall be deemed to have been done in open court regardless of the place held. In the discretion of the court, any hearing except a trial or evidentiary hearing may be held outside the county in which the action was filed or transferred for change of venue. A minute entry shall be made by the clerk of the court under the direction of the court of all court proceedings and filed in the official file of the action.

B. Notice of Orders or Judgments.

Immediately upon the entry of an order of judgment the clerk of the district court, or magistrates division, shall serve a copy thereof, with the clerk's filing stamp thereon showing the date of filing, by mail on every party affected thereby by mailing or delivering to the attorney of record of each party, or if the party is not represented by an attorney, by mailing to the party at the address designated by the prevailing party as most likely to give notice to such party. The prevailing party, or other party designated by the court to draft an order or judgment, shall provide and deliver to the clerk sufficient copies for service upon all parties together with envelopes addressed to each party, as provided above, with sufficient postage attached, unless otherwise ordered by the court. The clerk shall make a note in the court records of the mailing. Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party preparing a proposed order or a proposed judgment shall in addition serve a copy on each party in the manner provided in Rule 5 of the service of papers. Lack of notice of entry of an order or judgment does not affect the time to appeal or to file a post-judgment motion, or relieve or authorize the court to relieve a party for failure to appeal or file a post-trial motion within the time allowed, except where there is no showing of mailing by the clerk in the court records and the party affected thereby had no actual notice.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015; amended April 23, 2015, effective July 1, 2015.)

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Links:
[1] http://www.isc.idaho.gov/ire