



## **IRFLP 117 Statement of a Child**

### **Idaho Rules of Family Law Procedure Rule 117. Statement of a Child.**

(a) **Court Interview of a Child.** On motion of any party, or its own motion, the court may, in its discretion, conduct an in-camera interview with a minor child who is the subject of a custody, parenting time, or domestic violence civil protection order dispute, to ascertain any relevant information, including the child's wishes as to the child's custodian and as to parenting time. The interview may be conducted at any stage of the proceeding and will be recorded by a court reporter or any electronic medium. The record of the interview may be sealed, in whole or in part, on a showing of good cause and after considering the best interests of the child. The parties may stipulate that the record of the interview will not be provided to the parties.

(b) **Statement of a Child.** Unless a minor child is represented by a child advocate as set forth in Rule 118, and except in emergency situations, no minor child will provide sworn testimony, either written or oral; be brought to court as a witness or to attend a hearing; or be subpoenaed to appear at a hearing without prior court order on a showing of good cause.

(c) **Testimony of a Child.** A motion by one of the parties to offer the testimony of a minor child will be in writing, filed with the court, and served on all parties not less than 28 days prior to the hearing or trial, unless good cause is shown. The court must rule upon such a motion no later than 7 days prior to the hearing or trial in the matter. On reasonable notice under the circumstances, the court may, on its own motion, compel the testimony of a minor child.

(Adopted December 17, 2024, effective January 1, 2025.)

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