



## **IRFLP 706 Taking Testimony.**

### **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. The court may permit testimony in open court through the use of video conferencing.

(b) **Affirmations.** When these rules require an oath, a solemn affirmation 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.

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

(e) **Limitation on Examination.** Only one attorney on each side must conduct the examination of a witness until such examination is completed, 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 or at a party's request. Each party is entitled to cross-examine the witness.

(g) **Examination by Court.** The court may examine a witness regardless of who calls the witness.

(h) **Objection.** 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 examined, they cannot be reexamined as to the same matter without permission of the court. 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 who called the witness and adverse party, cannot be recalled by the same party without 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.

(Adopted March 29, 2021 , effective July 1, 2021; amended November 6, 2025, effective January 1, 2026.)

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