In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS OF IDAHO RULES OF FAMILY LAW PROCEDURE) **ORDER**

The Court, having received a recommendation to amend the Idaho Rules of Family Law Precure, and the Court being fully informed:

IT IS ORDERED that the Idaho Rules of Family Law Procedure are amended as follows:

1. That Rule 102 is amended as follows:

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

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(b) **Applicability of Idaho Rule of Evidence.**

(1) On a motion to the court filed by any party within 30 days after an answer or other responsive pleading in a family law action is filed, or, if there is no responsive pleading, within 42 days from the filing of the motion or petition in a family law action, or such other date as may be established by the court, any party may request strict compliance with the Idaho Rules of Evidence, except as provided in subsection (b)(3). A request for strict compliance with the Idaho Rules of Evidence will be ~~filled~~ filed under a separate motion only dealing with this request. Motions in civil protection order actions must be filed no later than 2 days before the 14 day hearing; the motion will be heard at the beginning of the 14 day hearing.

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(3) Regardless of whether a motion is filed under subsection (b)(1):

(A) Records of regularly conducted activity, as defined in Idaho Rule of Evidence 803(6), 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 timely disclosed and copies are provided at time of disclosure to all other parties.

(B) Child interviews under Rule 11~~8~~7 may be conducted by the court.

(c) **Applicability of Local Rules**. To the extent these rules are inconsistent with local rules, the provisions of these rules apply.

2. That Rule 120 is amended as follows:

Idaho Rules of Family Law Procedure Rule 120. Idaho Child Support Guidelines.

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(i) **Computations.**

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(4) "Shared Physical Custody."

(A) Determining Shared Custody. It is recognized there is an overall increase in child rearing costs created by shared custody. If the child spends more than 25% of the overnights in a year with each parent, an adjustment in the Guidelines amount will be made.

(B) Computation. To compute the adjustment, the Basic Child Support Guideline obligation will be multiplied by 1.5. The amount is then multiplied by each parent's percentage of income. The resulting amounts are then multiplied by the percentage of time the child spends with the other parent. The respective child support obligations are then offset, with the parent owing more child support paying the difference between the two amounts. In no event will a parent be required to pay more support than the parent would have paid had there not been split or shared custody and all children were residing with the other parent. Whenever the guidelines calculation results in a parent having over 50% of the overnights paying child support, that parent may show that such payment is inappropriate considering factors (A) through (G) of section ~~I.7~~ (i)(7) of the Guidelines.

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Endnotes:

1. May apply to cases involving guardianship and de facto parents.
2. "Life of the asset" is defined as the recovery period of the assets under the alternative depreciation system (ADS) as provided under the Internal Revenue Services Rev. Proc. 87-56, 1987-2 CB 674.2

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3. That Rule 208 is amended as follows:

Idaho Rules of Family Law Procedure Rule 208. Form of Documents and Pleadings.

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(f) **Adoption by Reference; Exhibits**. A statement in a pleading may be adopted by reference ~~elsewhere~~ in the same pleading or in any other pleading or motion. A ~~copy of any~~ written instrument which is an exhibit to a pleading is ~~a~~ part of the pleading for all purposes.

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4. That Rule 209 is amended as follows:

Idaho Rules of Family Law Procedure Rule 209. General Rules of Pleading.

(a) **Claims for Relief**. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

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5. That Rule 212 is amended as follows:

Idaho Rule of Family Law Procedure 212. Intervention.

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(c) **Procedure.** A motion to intervene must be filed and ~~be~~ served on the parties as provided in Rule 205. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

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(e) **Intervention by De Facto Custodian**

(1) A request for de facto custodian status under ~~pursuant to~~ ~~existing~~ ~~Idaho~~ I.C.§ 32-1704(1)(b) must be requested through a motion for permissive intervention if there is an existing order of child custody or a pending Idaho proceeding to establish custody with regard to the child that is the subject of the request. A child custody proceeding does not include actions filed ~~pursuant to~~ under title 16, chapter 16, of the Idaho Code. The motion for permissive intervention must be served ~~pursuant to~~ under Rule

20~~3~~5 in any pending child custody proceeding. The motion for permissive intervention must be served ~~pursuant to~~ under Rule 204 if the custody proceeding is closed. A notice of hearing must be served along with the motion ~~in accordance with~~ according to Rule 501(a)(3).

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6. That Rule 409 is amended as follows:

Idaho Rules of Family Law Procedure Rule 409. Subpoenas.

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(i) **Failure to ~~Obey~~ Comply with Subpoena**. Failure of a person to comply with a subpoena without adequate excuse may be considered a contempt of court and result in additional penalties provided by law. ~~Failure by any person without adequate excuse to obey a subpoena served up the person may be deemed a contempt of the court from which the subpoena issued, in addition to the penalties provided by law.~~

(j) **Interstate Depositions and Discovery**. The Uniform Interstate Depositions and Discovery Act adopted as Idaho Rule of Civil Procedure 45(j) governs depositions and discovery conducted in Idaho in connection with a civil lawsuit brought in another state.

7. That Rule 412 is amended as follows:

Idaho Rules of Family Law Procedure Rule 412. Depositions on Oral Examination.

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(d) **Objections; Conduct; Sanction; Motions to Terminate or Limit Examination.**

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(4) **Motion to ~~Termination~~ Terminate or Limit.**

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8. That Rule 811 is amended as follows:

Idaho Rules of Family Law Procedure Rule 811. Judgment for Specific Acts; Vesting Title.

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(d) **Obtaining a Writ of Execution or ~~Assistant~~ Assistance**. On application by a party who obtains a judgment or order for possession, the clerk must issue a writ of execution or assistance.

(e) **Motion for Contempt**. Failure to comply with a judgment may also be the basis of a motion for contempt.

9. That Rule 1002 is amended as follows:

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(h) **Judicial Review; Process.** Within 14 days after the Parenting Coordinator has served his decision on the parties, either party may file a motion with the court to set aside or to modify the Parenting Coordinator's decision. A party who files a motion must also serve the other party and the Parenting Coordinator with the motion and any supporting affidavits and legal memoranda by the method most likely to give him notice under the circumstances of the case as set forth. The filing of a motion does not stay implementation of the decision unless the court orders otherwise. Failure to file a timely motion must constitute a waiver of all objections to the Parenting Coordinator's decision.

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(2) **Standards of Review**. A motion based on subsection 1(~~a~~A) must show by clear and convincing evidence that the Parenting Coordinator exceeded his scope of authority in reaching the decision. A motion based on subsection 1(~~b~~B) must be reviewed by an "abuse of discretion" standard as defined by Idaho law.

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(i) **Qualifications and Training**.

(2) **Training**. Parenting Coordinators must have participated in at least 20 hours of training in domestic violence and lethality assessment ~~as set out in subsection I(3)~~ within 2 years of the initial application. They must also have a basic familiarity with child development as it pertains to issues of bonding, attachment, and loss in early life and future child development. Each Parenting Coordinator must, at his own expense, submit to a criminal history check as provided for in I.C.A.R. 47. The 20 hours of training required must be in one or more of the following areas: (a) domestic violence; (b) violence in families; (c) child abuse; (d) anger management; (e) evaluation of future dangerousness; or (f) psychiatric causes of violence. Parenting Coordinators must acquire their training by completing a program approved or sponsored by one of the following associations: (i) Idaho Psychiatric Association; (ii) Idaho Psychologists Association; (iii) Idaho Nursing Association; (iv) Idaho Association of Social Workers; (v) Idaho Counselors Association; (vi) Council on Domestic Violence and Victim Assistance; (vii) Idaho State Bar; (viii) Idaho Supreme Court; (ix) an accredited college or university; or

(x) any state or national equivalent of any of these organizations. Any program that does not meet the criteria set out in this subsection may be submitted for approval either prior to or after completion.

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IT IS FURTHER ORDERED that these amendments shall be effective immediately.

IT IS FURTHER ORDERED that the above designation of the striking of words from the Rule by lining through them, and the designation of the addition of new portions of the Rule by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Family Law Procedure.

IT IS FURTHER ORDERED that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

DATED this 16th day of November, 2026.

By Order of the Supreme Court

Robyn M. Brody
Chief Justice, Idaho Supreme Court

ATTEST:
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/ Court of Appeals of the State of Idaho, do hereby Certify that the above is a true and correct copy of the order entered in the above entitled cause and now on record in my office, WITNESS my hand and the Seal of this Court 11-18-2026
Melanie Gagnepain, Clerk

By _____ Deputy