

Proposed Amendments to the Idaho Rules of Family Law Procedure

September 2026

The Idaho Supreme Court's Children and Families in the Courts Committee (CFCC) is seeking input on proposed revisions to the Idaho Rules of Family Law Procedure (IRFLP). Please send your comments to Deena Layne at dlayne@idcourts.net by **Wednesday, September 16, 2026**.

Proposed Amendments to IRFLP 707: The proposed amendments expand the optional alternative trial procedure under IRFLP 707 to property and debt division in family law actions.

Idaho Rules of Family Law Procedure Rule 707. Informal Trial.

(a) **~~Informal Trial Model for Custody and Child Support~~**. An Informal Trial is an optional alternative trial procedure that is voluntarily agreed to by the parties, attorneys, and the court to try child custody, ~~and child support, and property and debt division~~ issues. The model requires that ~~the application of the Idaho Rules of Evidence and the normal question and answer manner~~ of trial be waived. Once the waiver is obtained, the matter proceeds to trial by consent as follows:

(1) ***Property and Debt List***. For cases involving property and debt division, each party shall submit a list of all property and debt at issue with requested allocation for each party.

(42) ***Moving Party***. The moving party is allowed to speak to the court under oath as to ~~his desires as to child custody and child support determination~~ issues to be decided by the court. The party is not questioned by their attorney, but may be questioned by the court to develop evidence required by the Idaho Child Support Guidelines and best interest of the child.

(23) ***Attorneys***. The court ~~then~~ asks the attorney for ~~that the moving party~~, if any, if there are any other areas the attorney wants the court to inquire about. If there are any, the court may do so.

(34) ***Responding Party***. The process is then repeated for the ~~other~~ responding party.

(45) ***Experts/ Guardians Ad Litem***. If there is a Guardian ad Litem or other expert, the expert's report is entered into evidence as the court's exhibit. If either party desires, the expert is sworn and subjected to questioning by the attorney, parties, or the court.

(56) **Documents.** The parties may present any documents they want the court to consider. The court must determine what weight, if any, to give each document. The court may order the record to be supplemented.

(67) **Response.** The parties are then offered the opportunity to respond briefly to the comments of the other party.

(78) **Legal Argument.** Attorneys or self-represented parties are offered the opportunity to make legal argument.

(89) **Decision.** At the conclusion of the case, the court will make a decision.

(b) **Consent and Waiver.** The consent to and waiver to the Informal Trial must be given verbally on the record under oath or in writing on a form adopted by the Supreme Court.

Proposed Amendments to IRFLP 812: The proposed amendments provide for dismissal of a contempt action by a court when dismissal will serve “the ends of justice and the effective administration of the court’s business.”

Idaho Rules of Family Law Procedure Rule 812. Contempt.

(a) Actions for contempt are governed by Idaho Rules of Civil Procedure 75.

(b) Dismissal on Motion and Notice. The court, on notice to all parties, may dismiss a contempt action on its own motion or on motion of any party if the court concludes that dismissal will serve the ends of justice and the effective administration of the court's business. When a court dismisses a contempt action, the order of dismissal must state the court’s reasons for dismissal and whether the dismissal is with prejudice.

Proposed Amendments to IRFLP 1004: The proposed amendments seek to clarify that parenting time evaluations must be conducted according to the “most recent” version of the model standards.

Idaho Rules of Family Law Procedure Rule 1004. Parenting Time Evaluation.

(f) **Scope of Evaluation.** All evaluations must be conducted ~~in accordance with~~ according to the most recent Association of Family and Conciliation Courts (AFCC) Model Standards of Practice for Child Custody Evaluations, American Academy of Matrimonial Lawyers, or the American Psychological Association (APA) Guidelines for Child Custody Evaluations in Family Law Proceedings and must include, at a minimum:
