**ALASKA**

Alaska Rules of Court

Rules of Civil Procedure

[Rule 16.2 – Informal Trials in Domestic Relations Cases](http://www.courtrecords.alaska.gov/webdocs/rules/docs/civ.pdf)

**Rule 16.2. Informal Trials in Domestic Relations Cases.**

**(a) Scope.** Informal trials may be held to resolve some or all issues in actions for divorce, property division, child custody, and child support, including motions to modify. This rule applies to trial proceedings and does not modify other Civil Rules.

**(b) General.** An informal trial is an alternative trial procedure to which the parties, their attorneys, and the court voluntarily agree. Under this model, the court may admit any evidence that is relevant and material, despite the fact that such evidence might be inadmissible under formal rules of evidence, and the traditional format used to question witnesses at trial does not apply. In most cases, the only witnesses will be the parties. In the discretion of the court, other relevant witnesses may be called.

**(c) Election.** In a case that is proceeding to trial, the court may at any time offer the parties the option of electing the informal trial process. If the parties make that election, the court will explain the process and obtain their consent. The election of a formal or informal trial process does not diminish the court’s authority to question witnesses or otherwise manage the proceedings in the interests of justice.

**(d) Withdrawal.** The court may allow a party to withdraw an informal trial election as long as the other party would not be prejudiced by the withdrawal. The court will not allow a withdrawal of an election that has the effect of postponing the trial date absent a showing of good cause. The court may at any time direct that a case proceed under the formal process, even if the trial or hearing has already commenced using informal procedures.

**(e) Trial Procedures.** An informal trial will proceed as follows:

(1) The court will ask each party or the party’s attorney for a summary of the issues to be decided.

(2) Each party will be allowed to speak to the court under oath concerning all issues in dispute. Only the court may question the party to develop evidence required by law. The court will ask each party or the party’s attorney whether the party wishes the court to ask follow up questions or inquire about other issues. The court will offer each party the opportunity to respond to the factual information provided by the other party.

(3) Each party may offer any relevant documents or other evidence that the party wishes the court to consider. The court will determine whether to accept the items into evidence and what weight, if any, to give each item. Letters or other submissions by the parties’ children that suggest custody or parenting preferences are discouraged. The court may require additional documents or testimony from other witnesses to supplement the record.

(4) Expert reports may be admitted into evidence without supporting testimony. If the expert is called as a witness, the expert may be questioned by the parties, their attorneys, or the court.

(5) The court will offer each party or the party’s attorney the opportunity to make a closing statement.

(SCO 1826 effective April 15, 2015)

**Note to SCO 1826:** At the end of three years, the Administrative Director will report to the Supreme Court on the efficacy of informal trials in domestic relations cases under Civil Rule 16.2 and make recommendations.

**IDAHO**

Idaho Rules of Family Law Procedure

[Rule 713. Informal Trial](https://isc.idaho.gov/irflp713)

**Idaho Rules of Family Law Procedure Rule 713. 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, counsel and the court to try child custody and child support issues. The model requires that the application of the [Idaho Rules of Evidence](http://www.isc.idaho.gov/ire) 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. The moving party is allowed to speak to the court under oath as to his or her desires as to child custody and child support determination. The party is not questioned by counsel, but may be questioned by the court to develop evidence required by the [Idaho Child Support Guidelines](http://www.isc.idaho.gov/main/idaho-court-rules) and child custody evidence required by Idaho Code § 32-717.

2.   The court then asks counsel for that party, if any, if there are any other areas the attorney wants the court to inquire about. If there are any, the court does so.

3.   The process is then repeated for the other party.

4.   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 counsel, parties or the court.

5.   The parties may present any documents they want the court to consider.  The court shall determine what weight, if any, to give each document.  The court may order the record to be supplemented.

6.   The parties are then offered the opportunity to respond briefly to the comments of the other party.

7.   Counsel or self-represented parties are offered the opportunity to make legal argument.

8.   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 shall be given verbally on the record under oath or in writing on a form adopted by the Supreme Court.

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

**OREGON**

11th Judicial District

Deschutes County Circuit Court

Supplementary Local Rules

[Rules 7.045 and 8.015](http://www.ojd.state.or.us/Web/ojdpublications.nsf/Files/Deschutes_SLR_2016.pdf/$File/Deschutes_SLR_2016.pdf)

**7.045 SETTING MOTION AND TRIAL DATE IN DISSOLUTION CASES**

(4) The parties must declare, in writing on a form provided by the Court, whether they elect to proceed to trial under SLR 8.015 (Informal Domestic Relations Trial) or under the traditional manner of trial in domestic relations proceedings. If both parties elect to proceed under SLR 8.015, the trial will be scheduled for an Informal Domestic Relations Trial.

The Court may refuse to allow the parties to utilize the Informal Domestic Relations Trial procedure at any time and may also direct that a case proceed in the traditional manner of trial even after an Informal Domestic Relations Trial has been commenced but before a judgment has been signed. A party who has previously agreed to proceed with an Informal Domestic Relations Trial may file a motion to opt out of the Informal Domestic Relations Trial provided that this motion is filed not less than ten calendar days before trial. This time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.

**8.015 INFORMAL DOMESTIC RELATIONS TRIAL**

(1) Informal Domestic Relations Trials may be held to resolve all issues in original actions or modifications for dissolution of marriage, separate maintenance, annulment, child support, and child custody filed under ORS Chapter 107, ORS Chapter 108, ORS 109.103 and ORS 109.701 through 109.834.

(2) The Informal Domestic Relations Trial will be conducted as follows:

(a) At the beginning of an Informal Domestic Relations Trial the parties will be asked to affirm that they understand the rules and procedures of the Informal Domestic Relations Trial process, they are consenting to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the Informal Domestic Relations Trial process.

(b) The Court may ask the parties or their lawyers for a brief summary of the issues to be decided.

(c) The moving party will be allowed to speak to the Court under oath concerning all issues in dispute. The party is not questioned by counsel, but may be questioned by the Court to develop evidence required by any statute or rule, for example, the applicable requirements of the Oregon Child Support Guidelines if child support is at issue.

(d) The Court will ask the moving party (or the moving party’s attorney if the party is represented) whether there are any other areas the party wishes the Court to inquire about. The Court will inquire into these areas if requested.

(e) The process in subsections (c) and (d) is then repeated for the other party.

(f) Expert reports will be entered into evidence as the Court’s exhibit. If either party requests, the expert will be sworn and subjected to questioning by counsel, the parties, or the Court.

(g) The parties may offer any documents they wish for the Court to consider. The Court will determine what weight, if any, to give each document. The Court may order the record to be supplemented. Letters or other submissions by the parties’ children that are intended to suggest custody or parenting preferences are discouraged.

(h) The parties will then be offered the opportunity to respond briefly to the comments of the other party.

(i) The parties (or a party’s attorney if the party is represented) will be offered the opportunity to make a brief legal argument.

(j) At the conclusion of the case, the Court shall render judgment. The Court may take the matter under advisement but best efforts will be made to issue prompt judgments.

(k) The Court retains jurisdiction to modify these procedures as justice and fundamental fairness requires.

**2013 Commentary:**

Additional information about the Informal Domestic Relations Trial process is available on the Court’s website at <http://courts.oregon.gov/Deschutes/>.

**UTAH**

Judicial Council Rules of Judicial Administration

[Rule 4-904. Informal trial of support, custody and parent-time.](https://www.utcourts.gov/resources/rules/ucja/ch04/4-904.htm)

**Rule 4-904. Informal trial of support, custody and parent-time.**

**Intent:**

To allow the parties and judge to agree to a trial of select issues in an informal manner.

**Applicability:**

This rule applies to the district court.

**Statement of the Rule:**

(a) Upon waiver and stipulated motion of all parties and approval by the court, the court will conduct an informal trial of child support, child custody and parent-time issues. The waiver and motion shall be made verbally on the record or in a signed writing. To qualify for an informal trial, the court must find that the parties have made a valid waiver of their right to a regular trial.

(b) If the court grants the motion, the informal trial shall proceed as follows:

(b)(1) The party who bears the burden of proof on an issue speaks to the court under oath about his or her desires about child support, child custody and parent-time. The party is not questioned by counsel or the other party but may be questioned by the court.

(b)(2) That party may present any document or other evidence. The court shall determine what weight to give any documents or other evidence. The court may order the record to be supplemented.

(b)(3) Counsel for that party may identify any other areas of inquiry, and the court may make the inquiry.

(b)(4) The process is repeated for the other parties.

(b)(5) If there is an expert, the expert’s report is entered into evidence as the court’s exhibit. The expert may be questioned by counsel, parties or the court upon request.

(b)(6) Each party is offered:

(b)(6)(i) the opportunity to respond to the statements, documents or other evidence of the other parties; and

(b)(6)(ii) the opportunity to make legal arguments.

(b)(7) The court will enter an order which has the same force and effect as if entered after a traditional trial. If the order is a final order, it may be appealed on any grounds that do not rely upon the Utah Rules of Evidence.