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IRFLP 102 Applicability of Other Rules

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

(a) **Applicability of Idaho Rules of Civil Procedure.** The Idaho Rules of Civil Procedure (I.R.C.P.) apply only when incorporated by reference in these rules.

(b) **Applicability of Idaho Rules 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 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.

The court may deny the motion for strict compliance with the Idaho Rules of Evidence for good cause shown, including but not limited to a power imbalance in representation between the parties or the best interest of the child.

(2) If no such motion is filed or the motion is denied, all relevant evidence is admissible, provided, however, that the court must exclude evidence if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay, waste of time, needless presentation of cumulative evidence, lack of reliability, or failure to adequately and timely disclose evidence. This admissibility standard will replace Idaho Rules of Evidence 403, 602, 801-806, 901-903 and 1002, except as provided in subsection (b)(3). All remaining provisions of the Idaho Rules of Evidence apply.

(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 118 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.

(Adopted March 29, 2021, effective July 1, 2021.)

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