



## **IRFLP 705 Judicial Notice of Facts and Foreign Law.**

### **Idaho Rules of Family Law Procedure Rule 705. Judicial Notice of Facts and Foreign Law.**

(a) **Scope.** In general, the court must take judicial notice as provided by law.

(b) **Adjudicative Facts.**

(1) **Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

(A) is generally known within the court's territorial jurisdiction; or

(B) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(2) **Taking Notice.** The court:

(A) may take judicial notice on its own; or

(B) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(C) when taking judicial notice of records, exhibits, or transcripts from the court file in the same or a separate case, the court must identify the specific documents or items so noticed. When a party requests judicial notice of records, exhibits, or transcripts from the court file in the same or a separate case, the party must identify the specific items for which judicial notice is requested or offer to the court and serve on all parties copies of those items.

(3) **Timing.** The court may take judicial notice at any stage of the proceeding.



(4) **Opportunity to be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(5) **Conclusive Finding.** The noted fact is a conclusive finding.

**(c) Judicial Notice of Foreign Law.**

(1) **Notice.** If either party to an action intends to request that the court take judicial notice of the statutes or laws of a foreign state, a memorandum citing the foreign law must be submitted to the court and opposing attorney at least 14 days prior to trial or hearing. The court may deny the request for failure to submit a memorandum.

(2) **Objection.** The opposing attorney may file a reply within 7 days following service of the moving party's memorandum.

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

**Source URL:** <https://isc.idaho.gov/irflp705>