

Family Law Caseload Management Plan for Idaho's Sixth District (2/13/17)

Statement of Purpose

This caseload management plan will be administered consistently with Idaho's Statewide Caseload Management Plan. It applies to the management of the following types of cases: divorce with children, divorce without children, child custody, legal separation, annulments, paternity, child support, de facto custodian, and modifications of any of the aforementioned case types.

The purposes of this plan are to ensure fair, just, and timely case resolution in the courts of the Sixth District by:

1. Preventing unnecessary delay in case processing.¹
2. Ensuring that each case receives individual attention proportional to need in order to ensure a just result in each case.
3. Promoting judicial leadership and instituting continuous court oversight over the progression of cases from filing to disposition.
4. Creating consistency and predictability for users of the court system.
5. Setting reasonable and mutually understood clear expectations for judges, litigants, the Bar, and the public.
6. Ensuring that judges, court clerks, and trial court administrators have consistent, meaningful case management information to inform their efforts.

Section 1: Assignment of judges in the Sixth District

All magistrate judges are assigned matters specified in Idaho Code 1-2208 and Chapter 23, Title 1, Idaho Code. Additional matters may be assigned by the administrative district judge pursuant to Idaho Code 1-907. In addition, the Idaho Supreme Court may, by rule, specify additional categories to magistrate judges pursuant to Idaho Code 1-2210.

Backup judge coverage may be provided in instances of scheduling conflicts, judicial conferences, vacations, illness, etc., by assignment to both senior and sitting judges, as available.

The administrative district judge in each judicial district is responsible for the overall assignment of judges and caseloads to ensure effective caseload management. Each administrative district judge considers carefully the number and types of judges available within the district, as well as the availability of senior judges. Other considerations include population density, distribution and mix of caseloads, number of counties, geography and driving distances, the feasibility and desirability of specialization of caseloads, and societal and workload trends. The administrative district judge and trial court administrator continually monitor the assignment of judges and the effective use of existing resources.

Judicial assignments for the hearing of family law cases in the Sixth District are set forth in the Idaho State Bar Desk Book and are modified from time to time. [Optional: They are also included

¹ According to Article I, Section 18 of the Idaho Constitution,..."justice shall be administered without...delay." According to the American Bar Association's *Standards Relating to Court Delay Reduction*, delay is "any elapsed time other than reasonably required for pleadings, discovery, and court events."

in local rules, which are available on district court websites or on the Idaho Supreme Court website at <http://www.isc.idaho.gov/district-courts>].

Section 2: Management of Family Law Cases

Section 2.1: Idaho Time Standards for Processing Family Law Cases

Idaho Court Administrative Rule 57 establishes time standards for case processing for individual case types. Per the rule, the time standards “are adopted as guidelines for judges, trial court administrators, lawyers, and litigants to assist them in determining the length of time it should take to conclude a case in the trial courts.” Time standards establish reasonable, mutual expectations for the courts, attorneys, and the public and can be an effective way of boosting public confidence in the Idaho courts.

When monitored regularly, time standards serve as a tool to assist courts with managing caseloads, preventing backlog, and assessing progress towards case processing goals. In short, they are a tool for ensuring that Idaho Courts are meeting their goal to provide timely case resolution as reflected in the Mission Statement of the Idaho Judiciary and as mandated in the Idaho Constitution. The identification and monitoring of processing times for key interim case events for each case type is an additional tool to assist with case management efforts, allowing for the identification of specific areas of delay in the case process.

Judges, clerical staff, and trial court administrators consistently monitor time standard reports each month and use the information to take action in particular cases and to adjust processes and reallocate resources to meet case processing goals.

Pursuant to ICAR 57, the current time standard for family law cases (new filings only) is 180 days from the filing of the petition to disposition. The revised time standards that have been approved by the Idaho Supreme Court for piloting to begin in 2015 are:

New Cases	75% within 120 days 90% within 180 days 98% within 365 days Measured from filing of the petition to disposition (entry of judgment)
Modifications	75% within 120 days 90% within 180 days 98% within 270 days Measured from the filing of the petition to modify to disposition (entry of judgment)

Section 2.2: Assignment of Cases

The purposes of a case assignment policy are 1) to establish for the district the process by which cases will be assigned (individual case assignment or an alternative calendar system), 2) identifying cases in which continuity of judicial attention is important, 3) to designate the instances in which cases involving the same parties or members of the same family (regardless of case type) will be assigned or consolidated for adjudication by the same judge, and 4) to put in place case assignment

processes that ensure the public that the assignment of cases to judges within the Sixth District is not susceptible to control or manipulation by parties or attorneys.

The Sixth District employs the following case assignment process for family law cases:
(Indicate whether individual or alternative calendar systems are used).

- *Bannock County uses the one family/one judge concept as the general rule. After the deputy clerk researches the court database for prior family law related cases involving the same litigants and assigning them based on the Bannock County Case Assignment chart on page 4. If there are no other cases involving the same family, we use the Idaho Supreme Court (Idaho Supreme Court) software program to randomly assign the case to a magistrate judge.*
 - a. *If a judge retires and a modification is filed, the modification may be assigned per Idaho Supreme Court software*
- *For rural counties, family law cases are assigned to the resident magistrate judge.*
- *The assigned judge follows the case through disposition and subsequent modifications unless a disqualification is filed or a judge retires.*

Cases are assigned to judges using the following procedure:

(Include processes for identifying cases appropriate for assignment to a judge currently handling a related case or a case involving members of the same family as well as the process for the initial assignment of all other cases. Also, include processes for assigning modification cases).

- *The rural counties family law cases are assigned to resident magistrate judge. In the event of a disqualification of a family law case, an Order of Disqualification will be forwarded to the Trial Court Administrator for reassignment. Any subsequent cases filed involving the same family members will be brought to the resident judge to determine whether or not the case should be reassigned to the newly assigned judge. The assignment of the subsequent case(s) is dependent on the original reason behind the reassignment and what makes sense for the most judicious way to resolve the case.*
- *See the chart on page 25, for assignments of family law cases used by Bannock County;*

The Sixth District adheres to the provisions of IRFLP 110 in responding to recusals, disqualifications, and the need for additional judges to handle lengthy trials by assigning cases to other sitting judges or senior judges assigned to the district.

- *Currently, the rural judges are assigned every case filed in their county;*
 - *If a judge is disqualified, a copy of the Order is sent to the Trial Court Administrator's office who reassigns the case to another magistrate judge;*
 - *When rural county case has been assigned to another judge and another case involving the same family is filed, the deputy clerk shall conference with the judge to see if the circumstances require that this case be transferred to the other judge or whether it makes sense for the local judge to retain it.*
- *Bannock County uses ISTARS or current court software to randomly assign cases to the sitting magistrate judges.*
 - *If there is a disqualification, the case is to brought to the Trial Court Administrator's office for reassignment;*
 - *The administrative assistant uses an established rotation list for assignment;*
 - *Subsequent cases involving the same family members are assigned to the judge who is presiding over the current active case, per table found on page 25;*

Section 2.3: Service, Joinder of Issues and Engagement of Counsel

Delay in, or failure of, service of process, joinder of issues, and engagement of counsel often lead to long delays in the commencement of a family case or to a case's dismissal for failure to take action. Problems with service of process and joinder of issues are particularly likely to arise in cases where the plaintiff is self-represented. It is important for defendants to have an adequate opportunity to consult or retain counsel not only to protect their legal rights but also to facilitate the earliest resolution of civil cases. However, persistent failure to obtain counsel is also a cause of unnecessary delay.

The Sixth District follows these practices in helping self-represented litigants to complete service of process:

- *Self-represented litigants are directed to meet with court assistance clerks throughout the district who in turn provide necessary paperwork as approved by the Idaho Supreme Court and according to established protocols. The paperwork is reviewed prior to filing by Court Assistance Officer for completeness unless a litigant waives review.*
 - *Court assistance officers are provided with training on various options for service and it is up to the litigants to determine the best way to serve respondent for own case.*
- *Bannock County provides free bi-monthly filing workshops to educate self-represented litigants on the filing process. All counties are invited to send individuals to these workshops as necessary;*
- *There is a free monthly attorney workshop held in Bannock County held to assist litigants with questions on family law or other areas. These workshops are open for all litigants in the Sixth Judicial District.*

The Sixth District follows these practices in helping self-represented defendants to complete the preparation and filing of an answer and obtain counsel in a timely manner:

- *Court assistance officers and the Idaho Supreme Court provide approved answer forms along with instructions;*
- *Court assistance officers are provided with training on how to access pro bono attorney services and are also trained to ensure that litigants know the benefits of hiring an attorney.*
- *The Idaho Supreme Court Assistance website includes the following statement:*

WHEN SHOULD I CONSIDER TALKING TO AN ATTORNEY?

The materials and assistance you receive on this web site or in your local Court Assistance Office are no substitute for talking with a lawyer. Laws and court rules are very complex. Consequently, keep in mind, even if you follow the instructions provided and use our forms you are not guaranteed to win your case.

The materials on this site are meant to help you educate yourself through the process. It is always advisable to talk to a lawyer before proceeding on your own, especially if your situation is complicated or you expect difficulties. Visit the Idaho State Bar Lawyer Referral Service to find a lawyer.

The Sixth District carefully follows the provisions of IRFLP 120 in dismissing civil cases for failure to take action and in allowing their reinstatement.

Section 2.4: Proactive Case Management/Early and Continuous Assessment

All cases and calendars are set in such a way to prevent unnecessary delay in case processing, while balancing the effective use of the time of parties, victims, judges, attorneys, and court personnel.

The District adopts a proactive case management approach that monitors the progress of all family cases and proactively intervenes in every case that is not progressing satisfactorily. Idaho judges continuously assess cases to ensure that every case receives individual attention and to make sure that the amount of individual attention is proportional to need. The amount of court time and resources devoted to a case and the pace at which a case progresses depends on the complexity and individual needs of that case. Some cases can be resolved quickly with little court involvement while other cases require more time, court appearances, and judicial oversight to reach resolution. Through an early and ongoing assessment process, the judge manages the progress of a case in a manner that will result in the most timely and just resolution possible, given the individual circumstances of that case.

The court maintains early and continuous control of all cases from initiation through post-disposition proceedings by the use of:

- Assessment of the need for interpretive services;
- Case assessment to determine the most appropriate plan for managing a case, including referral to family court resources and services;
- Scheduling orders and conferences for purposes of achieving date certainty;

- Management of discovery and motion practice in accordance with the Idaho Rules of Family Law Procedure;
- Realistic setting of trial dates and time limits;
- Court control of continuances for purposes of fostering early voluntary resolution of most cases and achieving trial date certainty for those cases that are resolved by trial.

Ongoing review of cases is necessary to ensure that a future action or review date has been set by the court in every case.

Differentiated Case Management (DCM) is an effective case management tool that involves formally screening cases at initiation and assigning them to a predefined “case track” that is proportionate to the needs of that case. Districts have the option of employing a DCM process. If used, judges have the discretion to move a case from its assigned path to one that is more appropriate, given the developments in the case.

The court uses the following criteria when utilizing differential case management or otherwise proactively managing a family case:

- Whether there are pending child protection, juvenile delinquency, guardianship, or other cases involving the same family including criminal histories;
- Number of parties;
- Whether the parties are represented by counsel;
- Whether the issues in the case will be contested;
- Whether the case involves minor children; cases involving younger children may need special attention;
- The length of the marriage or whether the parties were never married;
- Whether a party is in the military and/or out of state;
- A history of, or evidence of the existence of, domestic violence, substance abuse, child abuse, or mental health issues;
- Complexity of factual and legal issues, for example, the amount of and nature of property involved in the case, children’s behavioral issues, children’s special needs, or the level of parental conflict; and
- Likelihood of going to trial/informal custody trial and estimated length of trial.

The Sixth District uses the following processes to ensure that family law cases are assessed early and managed proactively and on an ongoing basis:

- *All self-represented litigants have forms reviewed by Court Assistance Officer unless they waive the review. If the documents are complete, the case is filed;*
- *If the self-represented litigant has issues with child support, custody, etc., he/she shall be referred to the Family Court Services Director for assistance, 208-236-7416.*
- *A case scheduling conference, pages 26-27, is ordered within 30 days of the answer filed by the judge’s deputy clerk.*
- *Family Court Services may be asked to attend the scheduling conference;*
- *Status conferences shall be held as often as necessary to ensure the identified issues by the court are being addressed.*

Idaho Courts are committed to resolving family cases through the combined efforts of the courts, the family, and community services-in ways that are least adversarial and intrusive. Therefore, a continuum of services and inter-disciplinary professional collaboration with the court is needed. There are finite resources available to Courts and families for case resolution. Further, one size does not fit all families.

The Sixth District uses the following process for assigning cases to Family Court Services or other appropriate services:

- *When a self-represented litigant indicates at time of filing that there are issues with child support, custody, etc., the court assistance officer shall refer the litigant to the Family Court Services Director for assistance, 208-236-7416.*
- *When an answer is filed, then the deputy clerks will set it for a status/scheduling conference at least 14 days out to give it proper notice, but as soon as possible in order to appropriately appraise the case for further resources application as necessary.*
 - *Bannock County – when an Answer is filed or a Notice of Appearance is filed in Court Records, the deputy clerk will bring the Answer or Notice of Appearance to the family law deputy clerk who will post and take it to the judge at which time the judicial deputy clerk will set it for a status conference or hearing;*
 - *Rural counties – the deputy clerk will schedule the case for a status conference at the earliest time possible after 14 days for proper service;*
- *When issues are brought up during the scheduling/status conference, the judge may refer the litigants to Family Court Services. Family Court Services may use telephone or video conferencing to assist litigants. Resources will be used on a case-by-case basis.*
- *The Sixth Judicial District will not automatically require mandatory mediation on contested cases;*
 - *Family Court Services requires an order authorizing them to begin case management for a specified case;*
 - *See list of resources currently made available to litigants in the Sixth Judicial District by Family Court Services on pages 30-31;*

Teleconferencing and video conferencing are permitted by IRFLP 118 and are used as a means of reducing delay and expense.

OPTIONAL DCM SECTION:

- *The Sixth Judicial District is not currently using differentiated case management (DCM). At some point, we may wish to look at providing separate tracks for these types of cases:*
 - *When parents were never married;*
 - *When parents want 50/50 and a child has never had an overnight outside home;*
 - *When parents want 50/50 and parent works nights at Monsanto, for example;*
 - *When the kids are young, pre-school age;*
 - *When one parent is incarcerated;*
 - *When one party is rich;*

Section 2.5: Calendar Setting and Scheduling of Events

Calendar Setting

Most family case hearings are initiated by the court, based on the results of its monitoring the progress of the case. Each judge presiding over an individual calendar controls and sets his or her own calendar. For judges sitting on a master calendar docket, the calendar is managed and coordinated between the judges and trial court administrator's office or clerk's office responsible for calendaring.

When an attorney or party determines that a hearing is warranted, for judges presiding over an individual calendar, the party or counsel contacts the clerk of the presiding judge to calendar a matter for a time certain. For judges sitting on a master calendar docket, matters are scheduled for a time certain by the clerk's office or at the direction of the presiding judge, as necessary. All calendar settings are made within the applicable time standards; setting outside of an applicable time standard are made only upon showing of good cause and upon order of the presiding judge.

Scheduling complies with the time standards adopted by the Idaho Supreme court.

Family cases are set for trial at the time of the scheduling conference unless otherwise ordered by the court.

The process used for setting family cases for trial is:

- *Goal - It's not about speed, but to reduce untimely delay. We want the right results with unnecessary delay while trying to provide equal application of the rules to individual litigants. The general handling of the case should be similar throughout our district;*
- *The following documents shall be provided at the time a new divorce or custody/child support modification is filed. They shall be served to the parties as ordered by the court:*
 - *Joint Prohibitive Order, page 32;*
 - *Letter to Parents, page 35;*
 - *Order to Attend Focus on Children and Silver Linings, see page 34;*

- *Resource Pamphlet for Sixth District Family Court Services, see page 36-37.*

The Sixth District follows these practices to avoid scheduling conflicts for parties, counsel, interpreters, and court reporters in family cases:

- *The courts have not had a big problem in these areas as there is good communication among the judges' deputy clerks, counsel and/or parties;*
- *The scheduling/status conference will be used to identify possible conflicts early on in the case;*

The Sixth District follows these additional practices to maximize the efficient use of the time of judges, court staff, attorneys, and expert and lay witnesses:

- *For cases involving Self-Represented Litigant, judges will explore use of informal custody trial;*
- *A scheduling conference will be scheduled no later than 45 days after the answer is filed;*

Scheduling of Events

All scheduled case events are meaningful events, defined as events that (a) move a case towards disposition and (b) prompt the attorneys and parties to take necessary action. Scheduling and conducting events that are not meaningful creates unnecessarily long lapses, having potentially negative impacts on the families. Monitoring the effectiveness and timeliness of interim case events between filing and disposition helps to prevent unnecessary delay.

The following have been identified as key interim case events in family law cases that will be tracked in the case management system and monitored for informational and case management purposes:

Service of summons	Mediation completed
Completion of co-parent education or waiver	
Filing of responsive pleading	Assessment/evaluation ordered
Case screening	Assessment/evaluation completed
Scheduling order	Discovery cutoff date
Motion for temporary order	Filing of dispositive motion
Order on motion for temporary order	Pre-trial conference
Ordered to mediation	Start of trial

The following guidelines are used to ensure that case events are meaningful.

- A scheduling conference is set by the court clerk or a scheduling order is issued shortly after an answer is filed [see IRFLP 701].
- A trial date is set at the scheduling conference. Attorneys are responsible for maintaining their availability for the trial date set.
- Attorneys come to the scheduling conference prepared to provide a list of available dates and reasonable estimates of the time necessary to a) prepare for trial and b) actually try the case.

- The judge controls the calendar. Requests for continuances are considered by judges in accordance with Section 2.10 of this plan.
- Scheduling orders and discovery will conform to IRFLP. Mediation is encouraged in every appropriate family case and the deadline for completion of mediation is included in a court order.

The Sixth District follows these practices to ensure that all scheduled events in family cases are meaningful:

- *Schedule training to judges and deputy clerks, both separately and together, using the caseflow management plan as the teaching document to ensure all court personnel are on the same page about the making decisions regarding scheduling;*
- *The Family Services Coordinator shall continue to research, learn, and provide education on best use of available resources, the time it takes to access resources well, and other points that affect productive use of time to the judges and/or deputy clerks throughout the district.*
- *Use the multi-district deputy clerk training to educate all deputy clerks about the philosophy of family caseflow management and how deputy clerks can assist judges in making scheduling decisions.*

Section 2.6 Motion Practice

Motion practice conforms with Idaho Rules of Family Law Procedure, Chapter V.

The substance and need for motions varies widely and are most likely to be filed by attorneys rather than self-represented parties. Since motions can significantly impact the time and expense necessary in any case, management of motions is an essential component of an effective and efficient case management plan. This management is best done in an early scheduling/trial order. Requiring compliance with the motion deadlines eliminates a significant potential for unreasonable delay.

Courts do not allow the parties to modify discovery deadlines set by court rule or court order by stipulation without authorization of the court and permit modification only as necessarily and, if possible, without disturbing firm trial dates.

The court should adhere to the following general guidelines when creating scheduling orders:

- Dispositive motions are filed pursuant to IRFLP Chapter V but can and should be set earlier in the case.
- Motions which affect the introduction of evidence at trial, i.e., motions in limine, motions to strike witnesses or exhibits, etc., are often filed late in the process. Scheduling orders account for this and require such filings to occur early enough to give the court sufficient time to carefully consider the same without impacting the trial date.
- Clerks are given careful guidelines in the scheduling of motions. Parties do not control the hearing schedule, and hearings are set so as to allow for meaningful review but timely resolution.
- Courts diligently consider and rule on motions, in compliance with the requirements of the Idaho Constitution, and to prevent unreasonable delay.
- Informal methods should be adopted for consideration and resolution of motions, such as conducting hearings of non-dispositive motions by teleconferencing.

The court should adhere to the following general guidelines and rules when considering motions:

Temporary Orders Section of the 6DCFMP

- *The Sixth District requires strict compliance with the Idaho Rules of Family Law Procedure with respect to all motions for temporary orders in family law cases. The deputy clerk for the assigned judge shall promptly set motions for temporary orders for oral argument. Time limits provided for hearing by the rules shall be adhered to unless otherwise ordered by the assigned judge, Rule 117 IRFLP.*
- *Motions for temporary orders shall be verified complete and in the proper form, Rule 504A IRFLP. A responding party's response to a motion for temporary orders shall be verified complete and in the proper form, Rule 504B IRFLP. The moving party shall not be permitted to file affidavits in rebuttal to the responding party's response. Parties will be required to adhere to page limits required by the rule, Rule 504C IRFLP. Motions for temporary orders will be decided exclusively on the motion(s) and affidavits,*

unless at the hearing for oral argument, the court determines the parties should be allowed to present evidence. In such cases, the motion will be set for evidentiary hearing as soon as reasonably possible, Rule 504D IRFLP. Prior to hearing, the assigned judge will attempt to decide motions for temporary orders without oral argument, Rule 501C4 IRFLP.

- *A motion for temporary restraining order shall be verified complete and in the proper form. Ex-parte orders will be granted only in the most extraordinary cases upon clear appearance from specific facts alleged by affidavit or by verified petition that immediate, irreparable injury, loss or damage will result to the applicant before the adverse party can be heard in opposition. No ex-parte restraining order will issue without proper written certification to the court specifying the efforts, if any to give notice to the opposing party of the motion and the applicant's reasons why notice should not be required, Rule 508 IRFLP. The form, scope and grounds for any injunctions or restraining orders issued in a family law case, as well as any requirements for the posting of bond or security, will comply with the requirements of the IRFLP, Rules 509, 510, 511 and 512 IRFLP.*

The Sixth District follows these procedures for the filing, hearing, and disposition of motions in family law cases in a timely manner:

- *The deputy clerk for the assigned judge shall promptly set motions for temporary orders for oral argument. If the assigned judge decides motions for temporary orders without oral arguments, the scheduled hearing will be vacated within 24 hours of the scheduled hearing.*

Section 2.7: Discovery Practice

Discovery is a significant portion of the litigation time and expense. Therefore, management of discovery is also an essential component of an effective and efficient case management plan. This management is done in an early scheduling order. Such orders manage the nature and scope of discovery according to the needs of each case, consistent with applicable rules. The case management order manages the time and expense devoted to discovery while promoting just dispositions at the earliest possible time.

- Discovery in civil cases is generally governed by IRFLP Chapter IV.
- Courts have the authority to manage discovery as justified, pursuant to IRFLP 402, and do so in scheduling/trial orders consistent with the guidelines set forth above.
- Discovery deadlines are firmly set in scheduling/trial orders and adhered to by the parties and the Court. However, judges do not allow the deadlines contained in scheduling/trial orders to be used as a basis for failing to timely respond to or supplement properly served discovery, including requests for disclosure of trial witnesses and/or exhibits. Courts do not allow the parties to modify discovery deadlines by stipulation without authorization of the court and permit modification when necessary, preferably without disturbing firm trial dates.
- Motions to compel discovery responses strictly comply with IRFLP 443, requiring parties to make every reasonable effort to resolve discovery disputes without court intervention.

- Court sanctions, pursuant to IRFLP 443-448, are used to curb abuses of the discovery process, including deliberate delay.

The Sixth District follows these procedures to facilitate the exchange of discovery materials in family cases:

- *Mandatory disclosures shall be managed according to IRFLP 401 and 402;*
- *The judges shall use the scheduling conference to establish time specific discovery exchange, monitor and when necessary sanction unresponsive parties;*

The Sixth District follows these procedures to assist self-represented petitioners and respondents with discovery issues:

- *The court assistance officer will continue to assist litigants in connecting with attorney resources, as possible;*
- *The judges shall have direction and control during the scheduling conference to direct self-represented litigants;*
- *The judges shall continue to encourage informal trials for self-represented litigants;*

Section 2.8: Early/appropriate case resolution processes

All structured dispute resolution processes conform to the governing court rule or statute applicable to a specific case. Appropriate dispute resolution in family law cases is governed by IRFLP, Chapter IV. Settlement conferences are governed by IRFLP 701. As early as practical, the court shall in every case consider the appropriateness of all forms of dispute resolution, including education, mediation, or settlement conferences, in order to foster efficiency, early resolution, and effective case management.

IRE 507, as administered by the authorizing court, governs the confidential nature of mediations to foster resolution in all such cases as deemed appropriate.

Mediation is encouraged in every civil case and the deadline for completion of mediation is included in the scheduling order.

IRFLP 603 addresses mediation in civil lawsuits. IRFLP 602 addresses mediation in child custody and visitation disputes. All mediation is conducted in conformance with the *Uniform Mediation Act*, Idaho Code §9-801, *et. seq.*, or as amended and ordered by the authorizing court.

The Sixth District has established the following programs to facilitate the earliest possible resolution of family cases:

[Consider methods of enforcing mandatory disclosure pursuant to IRFLP 401].

- *Hold status conferences as often as necessary;*
 - *Deputy clerks may use tickler system as judge provides instruction at status hearings so she can provide reminder to litigants/counsel of requirements.*

- *Enforce mandatory disclosures;*
- *Use settlement protocol when it appears case might benefit;*
 - *Mediation;*
 - *Brief focus assessment within 28-30 days before mediation is ordered;*
 - *Litigants may use judicial settlement conferences when other dispute resolution models have not been successful. A sample Minute Entry and Order for Judicial Settlement Conference is found on page 39:*

Section 2.9: Pretrial Case Management

Implementation of standard pretrial management practices for cases that are very likely to proceed to trial, such as holding meaningful pretrial conferences, is the most effective mechanism for (a) promptly resolving cases before trial and (b) ensuring that cases going to trial are adjudicated without unnecessary delay. Successful pretrial management of cases requires both the court and counsel to attend the pretrial conference prepared to discuss the matters identified in the court's scheduling order, IRFLP 704, and/or any other issues or concerns unique to each case.

The following guidelines are used for pretrial case management:

- Consider the need for interpretive services.
- Final pretrial conferences and any pretrial submissions ordered by the presiding judge are required at least 14 days before a trial or more frequently as needed.
- In complex cases, an initial pretrial conference is set at least 30 days before trial.
- Deadlines are set for dispositive motions and motions in limine. Dispositive motions are filed early enough that they are heard by the court at least 60 days before the pretrial conference, allowing the court to make a ruling before the final pretrial conference. Motions in limine are filed early enough that they are heard by the court no later than the date of the pretrial conference.
- Scheduling orders reference IRFLP 702 and inform attorneys that they are to be prepared to discuss such matters at the pretrial conference.
- Disclosure of witnesses, pursuant to IRFLP 401, occurs 42 days before trial.
- Participation of children, pursuant to IRFLP 119, including motions to allow child testimony are filed 28 days prior to trial.

The Sixth District follows these procedures as part of its management of the pretrial stage of family cases:

- *Pretrials will be held no later than 14 days before the trial and address the following;*
 - *The simplification of the issues;*
 - *The necessity or desirability of amendments to the pleadings;*
 - *The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;*
 - *The limitation of the number of expert witnesses and the disclosure of the identity of persons having knowledge of the relevant facts and who may be called as witnesses;*
 - *The advisability of a preliminary reference of issues to master for findings to be used as evidence;*
- *Settlement agreement will be stated on record as completely as possible;*
 - *Submitted in typed or handwritten form to be replaced by clean typed copy within 14 days;*
 - *All disagreements will be held by motion.*
 - *Order a transcript and have a hearing and prevailing party pays for transcript.*
 - *If not signed by 14 days, a hearing will be held within 10 days following deadline.*

- *If a transcript is ordered, the prevailing party will be charged for transcript or \$10 for CD;*
- *Sanctions can be imposed for litigant failing to be reasonable;*
- *If there is disagreement, legitimate to language or issue, court can make a decision based on argument.*

The Sixth District follows these procedures to ensure the time allotted for trial is appropriate:

- *The length of trials will be based on information provided by litigants and by judgment of presiding judge;*

Section 2.10: Continuances

Subject to IRFLP 104.F, continuances are requested by a written motion setting forth the basis of the motion. The motion also sets forth all prior continuances requested in the action. If a basis for the continuance is a conflict in a schedule, a copy of the court notice constituting the conflict is attached to the supporting affidavit. Any motion for a continuance of a trial date is signed by the litigant as well as by counsel.

A party objecting to the requested continuance may, but is not required, to file a written objection to the motion.

In accordance with IRFLP 104, a party may request oral argument on a motion for continuance. In its discretion, the court may deny oral argument. A joint or stipulated motion for a continuance is not binding on the court (IRFLP 104.F).

In family law cases, the factors the court considers in determining whether to grant a motion to continue include but are not limited to:

- The reason for the request and when the reason arose;
- Whether the reason for the request was within the control of counsel or was otherwise reasonably foreseeable;
- Whether granting or denying the motion would unfairly prejudice either party;
- The number of continuances previously granted;
- The age of the case;
- The days remaining before the trial date;
- Whether the case can be tried in the time allotted; and
- Whether all of the named parties agree to the continuance.

The judges of the Sixth District have adopted the following policy governing continuances in family law case:

- *Stipulations for Continuance prepared by attorneys are required to delineate the specific reasons for the continuance; and if required by the court, should also include the signatures of the litigants indicating that both sides agree to the continuance;*

Section 2.11: Management of Trials

Family law hearings and trials are scheduled to proceed on consecutive days from commencement to conclusion. Trials are conducted so as to make the most effective use of the time of witnesses, interpreters, judges, attorneys, and court staff.

The judges of the Sixth District adhere to the following practices to minimize the amount of time and resources required to conduct family trials, and to minimize the inconvenience to parties and witnesses, consistent with constitutional principles of fairness and due process of law:

- *Hold effective scheduling conferences to identify problems early on;*
- *Work closely with Family Court Services to provide possible resolution resources early on;*
- *Hold productive pretrial conferences;*
- *Offer Informal Custody Trials when custody remains an issue;*
- *The courts will work to ensure consistency in handling family law cases;*

The Sixth District maximizes the certainty that a trial will commence on the date set by:

- *All issues identified at the scheduling conference will be examined regularly through appropriate use of status conference, by holding a useful pretrial conference to ensure all resolutions that can be completed are and then to clearly identify the issues that remain;*
- *Judges shall pro-actively manage the cases/attorneys/litigants and as the district matures in using these established principles of the Family Law Caseflow Management plan, the litigants will become familiar with the expectations of the courts;*

Section 2.12: Preparation and Entry of Judgment

A considerable portion of the time required to resolve a family case occurs after the case has been resolved. This is particularly true in cases in which both parties are self-represented.

The Sixth District takes the following steps to ensure timely presentation of a judgment in family cases involving an attorney or attorneys:

- *If the case settles before trial, the judge provides a deadline for preparation and submission of the judgment, no later than two weeks;*
 - *The deputy clerk shall 'tickle' the record to monitor the submission of the judgment;*
 - *If the time for submission has passed, the deputy clerk shall call the parties to schedule a hearing to determine the status of the judgment;*
- *If the case schedules just prior to the trial beginning, the trial is vacated by the attorneys are brought into court to make a record of the terms of the settlement before parties and witnesses are released;*
- *Ensure every issue in the prayer is addressed;*
- *The judgment shall be in a separate document according to ICRP 54a.*

The Sixth District takes the following steps to ensure timely presentation of a judgment in family cases in which no attorney is involved:

- *If the parties are self-represented, the court may prepare the final judgment after the trial.*
- *If the parties announce a settlement prior to the trial, the court shall have parties state the settlement on the record;*
- *The court may prepare the judgment;*
- *If there is an attorney on one side, that attorney shall prepare the judgment;*

The Sixth District takes the following steps to ensure timely preparation of an order of protection:

- *Protection Orders are reviewed each day at no later than 4:00 pm by on-call judge. If granted, then orders are processed through all appropriate agencies before the end of the work day;*

Section 2.13 – Contempt Motions

Rule 822 of the Idaho Rules of Family Law Procedure confirms that contempt motions and proceedings are still governed by Rule 75 of the Idaho Rules of Civil Procedure. Frequently, post judgment proceedings in family law cases involve allegations of contempt of the court's orders concerning delivery of property, payments of debts, payment of child support, and/or child custody and visitation. Contempt motions may be filed before or during modification proceedings. Courts should consider joint trials of simultaneously pending contempt and modification motions.

The Sixth District takes the following steps to ensure timely disposition of contempt proceedings in family cases that also involve a pending motion or petition to modify child custody, visitation, and/or child support:

- *File contempt proceedings early on so that it can be addressed with other pending issues;*
 - *Set hearing within 10-14 days;*
- *TCA shall work with statewide Court Assistance Officer to determine contempt process for self-represented litigants;*
- *Sixth District shall request clarification of the contempt rule in Family Law.*

The Sixth District takes the following steps to ensure timely disposition of contempt proceedings in family cases that do not also involve a motion or petition to modify child custody, visitation, and/or child support:

- *The Sixth District requires a strict compliance with Rule 75 of the Idaho Rules of Civil Procedure. After filing and before arraignment, motions for non-summary contempt will be reviewed by the assigned judge to determine if they involve simple or complex issues. The determination of whether or not a public defender will be assigned to the alleged contemnor will occur at the time of arraignment. A scheduling conference will*

also be ordered at the time of arraignment. Contempt cases involving simple issues in the judgment of the assigned judge shall be fast-tracked for early trial and disposition. Complex contempt cases and those contempt cases that have either a companion divorce case, or a companion custody modification and/or support modification case, will be tried together with the divorce or modification action, unless otherwise ordered by the court.

Section 3: Effective and Consistent Monitoring of Case Management Reports

Caseflow management necessitates the regular production of case management information from an automated system. Case management reports provide a means of identifying and preventing delay in the processing of individual cases and the buildup of a case backlog that can result in an overall delay in the processing of all cases. They also provide information about potential sources of delay.

The production of case management information is not sufficient in and of itself, however, to ensure effective caseflow management. Equally important is the utilization of this information, as follows:

- Judges consistently and effectively monitor their case management reports and take appropriate action to ensure that meaningful events are set for all cases, that case processing goals are being met, and that potential sources of unnecessary delay are identified so that they may be addressed through case management.
- Administrative district judges and trial court administrators closely monitor reports for their districts to identify cases that are nearing or exceeding applicable time standards, areas where backlog may be developing, potential sources of systematic delay, and changes in overall caseloads and inequities that may be developing in caseload distributions that may require changes in judicial assignments.
- Court clerks monitor case management reports regularly to ensure that all pending cases are scheduled for meaningful events through disposition.

It is the responsibility of individual courts to ensure that data entry practices are consistent with statewide uniform business practices thus resulting in accurate and reliable case management information.

The Sixth District uses these procedures to ensure effective use of data reports for monitoring the progress of family law cases:

- *Each judge and deputy clerk shall go through the pending case reports to look for cases that need action every month;*
 - *Inactivity notices should be processed on a regular basis, preferably on a set day each month.*
 - *The data reports, when used consistently, can act as a 'tickler' to follow up on cases where there is something that is supposed to take place within a specified amount of time;*
- *The Trial Court Administrator shall routinely check data reports to identify any problems that may exist either procedurally by a court or in the instance where a case should be closed but not, etc.*

- *Provide training for new judges and deputy clerks on how to use reports;*

Section 4: Checking the Status of Pending Case Matters

Judges understand that decisions are to be issued in a timely way, pursuant to Art. V, Sec. 17 of the Idaho Constitution. Therefore, judges willingly accommodate requests by attorneys and/or parties seeking the status of matters under advisement or other pending case matters, without negative consequence to those seeking that status report. To assist the attorneys and/or parties in this regard, judges follow these practices:

- When additional briefing or materials are necessary before the judge considers the matter under advisement, the judge sets deadlines for submission of the briefing or materials clear to the attorneys and/or parties.
- If the judge considers the matter under advisement at the conclusion of oral argument, the judge clearly states the same on the record.
- If a matter is under advisement a proper notation of that fact is entered in the court's case management system.
- Every written decision contains a statement as to when the court considered the matter under advisement.
- Attorneys and/or parties are advised that they are free to contact the court's clerk to inquire about the status of any case, proceeding, or pending decision 30 days after the matter is under advisement, without consequence. Districts should consider a local rule implementing this protocol.

Clerks will receive training to fulfill requests for the status of a case, proceeding or pending decision, although their report should necessarily disclose only that the matter is still pending, the scheduled timing of future events, or that the decision has been issued.

Section 4: Special Considerations for District Plans

Language Access Services

Federal and state law require judges to ensure parties, witnesses, and other interested individuals have meaningful access to the courts. Language access services are provided in all civil and criminal cases pursuant to Idaho Code 9-205. Professional court interpreters are appointed pursuant to ICAR 52. Determining the need for services is done in a number of ways, including the following:

- For spoken languages, self-identification by the non-English speaker (or companion). For the deaf or hard of hearing, through an ADA request for accommodation.
- A judge finds there is a need for language access services.
- Court-personnel may receive notice directly from the public, attorneys, guardians, probation officers, law enforcement and other participants.
- Outside agencies, such as social workers, law enforcement or correctional facilities notify the court about a LEP individual's need for auxiliary services for an upcoming event.

The Sixth District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

- *The courts should adhere to Idaho Court Administrative Rule 52 regarding court interpreters;*
 - *If a court needs further assistance, contact the Administrative Assistant at 208-236-7379;*

Self-Represented Litigants

The Idaho Judiciary is committed to ensuring access to justice for self-represented litigants (self-represented litigants). Consistency and predictability are vital to meeting this goal. Self-represented litigants may lack the expertise to manage their cases effectively. There are key points in a case where self-represented litigants can unintentionally stall the progress of a case. The Judiciary's commitment to ensure fair and timely case resolution requires that these and other Self Represented Litigant concerns be addressed. All solutions will look toward effective practices that will not become obstacles to self-represented litigants but will instead facilitate proper notification and access to information for self-represented litigants so that they can more effectively navigate the court system.

The Sixth District adheres to the following practices to accommodate the needs of self-represented litigants in obtaining information about their legal rights, about legal processes, and about court proceedings; in obtaining access to legal forms appropriate to their needs and in completing those forms:

- *Each county shall provide court assistance access for self-represented litigants;*
 - *Provide Court Assistance website information;*
 - *Make available packets at established cost;*
 - *Provide information regarding pro bono attorney services;*
 - *Contact Bannock County Court Assistance Officer, at (208)236-7067 for ways litigants can access workshops that are available in Bannock County;*
 - *If there are problems or questions, the Court Assistance Officer shall contact the statewide Court Assistance Coordinator at (208)947-7449;*
- *Long-termed goals would include more video conferencing with resources within the district and throughout the state.*

The Sixth District adheres to the following practices to accommodate the needs of self-represented litigants in the courtroom:

- *The judge and deputy clerk shall have a list of family court resources available for use while in the courtroom.*
- *The court shall encourage the use of Informal Court Trials when there are self-represented litigants/*

Media relations

The Idaho courts have a manual for judges on media relations and the handling of notorious cases. These issues are addressed in ICAR 45 and 46. In addition, ICAR 32 addresses public requests for court records, which includes media requests.

Administrative district judges establish effective relations between the court and the media, by scheduling forums or other opportunities for discussion with the media, and by providing general information to the media about the courts, the law, and court procedures and practices, to the extent permitted by the Idaho Code of Judicial Conduct.

In the Sixth District, judges follow these standard procedures in dealing with requests for video coverage of family law proceedings:

- *Ensure deputy clerks are familiar with the Request to Obtain Approval to Video/Audio Record, Broadcast or Photograph a Court Proceeding, according to Idaho Court Administrative Rule 45, see pages 41-42;*

Telephonic and other remote appearances

IRFLP 118 authorizes the use of telephone conferencing to conduct hearings. Allowing parties, witnesses, interpreters, and attorneys to make court appearances without appearing personally in court can result in significant efficiencies and are allowed when they do not compromise the rights of a party

In the Sixth District, remote appearances are allowed as follows:

- *On a case-by-case basis per order of the Court;*

The procedures for arranging a remote appearance are:

- *A formal request will be made to the court;*
- *If judge approves, the deputy clerk will make the appropriate arrangements with the litigants;*

Other circumstances unique to the Sixth District:

- *The Sixth District will continue exploring the use of 'LifeSize Cloud' to improve access to video conferencing in all areas, especially in the area of resource management;*

Section 5: Implementing and Maintaining the Family Law Caseflow Management Plan for the Sixth District

Once the District Caseflow Management Plans are established, implementing the plans and keeping them relevant will be a priority. Therefore, outreach and collaboration will be ongoing. Both at the state and at the individual judicial district levels, collaborative planning procedures will be maintained to promote regular and ongoing communication, problem solving and adaptation of caseflow management processes to the ever-changing needs of the justice system and the communities it serves.

Major sources of potential future changes include rule amendments, efforts of the Advancing Justice and Children and Families in the Courts Committee to identify and promote effective practices, and efforts of the Judges Associations to develop uniform forms for all Idaho case types.

The Sixth District will utilize the following processes to ensure the Family Law Caseflow Management Plan is implemented as intended:

- *The Family Law Caseflow Management Plan will be implemented by Local Rule under the direction of the Administrative District Judge of the Sixth Judicial District. The Idaho State Bar Desk Book will contain the link of where the plan is found.*
- *The Family Law Caseflow Management Plan shall be proposed as a topic for the Portneuf Valley Inns of Court;*
- *The Trial Court Administrator shall hold a training CLE for attorneys and their staff regarding the caseflow management plan, including the flow chart, found on page 38, of*

case events, resources available for family law and other topics helpful to manage family law cases.

The Sixth District maintains the case management plan through the following process(es):

- *Once approved by the Idaho Supreme Court, the Family Law Caseflow Management Plan shall be presented to the Sixth District Family Law Bar by the magistrate judge who serves on the Children and the Family Committee for comment;*
 - *All comments should be submitted to the Trial Court Administrator;*
- *The Family Law Caseflow Management Plan shall be reviewed once a year at a regular Family Law Bar CLE meeting under the direction of the magistrate judge who serves on the Children and the Family Committee of the Idaho Supreme Court.*

BANNOCK COUNTY CASE ASSIGNMENTS (1/29/2016)

When a criminal charge is filed against a defendant for domestic batter or assault, or stalking or attempted strangulation, the deputy clerk will enter an ROA entry that lists the name, DOB or other identifier of the victim or victims. The deputy clerk will then click 'seal' for that ROA, so non-authorized people will not see the name of the victim.

Criminal Charge related to domestic violence*	DVO	DR / Custody
<ul style="list-style-type: none"> Arraignment Court Clerk determines if related cases exist. If related cases exist, criminal charge assigned to judge who has the related cases. If no related cases exist, criminal charge is assigned to DV Court. Subsequent filings involving the same parties are assigned to DV Court Judge CPA filings subsequent to criminal charge involving the same parties will be assigned to J. Murray. 	<ul style="list-style-type: none"> Front Desk Clerk determines if related cases exist. If related cases exist, DVO assigned to judge who has the related case. If the Assigned Judge is not available, new DVO goes to on call Judge to review petition and determine if ex parte order is appropriate. DVO hearing is scheduled with the Assigned Judge. If no related cases exist, DVO hearing is scheduled with DV Court Judge and all subsequent related cases are assigned to DV Court Judge. CPA filings involving the same parties subsequent to DVO will be assigned to J.Murray. 	<ul style="list-style-type: none"> Front Desk Clerk determines if related cases exist If related cases exist between the same two parties, DR assigned to judge who has the related case. <ul style="list-style-type: none"> All subsequent filings assigned to judge who as DR; If related case exist with only <u>one</u> party involved, DR assigned by rotation. If no related cases exist, DR assigned by rotation. If DVO is pending, case goes to DV Judge. If DVO filed within the last 12 months, DR is assigned to the DV Judge. If modification is filed for a case who was assigned to a judge who has since retired more than one year, the modification shall go to rotation. CPA filings involving the same parties subsequent to DR will be assigned to J. Murray. If open CPA case and a subsequent Modification of DR is filed, the DR is transferred to J. Murray.
CPA filed first		<ul style="list-style-type: none"> All subsequent filings, except criminal charge, are assigned to J.Murray.

***Criminal Charge**, as referenced in these flow charts means domestic (**misdemeanor or felony**)/assault; stalking. Includes violation of no contact order (NCO), **Domestic Violence Protection Order (DVO)** is also known throughout the State as a Civil Protection Order (CPO). Violation of a domestic violence protection order is also considered in this category. **Related Cases** are cases that involve one or more of the same

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR _____ COUNTY**

Upon review, the Court has determined that this matter is appropriate for a schedule conference for the purpose of issuing a scheduling order. IFRLP 703

Scheduling Conference is scheduled: (Insert Date and Time)

Location: _____ County Courthouse; () in chambers () by telephone.

() The court will initiate the call. () Counsel for Plaintiff will initiate the call.

The purpose of the conference will be to entering a scheduling order addressing the following matters:

- (1) The setting of date(s) for trial and any pre-trial conferences;
- (2) The setting of deadlines for joining other parties;
- (3) The amending of pleadings;
- (4) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence;
- (5) The avoidance of unnecessary proof and of cumulative evidence;
- (6) Identification of witnesses and documents, the need and schedule for filing and exchanging pre-trial briefs, and the dates or dates for further conferences and for trial;
- (7) The advisability of referring matters to a master, appointment of an attorney for children, or the appointment of a parenting evaluator.
- (8) The possibility of settlement or the use of extrajudicial procedures including alternative dispute techniques to resolve the dispute;
- (9) The form and substance of the pre-trial order;
- (10) The disposition of pending motions;
- (11) The need for adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;
- (12) Such other matters as may aid in the disposition of the action;
- (13) Mediation;
- (14) Any parties and/or witnesses needing an interpreter as provided by ICAR Rule 52;
- (15) Reasonable estimates of time required for trial;

CERTIFICATE OF SERVICE

I certify that on the _____ day of January, 2016, I served a true and correct copy of the foregoing document on the persons listed below by mailing, with the correct postage thereon, by facsimile, or by causing the same to be hand delivered.

Plaintiff:

Courthouse Box US Mail
 FAX Hand Delivery

Plaintiff's Counsel:

Courthouse Box US Mail
 FAX Hand Delivery

Defendant:

Courthouse Box US Mail
 FAX Hand Delivery

Defendant's Counsel:

Courthouse Box US Mail
 FAX Hand Delivery

Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR _____ COUNTY

_____,)
Plaintiff/Petitioner,)
vs.)
_____,)
Defendant/Respondent.)

)

Case No. CV-2016- -DW
SCHEDULING ORDER (IRFLP)

This matter came before the Court for a scheduling conference on 1/13/2016 @ 8:30 AM with both parties appearing through their respective counsel identified below:

For the Plaintiff: _____

For the Defendant: _____

A. PURSUANT TO RULE 702 OF THE IDAHO RULES OF FAMILY LAW PROCEDURE (“IRFLP”) THE FOLLOWING SCHEDULING ORDER IS HEREBY ENTERED:

- (1) The setting of date(s) for trial: _____
a) Pre-trial Conference is set for: _____
- (2) The setting of deadlines for joining other parties:
- (3) The amending of pleadings:
- (4) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence;
- (5) The avoidance of unnecessary proof and of cumulative evidence;
- (6) Identification of witnesses and documents, the need and schedule for filing and exchanging pre-trial briefs;
- (7) The advisability of referring matters to a master, appointment of an attorney for children, or the appointment of a parenting evaluator.
- (8) The possibility of settlement or the use of extrajudicial procedures including alternative dispute techniques to resolve the dispute;
- (9) The form and substance of the pre-trial order;
- (10) The disposition of pending motions;
- (11) The need for adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;
- (12) Such other matters as may aid in the disposition of the action;

- (13) Mediation;
- (14) Any parties and/or witnesses needing an interpreter;
- (15) Reasonable estimates of time required for trial;

Dated this _____ day of January, 2016.

Name of Judge, Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on the _____ day of January, 2016, I served a true and correct copy of the foregoing document on the persons listed below by mailing, with the correct postage thereon, by facsimile, or by causing the same to be hand delivered.

Plaintiff's Counsel:

<input type="checkbox"/> Courthouse Box	<input type="checkbox"/> US Mail
<input type="checkbox"/> FAX	<input type="checkbox"/> Hand Delivery

Defendant's Counsel:

<input type="checkbox"/> Courthouse Box	<input type="checkbox"/> US Mail
<input type="checkbox"/> FAX	<input type="checkbox"/> Hand Delivery

Deputy Clerk

SIXTH JUDICIAL DISTRICT BENCHCARD
FAMILY COURT SERVICES (FAMILY COURT SERVICES) (1/19/2016)



BANNOCK COUNTY COURTHOUSE -ROOM 106 POCATELLO ID 83201
(208) 236-7416

Services	Description/Primary Purpose	Cost	Recommended For:	Not Recommended When:	Providers
Case Management Screening (CMS) / Family Court Services Intake	Intended to provide judges with recommendations to help direct families to appropriate interventions once a case becomes contested. The screening requires an order by the court. The screening is designed to triage cases into core services and other programs authorized by I.R.F.L.P. 1001. <u>Recommendations include:</u> Mediation Brief Focused Assessments Parenting Time Evaluations Parent Education/Co-Parent Education DV evaluations Substance abuse evaluations/Testing Mental Health Evaluations/Treatment Litigation	Free	All cases involving children to assist in appropriate triage of cases within Family Court. Focus is on Prose litigants. It can be implemented with represented parties to assist in alternate dispute resolution & providing Judges with recommendations when managing cases.	Case can be resolved with less intrusive and less expensive services.	Family Court Services. Lacy Parker
Mediation IRCP 16(j) IRFLP 602	Early mediation in cases prevents some cases from developing into high conflict cases by lessening the conflict and tension between parents and empowering parents to make their own decisions regarding custody.	<u>Sliding fee scale.</u>	Most cases	The case involves allegations of severe or ongoing family violence, mental health and/or substance abuse.	Supreme Court Mediation Roster (Family Court Services cases).
Brief Focused Assessments (AFCC Model Program with Standards)	Brief Focused Assessment, responds to a circumscribed legal question that requires judicial action. These assessments can help establish a safe access or parenting plan for the duration of temporary orders. The Brief Focused Assessment may also be used to expedite an answer to a specific area to allow the court to proceed with decision making without further assessment.	<u>Sliding fee scale.</u> Up to \$500 per qualifying parent is available for qualifying applicants*** Total BFA cost \$1200 (does not include travel & testifying fees)	Cases that raise immediate issues about child safety or questions regarding a child's needs or wishes. Please check with Family Court Services Coordinator to determine if questions are appropriate & if an assessor is available.	Case presents with complex multiple issues.	<i>Family Court Services maintains a current list of providers who are qualified to conduct BFA. Call (208)236-7416.</i>
Custody Evaluation (Parenting Time Evaluation) IRCP 16(q) IRFLP 719	An evaluation, assessment, or investigation into the best interests of the child. <u>A "custody evaluation" is a comprehensive forensic evaluation addressing such issues:</u> Parenting capacity Parental mental health Child well-being Bonding & attachment Psychological needs Parental conflict	<u>Sliding fee scale.</u> Up to \$500 per qualifying parent is available for qualifying applicants*** Total PTE cost \$2000-\$2500 (does not include travel)	Cases involving high conflict, family violence including child physical and sexual abuse; mental health and substance abuse concerns.	Case can be resolved with less intrusive and less expensive services.	<i>Family Court Services maintains a current list of providers who are qualified.</i>

	The purpose of a custody evaluation is to assist the court in making a determination regarding child custody, visitation, and appropriate services for the family.	& testifying fees)			
Supervised Access & Supervised Transitions IRCP 16(o) IRFLP 717	Parent/Child Visitation. Services take place in a neutral environment with professionals trained to monitor parent/child interactions when certain risk factors are present and to minimize access-related conflict between parents.	Sliding fee schedule.	Parents who may need to improve parenting skills; may have substance abuse; family violence or trouble controlling anger; or who may have been involved in inappropriate sexual behavior with the child.	Case can be resolved with less intrusive and less expensive services.	<i>Family Court Services maintains a current list of providers who are qualified to conduct visitations.</i>
Parent/Co-Parent Education	Specialized time limited information that helps parents reframe focus from each other to "the problem." Helps parents recognize behaviors that are contributing to poor child-outcomes. Topics include: setting boundaries and limits with each other, routines for children, how to set up a "demilitarized zone" around the children, how to parent with little or no contact with the other parent, how to communicate about critical information (health, medical, school).	TBD by the provider.	Parents that are at an impasse in mediation and have proven they are unable to parent in a child-centered manner.	Severe emotional or mental health issues (Axis II diagnosis; personality disorder), substance abuse, severe domestic violence.	<i>Family Court Services maintains a current list of providers who conduct this service.</i>
Focus on the Children IRCP 16(j)	Parent workshop which focuses on children's needs. <u>Areas addressed include:</u> Techniques for keeping children out of the middle. Increasing an understanding of developmentally appropriate parenting schedules. Recognizing when children are not coping well. Introducing parties to court & community resources. Silver Linings offered for children ages 6-17. *Bannock County Only*	\$35	All civil cases involving children (divorce, paternity, custody, child support, & modification)	Parties whom have attended within the last 6 months.	Family Court Services Contracts with class facilitators. Bannock- every 3 rd Tues. Caribou- every 2 nd Tues. Franklin- every 1 st Tues.
Assistance with parenting plans	Pro- se parents may receive limited assistance with completing parenting plans.	Free	Pro-se parents	Parents have attorneys with some exceptions.	Family Court Services and Court Assistance
Child Interviews Appointed as court's expert in accordance with I.R.E. 702. Oral or written reports will be confidential according to ICAR 32 (g) 17.	Assists the court in making a determination regarding custody & visitation. A child specialist may be appointed to interview the child and provide information to the court and the parties. For the purpose of reporting the child's perspective about circumstances, his or her relationship with parent(s), siblings and adjustment to home, school, & community. If stated, wishes and basis for wishes as to their residential living arrangements including the child's ability to articulate reasoning in a developmentally appropriate way & apparent parental influences on the child's thinking & wishes.	Determined by individual interviewer.	In lieu of receiving child testimony	Case can be resolved with less intrusive and less expensive services.	Family Court Services-in house service.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, COUNTY OF _____
MAGISTRATE DIVISION

_____, PETITIONER, vs. _____, RESPONDENT.	CASE NO. CV-20_____-_____ JOINT PROHIBITIVE ORDER (IRFLP 511)
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BASED UPON the filing of the Petition herein, the Court finds good cause to enter this JOINT PROHIBITIVE ORDER, binding upon both parties while this action is pending. Provisions regarding minor children only apply to parties with a minor child (or children) in common who is subject to this action.

THE PARTIES SHALL NOT:

1. Stalk, harass, disturb the peace or violate any law regarding the safety or welfare of the person of the other party or any natural or adopted child or stepchild of the parties.
2. Damage or destroy any property owned by either Petitioner or Respondent, or any natural or adopted child or stepchild of the parties.
3. Incur any debt or transfer, sell, conceal, encumber or give away and community or separate property (real or personal) owned by either party, in whole or in part, without the written consent of all parties or written order of the court, except:
 - a. When necessary in the usual course of genuine, established, ongoing business;
 - b. To pay for the bare necessities of life; or
 - c. To pay Court costs and reasonable litigation expenses arising from this case.
4. Cash-in, borrow against, cancel, transfer, dispose of or change the beneficiaries of any insurance or indemnity policy; including life, health, automobile, homeowners, or disability insurance held for the benefit of the parties or their minor children.
5. Terminate or otherwise affect the service of water, electricity, gas, telephone, television and other utilities or services at the customary residence of the other party.
6. Remove any natural or adopted child of the parties then residing in Idaho from the jurisdiction of the court for more than 72 consecutive hours without prior written permission of the court. If written permission is granted, the party removing the natural or adopted child shall provide working contact information to the other party.
7. Secret the location of the child(ren) from the other parent.

8. Knowingly and willfully interfere with the parental relationship of the other party with any natural, adopted or stepchild of the parties.

THE PARTIES SHALL:

1. Put the child(ren) first, above their respective wants or needs.
2. Work together to create a parenting plan that is clear and specific and meets the child(ren)'s physical, developmental, and emotional needs.
3. Make every effort to communicate civilly with each other about the child(ren).
4. Make every effort to insulate the children from conflict between the parties.
5. Share information and try to agree on decisions about the child(ren), including discipline, medical care, education, and extra-curricular activities.
6. Refrain from speaking negatively about the other parent within the presence or hearing of the child(ren)
7. Instruct friends, family or others not to speak negatively about the other parent within the presence or hearing of the child(ren).

ATTORNEYS SHALL: Ensure their respective clients have a copy of this Order.

NOTICE REGARDING PARENTS WITH DISABILITIES

Pursuant to Idaho Code § 32-717(2), if a parent has a disability, such parent shall have the right to provide evidence and information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child(ren).

THIS ORDER IS BINDING ON THE PARTIES AND THEIR AGENTS, ATTORNEYS AND ANYONE WHO ACTS ON BEHALF OF A PARTY WHILE THIS CASE IS PENDING.

VIOLATION OF THIS ORDER MAY RESULT IN A FINDING OF CONTEMPT OF COURT WHICH IS PUNISHABLE BY A FINE OF UP TO FIVE (5) DAYS IN JAIL AND UP TO A \$5,000 FINE, AND AN AWARD OF ATTORNEYS FEES AND COSTS AND SUCH OTHER SANCTIONS AS THE COURT MAY DEEM APPROPRIATE.

THIS ORDER SHALL BE SERVED BY THE PETITIONER WITH THE SUMMONS AND COMPLAINT.

IT IS SO ORDERED this _____ day of _____, _____.

SIXTH DISTRICT MAGISTRATE JUDGE

Copy of this Order received/served on the above date.

Deputy Clerk

Petitioner

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO FOR THE MAGISTRATE DIVISION

Plaintiff,)
vs.)
Defendant.) Case No. _____
)
) ORDER TO ATTEND FOCUS ON CHILDREN AND
) SILVER LININGS IN BANNOCK COUNTY

In order to reduce the impact of divorce or custody modification upon your children, the Sixth District Court is ordering both parents to attend the workshop, "Focus on Children". This workshop is one session, from 6:00 pm until 8:30 pm at the cost of \$35.00 per parent. It will be held in Courtroom 119 of the Bannock County Courthouse, at 624 E. Center, Pocatello, ID.

You are ordered to attend on _____, 201____, at 6:00 pm.

Both parties will be given an educational packet when you come to the workshop. The educators will be referring to the packet during the class. The goal of the workshop is to help you understand the impact of high conflict on children during a divorce or child custody dispute. For parents who do not have attorney representation, the Court is also requiring you to return the Parenting Plan that is contained in the packet. This agreement, signed by both parties, will be filed with the court and become part of your court file. Parents who cannot agree on the terms of this plan may be ordered by the court to attend mediation.

Parents of children, aged 6 through 17, must arrange for your children to attend "Silver Linings", a divorce and separation education workshop for children at no additional cost. Please do not bring younger children to the workshop. Silver Linings will be held in Courtroom 108 at the same time and date as your scheduled Focus on Children. If your children have previously attended Silver Linings, they may be excused by making application to Family Court Services at 236-7416 prior to the class.

IF THERE IS A DOMESTIC VIOLENCE PROTECTION ORDER OR A CRIMINAL NO CONTACT ORDER IN PLACE AGAINST THE OTHER PARTY, YOU MUST CALL COURT RECORDS AT 236-7360 IN THE NEXT FIVE (5) DAYS TO SCHEDULE FOR ANOTHER FOCUS ON CHILDREN AND SILVER LININGS DATE. WE DO NOT WANT BOTH PARTIES IN THE SAME WORKSHOP.

The judge will be notified, in writing, whether or not you attend the workshop.

IMPORTANT: If you or your children do not attend the workshop as required; if you disrupt a workshop; if you leave before the workshop is over; or if you fail to pay the required fees, the court may hold you in contempt and also take your failure to obey into consideration in making future custody decisions.

The \$35.00 payment can be made any time before the workshop, Monday through Friday from 8:00 a.m. until 5:00 p.m. at Room 218 at the Bannock County Courthouse. You may pay the night of the workshop between 5:30 p.m. and 5:45 p.m. in Room 218. Non-party adult family members may attend at no additional cost.

This Order to Attend and the "Open Letter to Parents" shall be served on the Plaintiff and the Defendant.

IT IS SO ORDERED

DATE: _____ BY _____

Family Court Services, Sixth Judicial District
Bannock County Courthouse
624 E Center, Room 106
Pocatello, ID 83201
Phone: (208) 236-7432
Fax: (208) 236-7431



Lacy Parker, Manager
Kim Talbot, DV Court Coord.
Katre Nye, Court Assistance
DeeAnn Gunn, Admin Assistant
www.familycourtservices.org

Dear Parents:

We've been reading the evaluations from our Focus on the Children class and find that 90% of the parents wish there could be a class for children who are also going through significant change as a result of divorces, modifications, custody issues, etc. In an effort to meet this desire, the Sixth District Court has implemented *Silver Linings, Coping Tools When Faced with Significant Change*. *Silver Linings* is a workshop designed for children who are ages 6 through 17.

Lacy Parker, LMSW, Family Court Services Manager, is providing direction for the workshop and it is guided by Master Level clinicians to both facilitate and co-facilitate the workshop classes. The children are divided into specific workshops designed for developmentally appropriate age groups, depending on the number of children who attend. Each group is designed to help children understand the many emotions associated with divorce, child custody issues, family law matters and change. We want the children to see that there are other children who are in similar situations and have the same types of feelings. We work to give them some tools to help cope with these changes. Ideally, these tools may become useful in dealing with all kinds of changes throughout life.

Silver Linings will be held at the same time as Focus on Children workshop that parents are required to attend. We will provide a light dinner and snack, too! No pre-registration is required, although we will require signing your children into the workshop when you arrive.

For more information about the curriculum or your child's attendance, please call the Family Court Services Manager, Lacy Parker, at 208-236-7416. If your children have previously attended, they are not required to attend again. In addition, children may be excused from Silver Linings for good cause. Keep in mind that "they just don't want to go" is not a good cause. If you believe there may be a significant logistical, medical, mental health or safety concerns, you may apply for a waiver of attendance. Please contact Family Court Services for more information about obtaining a waiver.

We are committed to respecting the privacy of your child and your family. All discussions and activities of this workshop are confidential. Given the professional background and training of our facilitators, there are situations in which we might have to ethically and legally breach confidentiality. These situations include (1) a child stating that someone has hurt or neglected him; or, (2) a child expressing an intention to hurt him or others. Again, all the experiences and reactions shared by the children will be kept confidential within the limits mentioned above.

There is no cost for this workshop. There may be handouts provided to the children as a workbook or for reference. Please drop off your children to Courtroom 108 in the Bannock County Courthouse between 5:30 pm and 6:30 pm. The children will need to be picked up when Focus on the Children is concluded.

Thank you!

Family Court Services

A RESOURCE TO HELP YOU AND YOUR CHILDREN

Here are some of the things Family Court Services can do for you:

- Provide services to help resolve your case.
- Identify resources to help you and your family.
- Provide important information on issues such as child development, co-parenting apart, effects of divorce/separation on children, and the family court process.



We're here to work with you.

Please Note: Family Court Services cannot give legal advice.

FUNDING

If you are court ordered to participate in Supervised Visitation and Safe Exchange, Mediation, Brief Focused Assessment, Interim Parenting Time Evaluations, or Parenting Education, you may be eligible for assistance. Family Court Services has a limited number of grants that can assist families to obtain services based on income level and household size. Please make an appointment for more information.



Family Court Services

Lacy Parker
Family Court Services Manager
Sixth Judicial District
130 N. 6th Ave Ste. F
Pocatello, ID 83201
Phone: 236-7416
Fax: 236-7431

FOR PARENTS

Sixth District Family Court Services



**Your Life. Your Children.
Your Success.**

www.familycourtservices.org

It's About Families

Family Court Services (FCS) was established to help children and families involved in the family court system.

The office is intended to be a resource for families, judges and attorneys.

If you are self-represented, we can provide you with information and resources you need to navigate the court system and to help resolve your case, as well as refer you to resources to address other needs in your family. If you are represented by an attorney, our goal is not to replace the attorney, but to work with the attorney to provide information and services that meet your needs and the needs of your family.

Please browse our menu of commonly used services and contact us if you have any questions. 208-236-7432.



EDUCATION

A number of educational resources are available, including:

Parenting Plan Assistance

FCS may provide specific information and education to parties regarding child development considerations in developing parenting plans.

Resource Referrals

FCS can identify and refer you to community services and resources to help meet the needs of the family.

Focus on Children

Divorce and separation education class for parents. Attendance is mandatory when a case is filed.

Silver Linings

Divorce and separation education class for children ages 6-17. Provides children with some coping skills. Held at the same time as Focus on Children in Bannock County.

Parent Education

General parenting skills education is available, as well as more specific education on how to effectively co-parent apart.

CONFLICT RESOLUTION

Direct assistance by an impartial professional can help you resolve your case in a more civil and productive way.

Mediation

A confidential process in which a trained, impartial third-party helps you move towards a mutually acceptable agreement. Available for child custody and property issues. Mediation can save you time and expense and provide an opportunity for a family-focused resolution.

Parenting Coordination

Parenting coordination is an intervention in high conflict cases. The parenting coordinator's first duty is to educate and mediate between parties, and if that fails to arbitrate and to make recommendations within authority granted by the court.

EVALUATION AND ASSESSMENT

Evaluation and Assessment services are available to address issues such as:

- Appropriate services to help resolve your case.
- Services that might help you and your family
- Factors to consider in establishing a co-parenting plan.
- Possible impact of relocation on children
- Impact of mental health issues on parenting
- Substance abuse
- Domestic violence

SUPERVISION

When monitoring of parenting time is needed.

Supervised Access

Parent-child contact supervised by a professional provider. Supervised access is ordered when there are concerns about the welfare of a child with a parent or where there has been long periods without contact.

Supervised Exchange

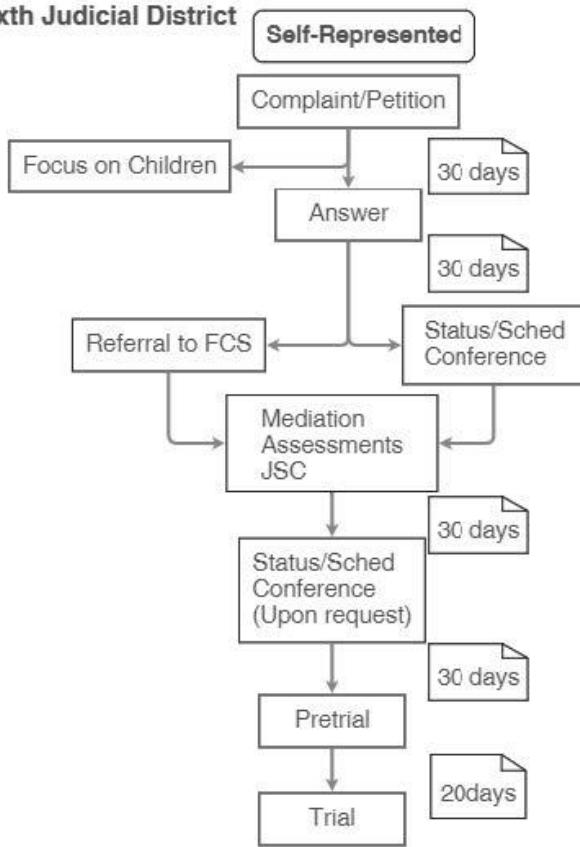
Supervision of parenting-time exchanges. Used when there are significant safety or conflict issues between parents, to protect parents and children.

Therapeutic Supervision

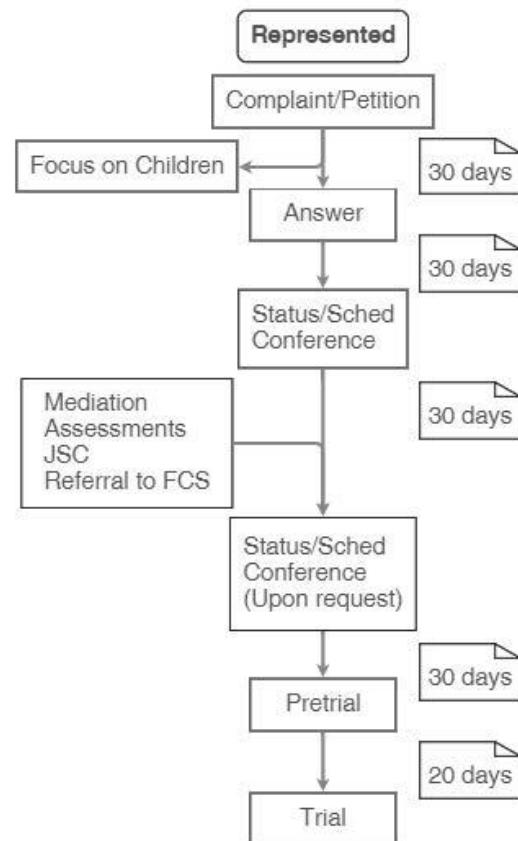
Provided by a licensed mental health professional, and includes the provision of supervised access services as well as therapeutic intervention and modeling to help improve the parent-child interactions. Provider may work with attorneys and parties and make recommendations for future parent-child contact that is safe, child centered and developmentally appropriate.

SIXTH JUDICIAL DISTRICT FAMILY LAW FLOW CHART (2/19/16)

Sixth Judicial District



Represented



**SIXTH DISTRICT COURT STATE OF IDAHO
IN AND FOR THE COUNTY OF BANNOCK
MAGISTRATE DIVISION**

Plaintiff,) Case No: CV-
vs.)
Defendant.) **MINUTE ENTRY AND ORDER**

The above-entitled matter was before the Court on Monday, February 04, 2013 for Status Conference. The Honorable Scott E. Axline presided. NAME appeared telephonically on behalf of Plaintiff. NAME appeared telephonically on behalf of Defendant.

Pursuant to I.R.C.P. 16(j), the parties are ordered to attend Judicial Settlement Conference with Judge David Kress or Judge Paul Laggis. Within 10 days from the date of this order, the parties are ordered to contact Judge David Kress through Bannock County Deputy Clerk Brandy Peck at (208) 236-7379 or Judge Paul Laggis at (208) 226-7618 to schedule the judicial settlement conference.

If the parties reach an agreement regarding any of the matters to be mediated they shall reduce their agreement to writing, sign it, and submit the agreement to the court along with a stipulation requesting the court to enter the agreement as a court order.

The Judicial Settlement Conference shall be completed prior to the Pretrial Conference scheduled on _____, _____, 2016 at _____ a.m. A Court Trial is scheduled for _____, 2016 at _____ a.m. Discovery shall be completed prior to Pretrial Conference and all pretrial motions shall be heard at or before the Pretrial Conference. At or prior to the Pretrial Conference, the parties shall disclose, in writing, their witnesses and exhibits. Expert witnesses shall be disclosed in the manner and with the specificity required by IRCP 26(6)(4)(A)(i). Any witnesses or exhibits not disclosed at the time of Pretrial Conference may be excluded at Court Trial unless allowed by the Court in the interest of Justice.

IT IS SO ORDERED.

Dated:

MAGISTRATE JUDGE

Copies hand delivered or mailed, postage pre-paid this date to:

Judge David Kress, through Deputy Clerk Brandy Peck
Judge Paul Laggis, faxed (208)226-7612

Robert Poleki
Clerk Of The District Court

By: _____

Deputy Clerk

Request for Approval/Judge's Proposed Order

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

PLAINTIFF(S) _____)
V. _____) REQUEST TO OBTAIN APPROVAL TO
DEFENDANT(S)) VIDEO/AUDIO RECORD, BROADCAST OR
) PHOTOGRAPH A COURT PROCEEDING
)

I hereby request approval to:

[] video/audio record [] broadcast [] photograph the following court proceeding:

Case No.: _____
Date: _____
Time: _____
Location: _____
Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Print Name

Signature

News Organization Represented

Phone Number

Date

REQUEST TO OBTAIN APPROVAL TO VIDEO/AUDIO RECORD, BROADCAST, OR PHOTOGRAPH A COURT PROCEEDING Page 1

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to broadcast the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to photograph the above hearing is:

[] GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

[] DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED this _____ day of _____, _____ Justice/Judge

REQUEST TO OBTAIN APPROVAL TO VIDEO/AUDIO RECORD, BROADCAST, OR PHOTOGRAPH A COURT PROCEEDING Page 2