

Family Law Caseflow Management Plan for Idaho's Fourth Judicial District

Statement of Purpose

This caseflow management plan will be administered consistently with Idaho's Statewide Caseflow 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 Fourth Judicial 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 Fourth Judicial 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 caseflow 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.

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."

Judicial assignments for the hearing of family law cases in the Fourth Judicial District are set forth in the Idaho State Bar Desk Book and are modified from time to time. They are also included in local rules, which are available on the Fourth Judicial District court website located at http://www.fourthjudicialcourt.idaho.gov/pdf/2011fourth_judicial_district-rules.pdf 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 Fourth Judicial District is not susceptible to control or manipulation by parties or attorneys.

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

Ada County assigns five-and-a-half judges to a specialized family law docket. Boise, Elmore and Valley counties, due to their smaller size, utilize individual calendars for all matters.

Ada County assigns all post judgment modifications to the judges on a random basis, rather than assignment to the original judge. This is done to spread the post-judgment workload more evenly across the five and a half judges.

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).

Ada County currently occasionally assigns family law matters involving members of the same family to the Domestic Violence Court judges. Assigning such family matters to the Child Protection judges is less common and is done on a case-by-case basis.

Elmore County routinely assigns related juvenile court matters to the judges.

The Fourth Judicial 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.

Regarding policies pertaining to case assignments that are unique to the Fourth Judicial District, the Casflow Management Team deferred consideration of such policies or future input and consideration.

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 petitioner is self-represented. It is important for the respondent 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 Fourth Judicial District follows these practices in helping self-represented litigants to complete service of process:

The Caseflow Management Team did not identify applicable practices/procedures in this area.

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

The Court Assistance Office (“CAO”) located on the first floor of the Ada County Courthouse assists self-represented litigants (“SRL’s”) with obtaining applicable forms to prepare and file responsive pleadings. The CAO, Ada County Clerk’s Office and judges can refer SRL’s to the Idaho Volunteer Lawyer Program and Idaho Legal Aid Services when asked by an SRL for no-cost or low cost legal services. No other practices were identified by the Caseflow Management Team for the Fourth Judicial District.

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

[Consider referring self-represented litigants to the court assistance office for further information and assistance with these processes].

The judges’ clerks use AOC case management reports to review files and determine when a case has had no activity for at least six months. The clerk prepares a notice of intent to dismiss for lack of prosecution and mails same to the party or parties to the inactive case. After fourteen days, the case is referred to the assigned judge for review to (i) dismiss the case without prejudice, or (ii) review and decide, in the court’s discretion, to grant or deny an application to retain the case filed by at least one of the parties.

No other practices were identified by the Caseflow Management Team for the Fourth Judicial District.

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

Family Court Services (“FCS”) performs an Intake Screening for early assessment on both represented and unrepresented cases. Typically, FCS screens self-represented cases first, then cases in which at least one attorney has appeared, as necessary.

The judges proactively manage their cases by utilizing a variety of practices, including (i) setting a scheduling conference but deferring the setting of a trial date for simpler cases, and (ii) utilizing a Pre-Trial Checklist Form to assist judges in assessing the cases. The judges also have the case attorney use the checklist form, as well. Additionally, telephonic conferences are encouraged to resolve issues.

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

As of 2015, approximately fifty-two percent of Family Law cases filed in the Fourth Judicial District involve at least one self-represented party. FCS screens these cases as set forth above and, based on recommendations from FCS, judges often order cases to mediation. The parties are ordered to select the mediator within fourteen days or the court assigns a mediator from a list of Idaho Supreme Court-approved mediators.

FCS utilizes Case Screening to assist the judges in determining the services necessary for each case and often coordinates with the CAO to review Parenting Plans before a case is filed. FCS also calculates child support and conducts the weekly Focus on Children class.

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

OPTIONAL DCM SECTION:

The Fourth Judicial District uses the following process for assigning cases to tracks:

FCS performs early case screenings and a variety of evidentiary based services in cases involving SRL’s that include (i) Family Needs Assessments and (ii) Brief Focused Assessments. Judge are involved early in case management at the initial status and scheduling conference at which the judge identifies the particular factual and legal issues in the case, as well as the need (if any) for the appointment of expert witnesses. Other than these processes, there are no specific types of cases that the Caseflow Management team identified for DCM.

With the upcoming implementation of Odyssey and increased ability to track cases, the Caseflow Management team reserved for future review the feasibility of DCM in certain types of family law cases such as those involving issues of parental alienation and estrangement, and relocation or “move away” cases.

If using DCM, the Fourth Judicial District uses the following tracks for family cases:

Aside from the above practice, DCM is not yet being formally utilized by the judges at this time, but they do proactively monitor and manage their caseloads on an ongoing basis as identified above.

Section 2.5: Calendar Setting and Scheduling of Events

Section 2.5.a: Calendar Setting

Most family case hearings are initiated by the judge, 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.

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. 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. 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 judge.

The process used for setting family cases for trial is:

[Consider referring self-represented litigants to court assistance offices or family court services for information on informal custody trials]

The judges routinely use scheduling conferences to set trial dates; they also refer cases to FCS for case assessment and other services. FCS also routinely coordinates with the CAO and refers cases there for assistance, as necessary. Informal custody trials are explained and offered to the parties, and occasionally used.

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

The judges utilize telephonic appearances on cases where parties are represented by counsel.

The need for interpreter services is coordinated between the clerks and the court’s Language Access Coordinator via email and the court case management system is updated with that information.

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

1. Referrals to and use of FCS;
2. Referrals to and use of the CAO;
3. Clerks routinely call the parties for status updates on settlement paperwork;
4. If cases settle and the trial date is vacated, judges use this time slot for other related case activity needs and/or administrative matters; and
5. Judges routinely use telephonic appearances in attorney represented cases.

Section 2.5.b: 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	Ordered for mediation
Completion of co-parent education or waiver	Mediation completed
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
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. Less complex cases may not be set for trial at that time, but may be set at a later time if deemed necessary. 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 Fourth Judicial District follows these practices to ensure that all scheduled events in family cases are meaningful:

Cases are assigned to individual judges who control trial settings and continuances. Continuances are discretionary but require a showing of good cause.

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.

Judges 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.

Judges 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.
- Judges 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.

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

1. Each judges' calendar has a regular time slot each week specifically dedicated to motions (i.e., a "Motion Day") during the week.
2. The judges routinely use a Pre-Trial Order for scheduling and discuss such at the Scheduling Conference.
3. The judges often use external resources to assist SRL's, such as Law Day (scheduled once per year) and the Trial Lawyers Association Street Law Clinic (scheduled twice per month) and other local free clinics

There are a few other free local legal clinics each month in other locations for veterans, seniors, as well as another held at Corpus Christi House. The calendar for those other clinics is maintained by the Idaho Volunteer Lawyers Program at: http://isb.idaho.gov/ilf/ivlp/clinic_calendar.html.

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

See Section 2.6 above. Motions for Temporary Orders are governed by Rule of 504 of the IRFLP, which include limits on the number of affidavits and number of pages per affidavit. The Caseflow Team also agreed that there needs to be more information given to the parties early in the litigation process to help them better understand the court process including their responsibilities to prepare for trial.

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.
- Judges 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 judge. 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. Judges 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 Fourth Judicial District follows these procedures to facilitate the exchange of discovery materials in family cases:

Mandatory Disclosure and compliance with same are subjects discussed at the first status/scheduling conference. Uniform Interrogatories are available on the ISC website and are routinely used; however, the Caseflow Team was divided on the issue of whether or not their use was duplicative of Mandatory Disclosure.

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

Use of Uniform Interrogatories is limited to family law cases. SRL's with questions about discovery can raise those questions at the first conference and/or be referred to the local CAO. Law Day and the Lawyer Street Faire, discussed above, provide limited assistance to SRL's.

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 judge 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 Fourth Judicial 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].

1. Early case review by the Office of Family Court Services and the Court Assistance Office;
2. Mediation;
3. FCS face-to-face assessments with the parties;
4. Informal custody trials are occasionally used;
5. Use of Scheduling Conferences and Status Conferences; and
6. Use and Enforcement of Mandatory Disclosure per IRFLP Rules 401 and 443.

The CAO is a self-help resource that does not actively review cases. The office can review the case Registry of Actions (ROA) and on rare occasions the case file when a self-represented litigant (SLR) contacts the office for information and also provide general procedural information along with any related CAO forms and instructions. In particular, the CAO Office can explain the process for finalizing a case by stipulation if the SLRs have or will reach an agreement to settle their case.

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 judge and counsel to attend the pretrial conference prepared to discuss the matters identified in the judge'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.
- 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 Fourth Judicial District follows these procedures as part of its management of the pretrial stage of family cases:

Judges routinely confirm the trial time estimate at the Pre-Trial Conference (“PTC”) stage to assure that the time set for trial is accurate and reasonable.

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

The time necessary to try the case is discussed at the scheduling conference. When more than one trial day is required, judges have a strong preference to try the case continuously, rather than in a piece-meal fashion in non-consecutive days – potentially broken across several weeks or longer. In appropriate cases, the judge can (i) impose reasonable time constraints on parties, (ii) vacate and reset trial based on the actual time needed for trial, and/or (ii) utilize existing rules to prevent wasted time and the presentation of cumulative evidence at trial by placing limits on the number of witnesses each party may call.

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, factors the judge 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 Fourth Judicial District have adopted the following policy governing continuances in family law case:

The determination of whether or not to grant a continuance is committed to the sole discretion of the judge. A stipulation of the parties to continue trial is not automatically granted, but carefully reviewed for facts and/or reasons that establish good cause for the continuance.

A request for continuance must be in writing and specific articulated facts must be presented to support the request.

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 Fourth Judicial 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:

Less complex cases are not automatically set for trial at the scheduling conference because of the likelihood that they will settle without judicial intervention.

PTC's are currently set 14 days before trial. Some judges order a final settlement conference - typically set at attorney offices - between the PTC date and trial date if the case does not settle at the PTC. This final settlement conference can serve to narrow the final issue(s) for trial.

Judges attempt to align the Property and Debt Schedule with the parties so that there is no great variation in the lists.

For trials, judges generally allow video depositions to be presented at trial; however, because of problems associated with determining credibility of witnesses whose demeanor cannot be viewed by the court, judges rarely allow appearances by phone at trial.

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

1. Holding meaningful scheduling and pre-trial conferences;
2. Granting continuances only in exceptional cases showing good cause;
3. Using a priority system for trial settings and limiting the number of trial settings per trial day to a reasonable number; and
4. Exercising judicial discretion regarding how much time to allow the parties to negotiate a settlement on the day of trial.

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

1. Assigning the task of preparing the judgment to attorneys that develop a reputation for diligence;
2. Issuing orders that govern both the time limits for preparation of the judgment (e.g., 14 days) and the procedure for settling objections to the form of the judgment; and
3. Preparing the judgment without assistance from the attorney(s) involved.

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

1. Preparation of the judgment by the judge;
2. Assignment of the task to one of the parties within the same time frame of 14-days as with attorneys. If not received by the court by that time, consider having the clerk send out notice of overdue to the parties; and
3. Referral to the CAO for direction and review of proposed judgment.

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

On a case-by-case basis, judges encourage or require preparation of the judgment immediately following hearing.

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 Fourth Judicial 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:

It was agreed that given the variety of variables (including trial strategy), motions for contempt should be addressed as quickly as appropriate given the specific situation of each case. For example, a contempt may be resolved most efficiently if set on day of the modification trial; other contempt motions may need to be resolved prior to that trial.

The Fourth Judicial 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 Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 3: Effective and Consistent Monitoring of Case Management Reports

Section 3.1: Production and Utilization of Automated Information.

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

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 3.2: 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 the submission of briefing or materials that are 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

Section 4.1: 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 Fourth Judicial District adheres to the following practices to ensure the most efficient use of available certified and non-certified interpreter resources:

The clerk's office, clerk and/or judge must maintain regular contact with the court's Language Access Coordinator to assure that any need for an interpreter is timely requested, scheduled and/or cancelled in order to avoid unnecessary delays or costs in the case.

Section 4.2: Self-Represented Litigants

The Idaho Judiciary is committed to ensuring access to justice for self-represented litigants (SRLs). 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 SRLs can unintentionally stall the progress of a case. The Judiciary's commitment to ensure fair and timely case resolution requires that these and other SRL concerns be addressed. All solutions will look toward effective practices that will not become obstacles to SRLs but will instead facilitate proper notification and access to information for SRLs so that they can more effectively navigate the court system.

The Fourth Judicial 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:

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

The Fourth Judicial District adheres to the following practices to accommodate the needs of self-represented litigants in the courtroom: *[Consider referrals to CAO, Family Court Services, informal custody trial, relaxed rule of evidence...etc.]*

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 4.3: 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 Fourth Judicial District, judges follow these standard procedures in dealing with requests for video coverage of family law proceedings:

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 4.4: 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 Fourth Judicial District, remote appearances are allowed as follows:

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

The procedures for arranging a remote appearance are:

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 4.5: Other circumstances unique to the Fourth Judicial District

The Caseflow Management Team did not identify applicable practices/procedures in this area but will retain it as a topic for ongoing review.

Section 5: Implementing and Maintaining the Family Law Caseflow Management Plan for the 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 Fourth Judicial District will utilize the following processes to ensure the Family Law Caseflow Management Plan is implemented as intended:

The Caseflow Management Team felt it could finalize a draft caseflow management plan within 120 days and it would be worthwhile to meet semi-annually to review the plan, including obtaining input from the Bar and utilizing as necessary, the Bar “List-Serve” to solicit comments.

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

[Consider regular bench/bar meetings to address and resolve caseflow management challenges and regular judge meetings to maintain consistency in practices within the District.]

Further consideration shall be given to meet and discuss revisions at the following regular meetings:

1. Annual Magistrate Institute;
2. New Judge Orientation;
3. Brown Bag meetings with the Fourth District Bar; and
4. Idaho State Bar convention.