**SUGGESTED [NEW] GENERAL RULE 40**

**INFORMAL DOMESTIC RELATIONS TRIAL**

**(IDRT)**

**(1)** Upon the consent of both parties, Informal Domestic Relations Trials (IDRT) may be held to resolve any or all issues in original actions or modification for dissolution of marriage, separate maintenance, invalidity, child support, parenting plans, residential schedules, and child custody filed under chapters 26.09; 26.19; 26.26A; 26.26B; and 26.27 RCW.

**(2)** The parties may select an IDRT within 14 days of a case subject to this rule being at issue. The parties must file a Trial Process Selection and Waiver for IDRT in substantially the form specified at \_\_\_\_\_\_\_\_\_\_. This form must be accepted by all superior courts.

**(3)** The IDRT will be conducted as follows:

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

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

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

(d) The parties will not be subject to cross-examination. However, the Court will ask the nonmoving party or their counsel whether there are any other areas the party wishes the Court to inquire about. The Court will inquire into these areas if requested and if relevant to an issue to be decided by the Court.

(e) The process in subsections (3)(c) and (3)(d) is then repeated for the other party.

(f) Expert reports will be received as exhibits. Upon request of either party, the expert will be sworn and subjected to questioning by counsel, the parties, or the Court.

(g) The Court will receive any exhibits offered by the parties. The Court will determine what weight, if any, to give each exhibit. The Court may order the record to be supplemented.

(h) The parties or their counsel will then be offered the opportunity to respond briefly to the statements of the other party.

(i) The parties or their counsel will be offered the opportunity to make a brief legal argument.

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

(k) The Court may modify these procedures as justice and fundamental fairness requires.

**(4)** The Court may refuse to allow the parties to utilize the IDRT procedure at any time and may also direct that a case proceed in the traditional manner of trial even after an IDRT has been commenced but before judgment has been entered.

**(5)** A party who has previously agreed to proceed with an IDRT may file a motion to opt out of the IDRT provided that this motion is filed not less than 10 calendar days before trial. This time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.