

1 Rule 4-904. Informal trial of support, custody and parent-time.

2 Intent:

3 To allow the parties and judge to agree to a trial of select issues in an informal  
4 manner.

5 Applicability:

6 This rule applies to the district court.

7 Statement of the Rule:

8 (a) Upon waiver and stipulated motion of all parties and approval by the court, the  
9 court will conduct an informal trial of child support, child custody and parent-time issues.  
10 The waiver and motion shall be made verbally on the record or in a signed writing. To  
11 qualify for an informal trial, the court must find that the parties have made a valid waiver  
12 of their right to a regular trial.

13 (b) If the court grants the motion, the informal trial shall proceed as follows:

14 (b)(1) The party who bears the burden of proof on an issue speaks to the court  
15 under oath about his or her desires about child support, child custody and parent-time.  
16 The party is not questioned by counsel or the other party but may be questioned by the  
17 court.

18 (b)(2) That party may present any document or other evidence. The court shall  
19 determine what weight to give any documents or other evidence. The court may order  
20 the record to be supplemented.

21 (b)(3) Counsel for that party may identify any other areas of inquiry, and the court  
22 may make the inquiry.

23 (b)(4) The process is repeated for the other parties.

24 (b)(5) If there is an expert, the expert's report is entered into evidence as the court's  
25 exhibit. The expert may be questioned by counsel, parties or the court upon request.

26 (b)(6) Each party is offered:

27 (b)(6)(i) the opportunity to respond to the statements, documents or other evidence  
28 of the other parties; and

29 (b)(6)(ii) the opportunity to make legal arguments.

30 (b)(7) The court will enter an order which has the same force and effect as if entered  
31 after a traditional trial. If the order is a final order, it may be appealed on any grounds  
32 that do not rely upon the Utah Rules of Evidence.

33 (c) This rule is repealed July 1, 2014, unless renewed by the Judicial Council.

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