

DOMESTIC RELATIONS TRIALS

Yamhill County Circuit Court

Yamhill County has two different types of trials available for resolving domestic relations cases. Domestic relations cases include divorce, separation, annulment, child custody for unmarried parents, and modification cases about child custody, parenting time, child support and modifications for separate maintenance (spousal support). The two types of trials are called an Informal Domestic Relations Trial (IDRT) and a traditional trial. You may choose the type of trial that you think is best for your case.

What is an Informal Domestic Relations Trial (IDRT)?

In an Informal Domestic Relations Trial (IDRT), you and the other person speak directly to the judge about the issues in the case, such as child custody and dividing property or debts. A question and answer format is not used. Only the judge asks questions. This happens even if you or the other person has a lawyer. Usually, other witnesses are not allowed to testify. You can, however, ask the court to let an expert witness testify, such as a doctor, counselor, or custody evaluator, who could then be subject to questioning by counsel or the parties.

The rules of evidence do not apply in an IDRT. This means you can tell the judge everything you think is important. You also can give the judge any documents or papers you want the judge to review. The judge will decide the importance of what you and the other person say and the papers you give to the judge. In an Informal Domestic Relations Trial, lawyers are only allowed to:

- say what the issues in the case are
- respond when the judge asks if there are other areas the person wants the court to ask about
- make short arguments about the law at the end of the trial

The Informal Domestic Relations Trial is a voluntary process. In other words, you decide whether it is something you want to do. An IDRT will be used only if both people involved in the case agree to it and complete the election form.

What is a traditional trial?

In a traditional trial, lawyers or people who represent themselves present information to the judge by asking questions of witnesses who are under oath. Each side gets to ask follow-up questions of the other person and their witnesses. Generally, the judge asks few, if any, questions.

The rules of evidence apply in a traditional trial. The rules of evidence limit the things a witness can talk about and the documents that can be given to the judge to read. If you or the other person has a lawyer in a traditional trial, the lawyer will make opening statements and closing arguments to the judge and will ask questions of you, the other person, and witnesses. If you represent yourself, you will be expected to follow the rules of evidence and court rules and you will question witnesses on direct examination and cross examination.

Why would I choose an Informal Domestic Relations Trial?

- 1) Fewer rules apply, so Informal Domestic Relations Trials are more flexible. IDRTs may be easier for people who are representing themselves. The judge is more involved in asking questions and guiding the process. The judge may be able to reduce conflict between the two parties and help them focus on the children or other issues.
- 2) You can speak directly to the judge about your situation without interruption or objections from the other person or their lawyer. The other person is not allowed to ask you questions.
- 3) You do not have to worry about formal rules that limit what you can say in court. You can tell the judge whatever you think is important before he or she makes a decision about your case.
- 4) You can give any documents you think are important to the judge.
- 5) Informal Domestic Relations Trials may be shorter. A lawyer may be able to prepare in a shorter amount of time. Therefore, the cost to have a lawyer represent you may be less. You may be able to take less time off from work.
- 6) The judge usually, but not always, makes a decision on the same day as the trial.
- 7) Your case is relatively simple. You are comfortable explaining your circumstances and the facts to the judge.

Why would I choose a traditional trial?

- 1) Rules and formal procedures are in place to protect each person's rights. The rules of evidence apply. You or your lawyer may feel more comfortable with this structure.
- 2) You want the rules of evidence to limit what people can say and the information that can be given to the judge in writing.
- 3) The question and answer format will be more effective in getting out information about your case. You may want to ask the other person questions.
- 4) You may bring witnesses to court.
- 5) Generally, written statements from family members, teachers, and friends will not be considered by the judge. People with something to say about your situation or the other person's situation will be in court in person.
- 6) Your case is complicated. You and the other person own a business or have lots of property or other assets to divide.