

INFORMAL FAMILY LAW TRIALS IN NEVADA

Is it the Right Choice for Your Case?

What is an Informal Family Law Trial (IFLT)?

An Informal Family Law Trial (IFLT) is a court hearing during which you and the other person speak directly to the judge about the issues in dispute, such as child custody and dividing property and/or debts.

A question-and-answer format is not used. Only the judge asks questions of each person. This happens even if you and/or the other person have a lawyer. Usually, other witnesses are not allowed to testify. However, you can ask the court to let other witnesses speak.

The Rules of Evidence do not apply in an IFLT. This means you can tell the judge everything that 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 each give to the judge.

The Informal Family Law Trial is a voluntary process. In other words, you decide whether you want to participate in the process. An IFLT will be used only if both people involved in the case agree to it. Both parties must consent to participate.

Why would I choose an Informal Family Law Trial?

1. Your case is relatively simple. You are comfortable explaining your circumstances and the facts to the judge.
2. Fewer rules apply, so Informal Family Law Trials are more flexible. IFLTs may be easier for people who are representing themselves.
3. The judge is more involved in asking questions, guiding the process and helping the parties focus on the children or other relevant issues.
4. 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.
5. You do not have to worry about formal rules that limit what you can say in court and/or what documents you can show the judge.
 - You can speak freely about conversations between you and other people who are not present in the courtroom.
 - You can talk to the judge about what your children have said about custody and parenting time.
 - You can tell the court whatever you think is important before the judge makes a decision about your case.
6. You can show the judge any documents that you believe are important to your case.
7. Informal Family Law Trials may be shorter and can be scheduled with less delay. You may have to take less time off from work.

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How an Informal Family Law Trial Works:

1. When the IFLT begins, both people will be asked to confirm that they understand the rules and agree to participate in the IFLT process voluntarily.
2. The person who started the case will speak first. He or she may speak to the judge about anything relevant to the issues pending before the court. Then the other person speaks.
3. Lawyers do not ask any questions. Instead, the judge will ask the questions.
4. If someone has a lawyer, then that lawyer may ask the judge to ask their client questions on specific topics.
5. If either person hires an expert to testify at the IFLT, the expert's report may be given to the judge. The expert may testify and be questioned by either person and/or the judge.
7. Each person may submit documents and other relevant evidence that they want the judge to review. The judge will decide to what extent, if any, the documents are helpful in reaching a decision.
8. Each person may briefly respond to comments made by the other person.
9. Each person and/or their lawyer may make a short legal argument/presentation about how the laws apply to their case.
10. The judge may modify any of these steps to make the trial more fair for everyone.

What All Trials Have in Common:

1. Both people must agree to have an Informal Family Law Trial.
2. Before the trial starts there are several documents that each person must prepare for the judge and the other person:
 - If your pending court issues involve seeking a divorce, a list of everything you and your spouse, if any, own and owe. If possible, it is best if the people work together to prepare just one list to give the judge, even if you do not agree on the value of the property and/or who should get which item(s).
 - If there are any disputes over money, such as child support, spousal support, or the division of assets and/or debts, a completed Financial Disclosure Form.
 - If there are children, a schedule showing the days and times that each parent will and/or should have their custodial timeshare.
3. Before the trial starts, each person must give the judge and the other person a copy of all of the documents and other evidence that you want the judge to consider.
4. The judge will consider the factors that the law requires in making a decision about your case.
5. After the trial is over, the judge may direct one person to draft a final decision/judgment in writing. The case is not over until the judge signs and files the written decision/judgment.