

## Family Law Trials In King County Superior Court

### **Do you have a family law trial coming up? If you do, you have a choice to make.**

There are two different kinds of family law trials in the King County Superior Court. A family law trial is about divorce, legal separation, parenting plans, relocation, or child support. The two types of trials are called an Informal Family Law Trial (IFLT) and a Traditional Trial. You decide which type of trial is best for you. **Your trial will only be an IFLT if both parties agree to have one instead of a Traditional Trial.**

|  | <b>Informal Trial</b>  | <b>Traditional Trial</b>  |
|--|--|---|
| <b>How formal is the trial?</b>  | Less formal  | More formal   |
| <b>How easy is this type of trial for a person who does not have a lawyer?</b> | Easier   | Harder  |
| <b>What evidence does the judge consider?</b>                                  | The judge will review everything parties provide and will decide what information is important to consider. Parties can ask the judge to review any type of document including sworn statements from others. | The judge will only consider evidence allowed by the formal rules such as the Rules of Evidence. Parties must make formal objections if they want the judge not to consider evidence. All witnesses have to appear in person. Both parties will be allowed to ask every witness questions. Generally, the judge will not consider declarations. |
| <b>Who asks questions?</b>   | Only the judge asks parties questions. If an expert witness testifies, parties may be allowed to ask the expert witness questions.   | Mainly the parties or their lawyers, but the judge can also ask witnesses questions.  |
| <b>Can I talk directly to the judge?</b>                                       | Yes.   | You can talk directly to the judge when you testify, during your opening statement and during your closing argument. The other party can object when you testify.   |
| <b>Who are the witnesses in the case?</b>                                      | Usually only the parties and the Guardian ad Litem (GAL), if there is one. The judge may allow other expert witnesses, such as a doctor, counselor or appraiser to testify.                                  | Whoever you or the other party lists as a witness before trial starts.  |
| <b>Can I ask the witnesses questions?</b>                                      | No. You will not be allowed to ask the other party questions. When you testify, the other party may not interrupt. Parties will be allowed to ask the judge to inquire about certain issues.                 | Yes. You or your attorney (if you are represented) will be allowed to ask the other party and all witnesses questions. This means that you can ask the witness to talk about what you think is important.   |

## Why would I choose an Informal Family Law Trial?

1. Because fewer rules apply, an Informal Family Law Trial (IFLT) is more flexible. IFLT may be easier for people who are representing themselves. The judge is more involved in asking questions and guiding the process. The judge will help parties focus on the specific issues the judge needs to decide at trial.
2. You can speak directly to the judge about your situation without interruption or objections for the other party or the party's lawyer. The other party or the party's lawyer is not allowed to ask you questions.
3. You do not have to worry about formal rules such as the Rules of Evidence that limit what you can say in court. You can:
  - Speak freely about conversations between you and other people who are not in court;
  - Talk to the judge about what your children have said about custody and parenting time; and
  - Tell the judge whatever you think is important before he or she makes a decision about your case.
4. You can give the judge any documents you think are important.
5. IFLTs may be shorter. You may have to take less time off from work. If you have a lawyer, they may be able to prepare in a shorter amount of time. Therefore, the cost to have a lawyer represent you may be less.

## Why would I choose a traditional Family Law Trial?

1. Rules and formal procedures are in place. The Rules of Evidence apply. You or your lawyer may feel more comfortable with this structure.
2. You like the fact that the Rules of Evidence will limit what people can say and the information that can be given to the judge in writing. You may have additional issues to raise on appeal because the Rules of Evidence apply.
3. The question and answer format will be more effective in getting out the information about your case. It may be important to be able to ask the other person follow-up questions.
4. You may request that any witness you think is important be allowed to testify.
5. Generally, written statements from others such as 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 need to come to testify during your trial.
6. Your case is complicated. You and the other person own a business or have lots of stocks, property, and retirement funds to divide.