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Evidence Tips

- Evidence is the proof that you give to the Court to support the arguments you're making and to prove what you are saying is true. Each piece of proof you bring to court is called an "exhibit."
- Exhibits can include photographs, voicemail, and video recordings, communication (including social media), objects, public and business records.
- Only choose evidence that relates directly to what you need to show.
- Before a judge will allow you to use the evidence, you have to explain why the evidence is believable and worth considering.
- In advance, prepare a way to organize your evidence that clearly reminds you what each piece of proof is, what you want it to use for, and information about the evidence like where you got it and when it is from.

Know what you will need to prove for the type of order you are asking for. For example, if you are asking for a temporary custody order, you will need to prove what you want is in the best interests of the child.

Will you need to provide the evidence to the other parent ahead of time?
(Usually, yes!)

Remember, judges want witnesses that saw something themselves. They do not want people talking about what they heard from someone else. That is called **hearsay**.

Testimony (a spoken statement) is another type of evidence

- This can be you, individuals who witnessed events, police officers, teachers, child care providers, neighbors, relatives, friends, nurses, or doctors.
- Get legal advice before asking to have children testify. Children can be hurt by the experience and often do not make good witnesses. There are other ways to have the Court know what the children feel or want.

Very Important Tips about Certain Types of Evidence

- There are certain types of video and audio that you cannot use in court, especially if the people being recorded did not know they were being recorded. **Get legal advice before presenting this type of evidence.**
- **Get legal advice before presenting any medical records.** Once you present something about your medical history, it can open the doors to the other party digging into your confidential medical information.



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Things to Think About before Using Exhibits

- Is the exhibit in the proper form?
 - ✓ For audio, you also have to write down what is heard on the recording.
 - ✓ If a document is not written in English, you have to translate it and have the translator sign saying they certify the translation.
 - ✓ Website or social media can be a printed screen shot
 - ✓ Text message can be printed directly, a printed photograph of the conversation, or transcribed (type or write exactly what they say).
- If it is a video or other media, how will you play it in court? How will you give the Judge and the other party a copy of it? CDs or thumb drives can work.
- You generally have to have a complete piece of proof. For example, don't bring just one page of a police report, bring in the whole thing.
- If your exhibit is a document where another person wrote down their thoughts or what they saw, you probably have to have them available to testify in person.
- Have you made/obtained enough copies? Bring **three** of everything: one to give to other parent, one to give to the court, and one for you to keep.

Lawyers do
this, too!

Practice Talking about your Evidence Before Going to Court!

- Practice describing the time, how, who, and what the proof shows.
- Practice explaining that you are familiar (and how you are familiar) with each piece of proof.
- Practice explaining that the proof is a complete and accurate piece of evidence (like, recording, transcription, website) or a copy of the type of evidence.

The National Council of Juvenile and Family Court Judges has a very useful guide for self-represented litigants called "10 Steps for Presenting Evidence in Court." Here is the website:

https://www.ncjfcj.org/sites/default/files/NCJFCJ_SRL_10StepsEvidence_Final.pdf