

Family Law Cases: Trial Tips

Should I read this?

Getting ready for trial can be hard and complicated. This might help.

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- ❖ When we say “the court” or “the judge” here, we mean the judge or commissioner conducting your trial.
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What if I will be questioning witnesses?

If you or the other party will have witnesses testify, think about key points you want them to make in their testimony. Write those key points down. Check them off as you make your points through your questions.

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- ❖ Write out questions you believe are important. This will help you remember them!
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What else do I need to do if I am calling witnesses?

Make sure your witnesses are ready to appear and testify when the court calls your case for trial. You can make sure your witnesses are available within ten to fifteen minutes with a quick phone call.

Make a written list of your witnesses’ names. File the original. Give the judge and opposing party each a copy.

What should I know about making objections?

State rules of evidence and [civil rules](#) control how the judge will conduct the trial. If the other party makes an objection, do not interrupt until they explain their reason why. The court will let you respond. The court will then rule on the objection.

Do not speak to the opposing party during objections. Speak only to the judge. Speak one at a time.

What should I know about exhibits?

You must bring the originals and three copies of any documents, papers or pictures you want the court to consider. Bring them to the courtroom early. Then the clerk can “mark” (label) them for the record. Make a written list of your Exhibits to help keep track of them.

How can I get ready to make my argument in court?

You can write a trial memo. This short summary of what you are asking the court for, and why, should have sections:

- Division of property
- Debts
- Parenting Plan
- Child Support
- Maintenance

What are opening and closing statements?

You will address the Court at the start and end of trial. You should summarize what you want and why.

Having written your trial memorandum will help. Be brief. Be as accurate and specific as you can.

What if I want the court to enter a parenting plan?

Bring four copies of your proposed parenting plan.

What if child support is an issue?

Bring four copies of

- Your most recent pay stubs and W-2
- Last year's tax return
- Completed Child Support Worksheets using your income and the other parent's
- A proposed Child Support Order

What if maintenance (alimony) is an issue?

Bring four copies of

- Your most recent pay stubs and W-2
- Last year's tax return
- A completed financial declaration
- Any other documents you feel support your request (or your argument that the other party should not get maintenance)

What else should I know?

Try to dress appropriately for court. This means neat clothes you would wear to church.

Be in the courtroom at least fifteen minutes before the trial's scheduled start time.

Remember:

- You might need to find parking.
- There may be a long line to get into the courthouse.

❖ Do not bring your children to court if you can help it. The court will probably not allow them in the courtroom with you.

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This information is current as of August 2018.

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