

INSTRUCTIONS: HOW TO FILL OUT THE “WITNESS AND EXHIBIT LIST”

USE THIS FORM ONLY if a petition/complaint **and** an answer/response have been filed in your case. By filing a *“Witness and Exhibit List”*, you are telling the court that you want a trial, and you want to tell the court, and the other party, who your witnesses are and what exhibits you will use at the trial. Here are the instructions and a step-by-step guide to filling out the *“Witness and Exhibit List.”*

STEP 1: CHOOSING YOUR WITNESSES AND EXHIBITS. If you intend to use a witness or an exhibit at trial, you must be prepared to tell the judge why the testimony of the witness(es), or the exhibits are important to your case.

WITNESSES. You should think in terms of what you want to say to the judge and what the witness(es) will be able to tell the judge to help your case. Witnesses are people who will help you tell your story to the judge. They should be people who can talk to the judge, **under oath**, about things they have seen, or know personally, **not** things they have heard about from you, or someone else.

EXHIBITS. An exhibit can be any object, paper, photograph, receipt, letter or document that reveals to the judge, something relevant to your case. Be sure when you make your list, that it is clear to the other party, and the judge, who, or what specifically, you are referring to.

DOMESTIC RELATIONS CASES ONLY:

1. **CHILDREN AS WITNESSES:** Many people, especially those involved in legal decision making disputes, want to put children on their list of witnesses. Judges generally will not allow children under the age of 18 to be called as a witness in court. Putting a child on the witness stand puts that child in the very awkward position of choosing between mom and dad. Keep this in mind when deciding which witness(es) you want to list for your case.

2. **COMMON WITNESSES AND EXHIBITS:** The following are issues that may be relevant to your case, and witnesses or exhibits commonly used at trial. They are designed to give you ideas, **not** to tell you who, or what, you should, or should not, list. If you are confused or need help, see a lawyer. If an issue does not apply to you, skip over it.

LEGAL DECISION MAKING. If legal decision making is in dispute, you will need to think about who can come to court to testify to the judge why it is in the best interests of the child(ren) to be with you. For example, you may want to call as witnesses, a teacher, day care worker, or close friend, who can tell the judge how you are caring for the child(ren)'s physical, emotional and/or psychological needs. You may also want to call family members as witnesses, but remember that a judge generally views a professional, or non-biased third party, more believable than a family member. Exhibits you may want to consider using include report cards, school progress reports, reports of doctors or psychologists, and medical reports.

VISITATION. If you are asking that the other party's visitation be supervised or restricted, you may want evidence to support your belief that it is in the child(ren)'s best interests to have supervised visitation. For example, if your witness(es) can testify to domestic violence or if you have other types of evidence, such as medical or police reports, you should include them in your list.

CHILD SUPPORT AND SPOUSAL MAINTENANCE/SUPPORT (ALIMONY). You will be required to fill out several documents relating to child support, including one most commonly referred to as an *“Affidavit of Financial Information”*, and a

“Parent’s Worksheet.” However, in order to prove earnings of yourself or the other party, you may want to include individual or joint tax returns, W2’s, or other earning information, on your list of exhibits. If you do not have specific exhibits to list regarding the other party’s work skills or experience, you may want to include witnesses who can testify to these issues. You should also list, as evidence, day care or medical expenses paid on behalf of the child(ren), so the correct amount of child support can be ordered.

- **PROPERTY AND DEBTS.** If there is property and/or debts to be divided, you should include financial information on your list. For example, you should list credit card bills, mortgage information, personal loans, bank statements, including checking or savings balances, or any other documents that relate directly to your financial situation.

STEP 2: FILLING OUT THE “WITNESS AND EXHIBIT LIST”:

Make sure your form is titled **“Witness and Exhibit List.”** Type or print using **black ink only.**

- A. In the top left corner of the first page provide the following information: Your Name; Address; City; State; Zip Code; Telephone Number; and your ATLAS Number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security. Mark the correct box(s) if you are representing yourself, or if an attorney is representing you as the Petitioner or the Respondent.
- B. Fill in YOUR name in the space that says "Name of Petitioner/Plaintiff" if you filed the original action. If the other party filed the original action, put their name as the Petitioner/Plaintiff. In the space that says "Name of Respondent/Defendant," fill in the name of the other party. These names will be used consistently throughout your case. Whoever was the Petitioner/Plaintiff for the original action will be the Petitioner/Plaintiff for all other papers related to this case. And whoever was the Respondent/Defendant for the original action, will be the Respondent/Defendant for all other papers related to this case.
- C. Fill in your case number where it says "Case Number." Your case number stays the same for **all** papers filed in this case. Next, fill in the name of the judge assigned to your case. If you do not know the name of the judge assigned to your case, call the court where your case was filed:

Clerk of Superior Court
401 E. Spring St.
Kingman, AZ 86401
(928) 753-0713
Monday-Friday
8:00a-5:00p

Clerk of Superior Court
2225 Trane Road
Bullhead City, AZ 86442
(928) 758-0730
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

Clerk of Superior Court
2001 College Drive
Lake Havasu City, AZ 86404
(928) 453-0701
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

- D. **INFORMATION ABOUT ME.** Put an "X" in the box in front of the Petitioner/Plaintiff or the Respondent/Defendant, whichever party you are in this case.
- E. **MY WITNESS AND EXHIBIT LISTS.** A good way to approach writing these lists is to think about your case.
WITNESS LIST: What do I feel will be important for the judge to hear or see? What do I want to prove? Who is most familiar with the issues in my case? Once you have decided who you **may** call as witness(es), list his/her name and address, and give a brief description of what he/she will be able to tell the judge. Use additional paper if you need to.
EXHIBIT LIST: What things will help me prove my case to the judge? What do I want the judge to understand? Once you have decided which exhibits you want to use at your trial, describe all the exhibits **in detail** for the court. Use additional paper if you need to.

- F. **TODAY'S DATE.** Where the form says "Today's Date", print or type the day, the month and year you signed the List. Then sign your name in the space provided.
- G. **I PROMISE THAT I DID THE FOLLOWING THINGS.** Print or type the day of the month, the month and the year you did each of these things. Then sign your name to tell the court that you gave, **or** mailed, the papers to the people listed above your signature.

STEP 3: READ PROCEDURAL INFORMATION. After you have filled out the *'Witness and Exhibit List'*, read the instruction form called "**PROCEDURES: WHAT TO DO WITH THE WITNESS AND EXHIBIT LIST NOW THAT YOU HAVE FILLED IT OUT.**" This will tell you what you need to do next.