



How To Present Evidence in Court.



What is evidence and why should I use it?

Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents, or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

Evidence is more believable and trustworthy than what a person says. For example, in a custody case, if you say your child has missed a lot of school while staying with the other parent, but the other parent testifies that is a lie, the judge may not know whom to believe. However, if you submit your child's attendance records, the judge will be more likely to believe you.



How Do I present evidence in Court?

You cannot just walk into court with a photograph or document and show it to the judge. There are things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be "admitted."



What Steps do I have to follow to have evidence admitted?

Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1", etc.) Bring those marked exhibits with you to court. When you want to show the court one of the exhibits do the following things:

1. Show the exhibit to the other party or the other party's attorney
2. Then "lay the foundation" for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Follow the rules below for "laying the foundation."
3. Either you or your witness must testify about the exhibit.
4. Ask the Court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you cannot, let the judge decide.
5. If there are no objections from the other party, or the judge has ruled in your favor, ask the court to "admit the Exhibit into evidence."



How do I lay the foundation for a photograph?

1. Explain why a photo is connected to your case. For example: "This photo shows the injury to my child when he was at his other parent's home."
2. Explain how you know about what is in the photo. For example: "I took this photo after I picked up my child from his visitation with the other parent."
3. Explain that the photo is timely. For example: "At the bottom right hand corner of the photo is the date it was taken."
4. Explain that the photo "fairly and accurately" shows what is depicted in the photos as it appeared on the date relevant to your case. For example: "This photo is a fair and accurate depiction of what my child's arm looked like 10 minutes after I picked him up for visitation with his other parent."

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