



SUPERIOR COURT OF CALIFORNIA

**COUNTY OF TULARE**

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## PREPARING FOR TRIAL: WITNESSES & EXHIBITS

Forms included in this packet		
<b>READ</b>	This packet	Instructions and information
		Evidence Worksheet (blank)
<b>COMPLETE &amp; FILE</b>	FL-321	Witness List
	Local Form	Exhibit List
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## **Preparing for Trial: Witnesses & Exhibits**

This is an informational guide to preparing for your contested hearing / trial, including how to file and serve your witness and exhibit lists. Read through these instructions in their entirety before you start filling out your forms. **Please note:** Nothing in this guide should be considered legal advice. Speak with an attorney if you have questions about your specific case.

### **Completing Forms:**

Fillable, printable pdf versions of the Judicial Council forms contained in this packet are available online at <https://www.courts.ca.gov/>. You can type the forms and print them out for filing.

The local form contained in this packet is available on the Tulare County Superior Court's website at: <https://www.tulare.courts.ca.gov/forms-filing/local-forms-information-filing-instructions>.

### **Self Help Resource Center:**

If you do not have an attorney representing you, free assistance is available. Please contact the Self-Help Resource Center, also known as the Office of the Family Law Facilitator. The Self-Help Resource Center will provide instructions on how to complete the forms and how to properly serve notice on all the necessary parties. They can answer your procedural questions and explain the court process but **CANNOT** provide legal advice, represent you in court, or complete forms for you. The Self-Help Resource Center can be reached at (559) 737-5500 and [selfhelp@tulare.courts.ca.gov](mailto:selfhelp@tulare.courts.ca.gov), and offices are located at:

- County Civic Center: 221 S. Mooney Blvd., Room 203, Visalia CA 93291
- South County Justice Center: 300 E. Olive Ave., Porterville, CA 93257

### **Other Resources:**

If you have further questions or concerns, you may wish to consult with an attorney or use the assistance of a paralegal or typing service. You may also conduct self-research at:

- California Courts' Self-Help website: <https://selfhelp.courts.ca.gov/>
- Tulare County Law Library: <https://tularecounty.ca.gov/lawlibrary/>
  - The Tulare County Law Library is located on the ground floor of the County Civic Center, and Law Library computer terminals are available in the Self-Help Resource Center in the South County Justice Center.
- Sacramento County Public Law Library: <https://saclaw.org/>

## INTRODUCTION

In the Family Law department, a common reason a case is set for trial is that a Request for Order (RFO) and Response were filed, but the parties did not reach an agreement in mediation or at the first court appearance. In a divorce case where the parties have filed a petition, response, and financial disclosures, but have not settled their case, the court will set a trial to rule on all issues. The trial is your chance to present evidence and tell your side of the story to the judicial officer. Evidence is anything you use to prove your claim or defense: it can be a document, a text message, a video recording, or witness testimony. The court uses evidence to decide whether you've proved your case, and may be the deciding factor when two people are making opposite claims.

The California Code of Evidence sets standards for what evidence can be used in court. Everyone must follow these laws when presenting evidence, even if a person does not have an attorney. Neither the judge nor the court staff can assist you in preparing or presenting your case. This guide provides instructions on how to complete, file, and serve your Witness and Exhibit Lists, and includes helpful tips on how to prepare for your trial and how to present evidence.

## COMPLETE YOUR EVIDENCE WORKSHEET

If you requested a court order or judgment, ask yourself: *What do I have to show to prove my case and get the decision I'm requesting the judge to make?* Conversely, if you are responding to a request for a court order or judgment, ask yourself: *What defenses do I need to prove so the judge denies the request?* Take time to research the specifics of your case so you understand everything you'll have to prove. Once you know **what** you want to prove, think about **how** you'll prove it. As you gather this information, fill out the **Evidence Worksheet** included in this packet with what you want to prove on the left side, and what supporting evidence you have on the right side. This will help you to organize your evidence so you can decide what is relevant, necessary, admissible, or will otherwise help your case.

Did anyone else see the actions or events? If so, they could be a witness. Witness testimony can be powerful evidence as witnesses can describe what they saw or did, and may be key to having documents, videos, pictures, physical evidence, or other exhibits admitted into evidence. If you plan on having witnesses, speak with these individuals as early as possible so you know what they're going to say when you call them to testify. Bring a witness only if that person has personal knowledge of the information you want to give the judge. Witnesses can only testify to facts they personally observed or experienced. Do you have any photos, videos, text messages, emails, or other documents that prove facts for you? If so, these could be valuable exhibits at your trial.

## PREPARE WITNESS AND EXHIBIT LISTS

You must prepare and file Witness and Exhibit lists if you plan on having a witness testify or plan to introduce exhibits at the hearing. Make sure to list each witness who may testify, and any exhibit you may want to use. If you don't list the witness or exhibit, the court cannot consider the evidence. Blank forms and samples are included in this packet, and instructions for completing these forms are provided below.

### **Witness List (FL-321)**

- **Top of the page:** Enter your name, address, and phone number.
  - List the names of the Petitioner, Respondent, and Other Party (if necessary).
  - Add your court case number.
- **Middle of page:** This form will be filed as its own document, so you don't need to check any boxes next to "Attachment to".
  - Mark whether you are the Petitioner, Respondent, or Other.
  - Mark whether the event is a hearing or trial, then add your court date.
- **Name:** write the name of the person you will be calling as a witness.
- **Subject and Brief Description of Testimony:** Add a description of what the witness will testify about.
  - Be specific. For example, in a restraining order case, instead of "*Will talk about abuse*", consider "*Will talk about seeing/hearing abusive behavior by the other party on specific dates.*"

### **Exhibit List (Local Form)**

- **Top of page:** Enter your name, address, and phone number.
  - List the names of the Petitioner, Respondent, and Other Party (if necessary).
  - Write your court case number.
- **Middle of page:** This form will be filed as its own document, so you don't need to check any boxes next to "Attachment to".
  - Mark whether you are the Petitioner, Respondent, or Other. If you mark *Other*, add the name.
  - Enter your court date.
- **Exhibit No.:** Write the Exhibit number (each exhibit needs its own number for identification).
- **Description:** Explain what each exhibit is, such as pictures, text messages, videos, etc., and provide details such as date/locations.
- **Marked, Admitted, and Objections:** Leave these fields blank; they are used by the court at the trial.

### **File the Witness and Exhibit Lists**

Now that you've prepared your Witness and Exhibit Lists, make two copies of each list. Bring the original and both copies to the Clerk of Court for filing, at the Visalia Courthouse, located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291, or the South County Justice Center, Court Clerk's window, located at 300 E. Olive Ave, Porterville, CA 93257. The Court will keep the original and give you back the two copies. One copy is for you to keep, and the other copy is to be served on the other party.

Note: Only the **Exhibit List** needs to be filed, not the exhibits themselves. However, exhibits do need to be shared with the other party before trial (see **Exchanging Exhibits**, below). If you have your exhibits on a USB drive or other storage device, do not attempt to file the USB drive with the Clerk of Court; the Clerk of Court cannot accept this.

### **Transcribe audio / video recordings**

If the exhibit is an audio or video recording, you must file a transcription of the recording with the court, and serve a copy on the other party prior to the hearing. Type out the transcription and attach it to a **Declaration (MC-030)**, which is included in this packet. Then file and serve the other party (see below for details on service).

## **SERVE THE OTHER PARTY**

Service is an important step prior to trial. "Service" means someone 18 years or older, other than you, will deliver the forms to the other party (or their attorney if they have one) in person or by mail. The person who serves the forms (called the "server") must complete and sign the appropriate Proof of Service form, stating who was served, what documents were provided, when and where the service took place, and the method of service (in person or by mail). The server will complete either form **FL-330 – Proof of Personal Service**, or form **FL-335 – Proof of Service by Mail**. These Proof of Service forms are included in this packet.

### **Service Deadline**

Parties must file and serve Witness and Exhibit Lists at least 10 days prior to trial, unless otherwise instructed by the court. This will allow the other party sufficient time to review the information. Note: If the documents are sent to the other party by mail, you must add additional days depending on the other party's address:

- Add 5 calendar days if sent to an address in California.
- Add 10 calendar days if sent to an address outside of California.

## **Exchanging Exhibits**

The Civil Rules of Procedure require that you get to see the other side's exhibits before the hearing so that you can think about any objections or comments you may have, just as they get to see your exhibits. Thus, when serving the other party with the Exhibit List, you **must** also include the exhibits themselves. Be sure to list all exhibits on the Proof of Service form. Remember to exchange exhibits by any deadlines set by the court.

## **File the Proof of Service**

After the server has served the other party, they must complete and sign the **Proof of Service**. Make one copy of the completed Proof of Service. Return the original and copy to the Clerk of Court. The Clerk will give you back the copy for your records. Bring your file stamped copy of the Proof of Service to court on the day of the trial. If the court does not receive your documents, including the Proof of Service within the specified deadline, you risk not being allowed to have the witnesses testify or the exhibits be considered.

- **Tip:** Before you file your completed Proof of Service with the Clerk of Court, take it to the Self-Help Resource Center to review for completeness.

# FINAL PREPARATIONS BEFORE TRIAL

## **Trial Notes**

Approximately one week before your hearing, make notes for each request, the reasons for the request, and the responses to each request made by the other party. List the reasons why each request should or should not be granted. Be prepared to state clearly to the judge what relief you want and the specific orders you'd like the court to make. In court, you can refer to these notes when speaking with the judge.

## **Witnesses**

Write out the questions you intend to ask your witnesses, and talk to the witness about what they'll say so you aren't surprised at the hearing. Of course, remind your witness to tell the truth in court. Make sure your witnesses are aware of the date, time, and location of trial.

The other party must have the opportunity to cross examine your witness, so all witnesses must come to court and testify live; they cannot write a declaration instead (the only exception to appearing in person is that a witness can appear remotely in a Domestic Violence case, or if the judge has given advance permission for the witness to appear by Zoom). Witnesses must remain outside in the hallway until it is their turn to testify.

If needed, serve your witnesses with subpoenas ahead of time so their employer is aware (the subpoena provides the date, time, and place for trial). If the witness needs to bring evidence to court, then you'll need to serve a subpoena that says what they need to bring. If the witness does

not show up, you may ask the court for more time because you went through the formality of serving a subpoena. For more information on using a subpoena, see: <https://selfhelp.courts.ca.gov/civil-discovery-and-subpoenas-index>

## **Exhibits**

Make copies of your exhibits: one copy for the court, one copy for you, one copy for each other party in the case, and if necessary, an extra set for witnesses. Place the exhibits in the order that you intend to introduce them. If you are introducing a photograph, it is best to use color photos and make enlarged (8 ½" x 11") color copies.

## **Trial Location**

Make sure you know which courthouse and courtroom you will be going to for your hearing. If you're not sure, call the court and they will provide you this information.

## **Playing digital media in court**

You have two options when presenting digital evidence at your trial: You may bring your own device to play the digital media, or you may use the court's **Digital Evidence Portal**, if available in your specific courtroom.

- **Bring your own device:**
  - If your exhibit is a photograph or video recording, and the file is stored on a USB flash drive, bring both the USB flash drive and a device (such as a laptop) to show the exhibit. The court will not provide a laptop for you to use at trial.
  - **Note:** The USB drive may be received by the court as evidence, so it may not be returned to you.
- **Digital Evidence Portal:**
  - The court's Digital Evidence Portal is a way to store files that you intend to present at trial, share exhibits with the other party, and then present these files on a large screen at time of trial.
  - The Digital Evidence Portal is only available in certain Family and Civil courtrooms. Contact the court for availability at (559) 730-5000.
  - For more information, visit [www.tulare.courts.ca.gov](http://www.tulare.courts.ca.gov), select **Online Services**, then **Digital Evidence Portal**. Follow the steps in the instructional guide to create an account, navigate the site, and upload files.
  - You can rearrange exhibits in the order you plan on presenting evidence, add descriptions, and select which files you want to share with the other side.
  - When you've finished uploading documents, you can print an Exhibit List that you can file with the court.

## TIPS FOR THE DAY OF TRIAL

- **Be prepared** so you'll be able to present your side of the case as well as possible.
  - The trial will generally take place whether you're prepared or not.
  - Don't count on the judge giving you more time to prepare on the day of your hearing.
- **Dress appropriately**, how you would for a job interview.
  - Wear neat, clean clothing. Shorts, hats, tank tops, and crop tops are not allowed.
  - Don't wear anything with offensive writing.
  - Take off your sunglasses in court. Cover tattoos.
- **Be early or on time.** Know ahead of time which courtroom your trial will be heard in.
  - When you go to the courtroom, check in with the bailiff or the court attendant.
- **Bring all of your court papers with you**, including any exhibits you want to introduce.
- **Put away your cell phone.** Cell phones should remain off when you are in the courtroom.
- **Bring your trial notes so you can refer to them when you talk to the judge.**
  - It is common to be nervous, emotional, or scared at court.
  - Having notes can help you feel calm and organized when it's your turn to speak.
- **Control your emotions**, even if the issues being discussed are very personal to you.
- **Briefly tell the judge your side, what you want, and why.**
  - If you're the one who requested the court hearing, you are allowed to speak to the judge first. You can assume that the judge has read your papers already.
  - Tell the judge quickly: (1) what issues you want addressed; (2) what decision you want on each issue, and (3) why.
  - Then stop talking. Give the other side a chance to speak.
- **Only discuss the issues that are set for trial.**
  - Review the pleadings to understand what issues the judge will address. The court will only address the issues that the party who filed for a court date has requested.
  - If you want to ask for something else, you need to file your own paperwork with that request. For example, if the only issue for trial is child custody and visitation, then the court cannot hear evidence as to the amount of child support.
- **Listen carefully when the judge, the other party, or witness speaks.**
  - Don't interrupt or talk over them.
  - The court reporter must record every word spoken in the hearing, and will have a difficult time doing so if more than one person is speaking at once.
  - While you are listening, make a note of anything you want to ask about or discuss.
- **Speak slowly enough that the court reporter can type what you are saying.**
  - Answer politely when the judge or other party speaks.
  - Remember to speak to the judge, not the other party.
- **Your hearing may only take a few minutes, or could last much longer.**
  - The length of trial depends on the complexity of the issues.
- **When the trial is over, the judge will make an order or orders.**
  - If you don't understand an order, politely ask the judge to explain or clarify.
- **Do not argue with the judge once the ruling has been made!**



# INTRODUCING EVIDENCE

## **Introducing your Witness**

- Start by asking for the witness' name.
- If you know the witness personally, you can ask "*How long have you known me?*"
- If the witness is a professional, ask them to explain their professional background and experience.

## **Questioning your Witness**

- Be polite.
- Keep your questions short.
- Only ask questions you know the answer to already.
- If you get a different answer than you expected, do not argue with your witness or accuse them of lying.
- If the witness refuses to answer a question, ask the judge to order them to answer.
- Make sure that you let your witness finish their answer before you ask your next question.
- Ask specific questions about the information they have about your case. For example:
  - "*Where were you on January 1, 2024 at approximately 4:00 pm?*"
  - "*Who else was there?*"
  - "*Please describe what you saw.*"
- If you are the one calling the witness, you cannot ask "leading questions" that tell the witness the answer you want them to give. Instead, keep questions open-ended by asking *who, what, when, where, and why* rather than *yes* and *no* questions.
- After you finish questioning your witness, the other side and the judge will have a chance to ask questions as well. This is called cross examination (*see below*)

## **Cross examination**

- Once the other side has finished questioning their witness, you'll have a chance to ask their witness questions. This is called "cross-examination."
- While the other side's witness is testifying, it is a good idea to take notes and write down any questions you want to ask.
- Only ask questions the witness has not already answered. When you question the other side's witness, you are allowed to ask "*yes or no*" (leading) questions.
- Remain polite and do not argue with the witness.

## **Common Objections to Questions and Testimony**

If you believe the question is not appropriate, you can make an objection after the question before the witness answers. Some examples of objections are:

- **Objection – Compound**: The question is actually two or more questions in one. For example: “*Why did you go back into the house and what made you think you it was a good idea to then take the children away?*”
- **Objection – Leading**: The party is questioning their own witness and asking a yes or no question.
- **Objection – Narrative Response**: The party is questioning the other party’s witness and the witness is giving a long story instead of answering yes or no.
- **Objection – Argumentative**: The party questioning the other party’s witness is arguing with the witness instead of asking yes or no questions. This is also known as “badgering the witness”.
- **Objection – Repetitive** (or “asked and answered”): The party questioning the witness is asking a question that the witness has already answered.
- **Objection – Speculation**: The person questioning the witness is asking the witness to testify about something they suppose or imagine happened instead of what they saw or heard themselves.
- **Objection – Lack of Personal Knowledge**: The person questioning the witness is asking about something the witness doesn’t know from personally seeing or hearing it.
- **Objection – Vague and Ambiguous**: The person questioning the other party’s witness is asking an unclear question that might confuse the witness.
- **Objection – Hearsay**: The witness is testifying about what *another* person said. The problem with hearsay is that the person being quoted is not present so there is no way to establish credibility or allow cross examination. There are numerous exceptions to the hearsay rule.

These are only some of the more common objections, but many others exist that you can research online or at the Law Library. If you make an objection, then you and the other party will explain the merits of the objection. The judge will then make a decision about the objection. If the judge “sustains” (or grants) your objection, the other party will need to ask the question a different way. If the judge “overrules” (or rejects) your objection, the witness can proceed to answer the question.

## **Pre-marking Exhibits**

Before the hearing begins, check with the court on whether they would like the exhibits pre-marked. If so, present your exhibits to the courtroom clerk, who will assign numbers or letters to each item. If pre-marking exhibits is not required; the courtroom clerk will mark exhibits as they are presented throughout the trial. Exhibits uploaded through the Digital Evidence Portal will be marked for identification.

## **Introducing Exhibits**

Just because you have exhibits to give to the court, it does not necessarily mean that they will be accepted. In fact, the court cannot consider an exhibit until it is admitted into evidence. When it is your turn to present evidence, you will need to explain to the court what item you are “introducing” and why it is trustworthy. Follow these steps to get the court’s permission to use the document as evidence:

- “Lay the foundation” for the exhibit, that is, explain to the judge what the exhibit is and why you know it is authentic (not a forgery or a fake).
  - **For example:** You can say: *“I am introducing into evidence a copy of text messages that the Respondent and I exchanged on [date].”*
  - Hand the original exhibit to the clerk to mark as Exhibit Number \_\_\_\_.
- Explain the relevance of the exhibit, or why you want the court to look at the document.
  - **For example:** You can say, *“The text messages show that Respondent was aware of the scheduled visitation drop off time and location.”*
- Hand a copy to the clerk for the judge to look at, and hand a copy to the other party.
- You can then testify about the exhibit to explain to the judge why it supports your request.
  - If you have a witness who knows about the document and can “authenticate” it, you can call the witness to do so (see below for details).
- Once you’ve finished testifying about the document, ask to have it “*admitted into evidence.*” If the other party or attorney objects to the exhibit, answer their objections as best you can and then let the judge decide.

## **Asking a witness to identify and discuss an exhibit**

- While the witness is on the stand, you may say to the court, *“I would like to introduce Exhibit Number \_\_\_\_.”*
- Show the exhibit to the other party or their attorney, and the witness.
- Ask if they recognize it as something they have seen before.
- If they recognize it, ask them to explain to the court what the exhibit is, and how they know that.
  - For example: The witness might say, *“This is a photo I took of the Petitioner’s face after the altercation with Respondent. I took it right after the altercation.”*
- Ask the judge to have the exhibit “*admitted into evidence.*” The judge will rule on any objections and decide whether to admit it or not.
- Then you may ask the witness any other questions you have about the exhibit.

## **More information**

You can get more information about how to “lay the foundation” for other types of documents such as text messages, letters, and business records, by visiting the Law Library or by visiting <https://selfhelp.courts.ca.gov/how-introduce-exhibits-trial>.

## AFTER THE TRIAL

At the end of the hearing, the judge will generally make one or more orders. Make sure you look at your list to make sure all issues have been addressed. If the judge does not address an order you requested, politely remind the court before the hearing is over.

If you asked for the hearing, **you may be responsible for preparing the final order**. Listen carefully to what the judge says. If you need to write an order or judgment, contact the Self-Help Resource Center for assistance.

# EVIDENCE WORKSHEET

WHAT I WANT TO PROVE	WHAT EVIDENCE I HAVE



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>    TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	
<b>WITNESS LIST</b>	CASE NUMBER(S): _____

Attachment to  Request for Order (FL-300)  Responsive Declaration (FL-320)  Other *(specify):*

Petitioner  Respondent  Other intends to call the following witnesses to testify at the time of  hearing or  trial scheduled on *(date)*:

Name	Subject and Brief Description of Testimony





ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, &amp; address</i> ):  TELEPHONE NO.: E-MAIL ADDRESS ( <i>Optional</i> ): ATTORNEY FOR ( <i>Name</i> ):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE</b> <input type="checkbox"/> County Civic Center:            221 S. Mooney Blvd., Visalia CA 93291 <input type="checkbox"/> South County Justice Center: 300 E. Olive Ave., Porterville, CA 93257	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	
<b>EXHIBIT LIST</b>	CASE NUMBER:

Attachment to:  Request for Order (*FL-300*)  Responsive Declaration (*FL-320*)  Other (*Specify*): \_\_\_\_\_

Petitioner  Respondent  Other (*Specify*) \_\_\_\_\_ intends to submit the following exhibits into evidence at the time of trial scheduled on (*date*): \_\_\_\_\_.

Exhibit No.	Description	Marked	Admitted	Objections



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):    TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	
<b>DECLARATION</b>	CASE NUMBER:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

- |                                       |  |                                     |                                    |
|---------------------------------------|--|-------------------------------------|------------------------------------|
| <input type="checkbox"/> Attorney for | <input type="checkbox"/> Plaintiff                 | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Defendant |
| <input type="checkbox"/> Respondent   | <input type="checkbox"/> Other ( <i>Specify</i> ): |                                     |                                    |



## INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Use these instructions to complete the *Proof of Personal Service* (form FL-330).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Service by Mail* (form FL-335) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

### INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

*Complete the top section of the proof of service forms as follows:*

**First box, left side:** In this box print the name, address, and phone number of the person for whom you are serving the documents.

**Second box, left side:** Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

**Third box, left side:** Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

**First box, top of form, right side:** Leave this box blank for the court's use.

**Second box, right side:** Print the case number in this box. This number is also stated on the documents you are serving.

**Third box, right side:** Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

1. You are stating that you are over the age of 18 and that you are neither a party of this action nor a protected person listed in any of the orders.
2. Print the name of the party to whom you handed the documents.
3. List the name of each document that you delivered to the party.
4.
  - a. Write in the date that you delivered the documents to the party.
  - b. Write in the time of day that you delivered the documents to the party.
  - c. Print the address where you delivered the documents.
5. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
6. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
7. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
8. Do not check this box unless you are a California sheriff or marshal.

**Print your name, fill in the date, and sign the form.**

*If you need additional assistance with this form, contact the family law facilitator in your county.*

## INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Use these instructions to complete the *Proof of Service by Mail* (form FL-335).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Personal Service* (form FL-330) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

### INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

*Complete the top section of the proof of service forms as follows:*

**First box, left side:** In this box print the name, address, and phone number of the person for whom you are serving the documents.

**Second box, left side:** Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

**Third box, left side:** Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

**First box, top of form, right side:** Leave this box blank for the court's use.

**Second box, right side:** Print the case number in this box. This number is also stated on the documents you are serving.

**Third box, right side:** Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

**You cannot serve a temporary restraining order by mail. You must serve those documents by personal service.**

1. You are stating that you are at least 18 years old and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).
  - a. Check this box if you put the documents in the regular U.S. mail.
  - b. Check this box if you put the documents in the mail at your place of employment.
4.
  - a. Print the name you put on the envelope containing the documents.
  - b. Print the address you put on the envelope containing the documents.
  - c. Print the date that you put the envelope containing the documents in the mail.
  - d. Print the city and state you were in when you mailed the envelope containing the documents.
5. Check this box if you are serving an address verification form (required for service by mail of a postjudgment request to change a child custody, visitation, or child support order).
6. You are stating under penalty of perjury that the information you have provided is true and correct.

**Print your name, fill in the date, and sign the form.**

*If you need additional assistance with this form, contact the family law facilitator in your county.*

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) <i>(Name, State Bar number, and address).</i>    TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	CASE NUMBER:   <i>(If applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
<b>PROOF OF PERSONAL SERVICE</b>	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*:
3. I served copies of the following documents *(specify)*:
  
4. By personally delivering copies to the person served, as follows:
 

a. Date:	b. Time:
c. Address:	
  
5. I am
 

a. <input type="checkbox"/> not a registered California process server.	d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b).
b. <input type="checkbox"/> a registered California process server.	e. <input type="checkbox"/> a California sheriff or marshal.
c. <input type="checkbox"/> an employee or independent contractor of a registered California process server.	
  
6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:
  
7.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)	▶	_____ (SIGNATURE OF PERSON WHO SERVED THE PAPERS)
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ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p>
<p style="text-align: center;"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____  RESPONDENT/DEFENDANT: _____  OTHER PARENT/PARTY: _____	CASE NUMBER: _____  <p style="text-align: center;"><i>(If applicable, provide):</i></p> HEARING DATE: _____ HEARING TIME: _____ DEPT.: _____
<p><b>PROOF OF SERVICE BY MAIL</b></p>	

**NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).**

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
  
3. I served a copy of the following documents *(specify)* :

by enclosing them in an envelope AND

- a.  **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:

- a. Name of person served:
- b. Address:
  
- c. Date mailed:
- d. Place of mailing *(city and state):*

5.  I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)*

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  \_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF PERSON COMPLETING THIS FORM)



## EVIDENCE WORKSHEET

WHAT I WANT TO PROVE	WHAT EVIDENCE I HAVE
<p><u>For a custody and visitation trial:</u> It is in the best interests of the children that they live with me</p>	<ul style="list-style-type: none"> <li>• School records</li> <li>• Mediator report</li> <li>• Family member testimony</li> <li>• Daycare sign-in logs</li> </ul>
<p><u>For a DVRO trial:</u> A DVRO is needed</p>	<ul style="list-style-type: none"> <li>• Police report</li> <li>• Photos of injuries</li> <li>• Video evidence</li> <li>• Witness testimony</li> </ul>
<p><u>For a child support trial:</u> Other party should reimburse me for their share of our child's unpaid medical bills</p>	<ul style="list-style-type: none"> <li>• Copies of medical bills</li> <li>• Proof I paid these bills</li> <li>• Proof I asked the other party for reimbursement</li> </ul>
<p><u>For a child support trial:</u> Other party's ability to earn</p>	<ul style="list-style-type: none"> <li>• Evidence of the other party's ability to work</li> <li>• Evidence of available jobs near where the other party resides.</li> </ul>
<p><u>For Dissolution trial where division of property is at issue:</u> Property valuation</p>	<ul style="list-style-type: none"> <li>• Proof of purchase</li> <li>• Kelly Blue Book</li> <li>• Appraisal reports</li> <li>• Bank account and / or credit card statements</li> </ul>
<p><u>For grandparent visitation trial:</u> Relationship between grandparent and grandchild.</p>	<ul style="list-style-type: none"> <li>• Photos, letters, messages, cards, etc.</li> <li>• Video evidence</li> <li>• Witness testimony</li> </ul>

SAMPLE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Petitioner name and address</b>   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: <b>Petitioner Name</b>  RESPONDENT/DEFENDANT: <b>Respondent Name</b>  OTHER PARENT/PARTY:	
<b>WITNESS LIST</b>	CASE NUMBER(S):

Attachment to  Request for Order (FL-300)  Responsive Declaration (FL-320)  Other (specify):

Petitioner  Respondent  Other intends to call the following witnesses to testify at the time of  hearing or  trial scheduled on (date): *February 21, 2025*

Name	Subject and Brief Description of Testimony
Neighbor Name	<i>Will talk about seeing/hearing abusive behavior by the other party on specific dates.</i>
SAMPLE	

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, &amp; address</i> ):  <b>Petitioner name and address</b>  TELEPHONE NO.: E-MAIL ADDRESS ( <i>Optional</i> ): ATTORNEY FOR ( <i>Name</i> ):	<i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE</b> <input type="checkbox"/> County Civic Center:            221 S. Mooney Blvd., Visalia CA 93291 <input type="checkbox"/> South County Justice Center: 300 E. Olive Ave., Porterville, CA 93257	
PETITIONER/PLAINTIFF:     Petitioner Name RESPONDENT/DEFENDANT: Respondent Name OTHER PARENT/PARTY:	
<b>EXHIBIT LIST</b>	CASE NUMBER:

Attachment to:  Request for Order (*FL-300*)  Responsive Declaration (*FL-320*)  Other (*Specify*): \_\_\_\_\_

Petitioner  Respondent  Other (*Specify*) \_\_\_\_\_ intends to submit the following exhibits into evidence at the time of trial scheduled on (*date*): September 24, 2024.

Exhibit No.	Description	Marked	Admitted	Objections
1	School records dated May 16, 2024			
2	Copies of medical bill dated June 1, 2024			

SAMPLE