

YAVAPAI COUNTY
Self-Service Center

INSTRUCTIONS: COMPLETING THE WITNESS AND EXHIBIT LIST

USE THIS FORM ONLY AFTER a Petition and Response (Domestic Relations case) or Complaint and Answer (Civil case) have been filed in your case. By filing a **Witness and Exhibit List**, you are telling the Court, and the other party, who your witnesses will be and what exhibits you will use if and when your case goes to trial. Here are the instructions and a step-by-step guide to filling out the "Witness and Exhibit List" in this packet.

TIME LIMIT: This List must be filed within 40 days after the Response or Answer is filed with the Court if no agreement is reached about all issues between the parties before then.

STEP 1: CHOOSING YOUR WITNESSES AND EXHIBITS.

If you intend to use a witness or exhibit at trial, you must be prepared to tell the judge why the witness' testimony or the exhibit is important to your case.

IMPORTANT: A good way to approach writing your Witness and Exhibit list is to think about your case. "What will be important to the judge? What do I want to prove? Who is most familiar with the issues in my case? What things help prove my side of the case?"

WITNESSES. Witnesses are people who will help to tell your story to the judge. Think about what you want to say to the judge and what witnesses can help you. Generally, they should be people who can tell the Court under oath about things they have seen or know directly, 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 tells the Court something relevant to your case.

Be sure, when making your lists, that it is clear to the other party and the Court specifically who or what you mean to use.

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

FOR DOMESTIC RELATIONS CASES ONLY:

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

- **LEGAL DECISION-MAKING.** If legal decision-making is in dispute, think about who can come to Court who will best help you explain why it is in the best interest of the child(ren) to be with you. For example, you may decide to call as a witness a teacher, day care worker, or close friend who can tell the judge how you are caring for the child(ren)'s physical, emotional or psychological needs. You may also decide to have family members as witnesses, but remember that a professional or third party is generally more believable to a judge than a family member. Exhibits you may decide to use may include report cards, school progress reports, reports of doctors or psychologists and medical reports.
- **PARENTING TIME.** If you are asking that the other party's parenting time be supervised or restricted, you may want to bring evidence as to why you feel it is in the child(ren)'s best interest to require supervised parenting time. For example, if you have witnesses to domestic violence or have evidence such as medical or police reports you may decide to include them in your list.
- **CHILD SUPPORT AND SPOUSAL MAINTENANCE (ALIMONY).** You will be required to fill out several documents relating to child support, most commonly an Affidavit of Financial Information and a Parent's Worksheet for Child Support Amount. However, in order to prove your earnings or the other party's earnings, you may decide to list as evidence sole or joint tax returns, W2's, or other earning information. You may decide to list witnesses regarding specific work skills or experience by the other party, if you do not have evidence on these issues. Evidence of day care or medical expenses being paid on behalf of the child(ren) may be helpful in determining the correct amount of child support to be ordered.
- **PROPERTY AND DEBTS.** If there are property and debts to be divided, you can include financial information on your list. For example, you may decide to list credit card bills, mortgage information, personal loans, bank statements including checking or savings balances, or any other documents that directly relate to your finances.

STEP 2: FILLING OUT THE WITNESS AND EXHIBIT LIST.

TYPE OR PRINT USING BLACK INK ONLY.

- A. Make sure your form is titled **Witness and Exhibit List**.
- B. In the top left corner of the first page, fill out the following: your name, mailing address and daytime phone number.
- C. Fill in the parties' names exactly as you have on the other documents you filed in the case.
- D. Fill in your case number where it says "Case Number." Your case number stays the same any time you file any papers in your case.
- E. Mark the box to tell the Court whether you are the Petitioner/Plaintiff or the Respondent/Defendant.
- F. **MY LIST OF WITNESSES.** Once you have decided who you **may** call as a witness, list his or her name, address and telephone number and give a brief description of what he or she will tell the judge. Use additional paper if necessary.

- G. MY LIST OF EXHIBITS. Once you have decided which exhibits you **may** use at your trial, describe all the exhibits in detail for the Court. Use extra paper if necessary.
- I. Date and sign.
- H. **I PROMISE UNDER OATH THAT I AM DOING THE FOLLOWING THINGS.** You will be filing the **original** Witness and Exhibit List, and mailing a **copy** of it to the other party's attorney or to the other party if there is no attorney. Before you file the List, you must fill in the date you file it, the date you mailed the copy and the name and address to which you mailed the copy. **See further instructions in STEP 3.**

STEP 3: WHAT TO DO WITH THE LIST AFTER COMPLETING IT.

- A. Make two copies of the List. One is to mail; the other is for you.
- B. File the List with the Clerk of Superior Court. At this time, **be sure to complete the last page of the original and the two copies** with the date of filing, and the date you are mailing the copy.

GO TO: THE SUPERIOR COURT TO FILE YOUR PAPERS: The court is open from 8:00 am – 5:00 pm, Monday -Friday. **You should go to the court at least two hours before it closes. It is recommended that you not bring your children with you.** You may file your court papers at either of the following Superior Court locations:

Clerk of Superior Court
YAVAPAI COUNTY COURTHOUSE
120 S Cortez Street
Prescott, AZ 86303

Clerk of Superior Court
YAVAPAI COUNTY SUPERIOR COURT
2840 N. Commonwealth Drive
Camp Verde, AZ 86322

FILING: Go to the Clerk of the Court filing counter.

FEES: There is no filing fee for the Witness & Exhibit List. However, if your fees were deferred at the beginning of your case, and you have been making payments but there is a balance still due, remember that amount must be paid before your trial.

WHAT THE CLERK WILL DO: The clerk will file and keep the original List and stamp the two copies. These are called "conformed" copies. The Clerk will file the List, and return the conformed copies to you.

- C. YOU MUST mail the copy on the date you specified on the List. Keep the other copy with your other papers from this case.