

OUTLINE FOR PLAINTIFF'S/DEFENDANT'S BRIEF REGARDING CUSTODY

General suggestions for your brief:

1. It should be typed double-spaced or neatly hand-written on 8-1/2" x 11" white paper.
2. Length is not as important as content. A short brief that directly addresses the issues is better than a long brief that rambles on.
3. Your brief should set forth what facts you have to prove and how you are going to prove them, i.e. evidence that supports your argument. You will be required to follow established rules of evidence in presenting your case at the time of the hearing. Hearsay evidence such as written reports or letters will generally not be admitted without proper foundation.
4. You do not have to "win" on every factor. Some are difficult to ever "win." Concentrate on those factors that are really contested.
5. You will also need to file a witness list stating the names and address of your witnesses and an exhibit list which identifies the exhibits you intend to use at a hearing. The witnesses and exhibits need to support the facts that you have stated in your brief. Do not file exhibits with the court clerk or provide copies prior to the hearing for the Referee.
6. Custody of a child is a very important matter. If this seems more complicated than you feel you can handle, it is strongly suggested that you seek help from a qualified attorney.