

## CUSTODY TRIAL CHECKLIST

The lawyer's job in any trial is something close to stage director. Instead of characters and props, the lawyer works with witnesses and exhibits. There are certain witnesses the lawyer should call to present a picture of the children and parents. The ultimate goal is to persuade the court that you, his/her client, should be awarded the primary responsibility of continuing to provide the daily care for the children. Below is a checklist of possible witnesses in a contested custody case together with a list of possible exhibits:

**1. Client's Witnesses:**

- parent
- day care attendants/baby sitters
- school teachers
- school counselors
- psychologist (if one is used)
- relatives; grandparents, aunts, uncles
- social friends of clients who also have children
- parents of child's best friend as school or day care (if child has spent time in that home)
- character witnesses for parent include employer & supervisors
- private detective
- D.S.S. investigators, counselors, if involved
- pediatricians if child has unusual health problems

**2. Hostile witnesses:**

- opposing party
- Husband or wife's new boyfriend/girlfriend
- Husband or wife's employer/job supervisor if spouse has used work as excuse to avoid responsibilities

**3. Exhibits:**

- photos of child
- photos of child and parent
- photos of child/parent activities
- photos of residence
- photos of child's bedroom
- photos of child's birthday parties
- health records
- report cards
- samples of school work
- psychologist report
- D.S.S. reports
- doctor's reports

- \_\_\_ private detective reports
- \_\_\_ telephone bills reflecting calls to boy/girl friend
- \_\_\_ records of spouse's employer re: actual hours worked

**4. Client testimony:**

- \_\_\_ name
- \_\_\_ address
- \_\_\_ marital residence
- \_\_\_ residence
- \_\_\_ age
- \_\_\_ educational background
- \_\_\_ employment
- \_\_\_ responsibilities at work
- \_\_\_ special training
- \_\_\_ income/compensation
- \_\_\_ working hours
- \_\_\_ time client leaves residence in a.m.
- \_\_\_ time client returns in p.m.
- \_\_\_ proximity of home to job; job to daycare/school
- \_\_\_ sick leave policy; parent's ability to stay home with sick child
- \_\_\_ client's back-up plan on childcare/daycare
- \_\_\_ transportation of child to school, activities
- \_\_\_ child's hours in school, after school care/daycare
- \_\_\_ preparation of meals during week
  - \_\_\_ breakfast
  - \_\_\_ lunch
  - \_\_\_ dinner

**A. School/Day Care:**

- \_\_\_ parent-teacher conference
- \_\_\_ parent's participation in activities
- \_\_\_ environment for learning
- \_\_\_ special needs of child

**B. Home and Neighbors:**

- \_\_\_ parent's description of child
- \_\_\_ description of home
- \_\_\_ child's bedroom
- \_\_\_ neighborhood
- \_\_\_ child's friends
- \_\_\_ child's interaction with friends and other children
- \_\_\_ child's interaction at home, chores, responsibilities

- C. Routine Days:** Parent outlines for court a day in the life
- \_\_\_ wake up
  - \_\_\_ getting ready for school/day care
  - \_\_\_ clothing likes, dislikes, self-sufficiency
  - \_\_\_ breakfast
  - \_\_\_ making lunches
  - \_\_\_ clean-up
  - \_\_\_ transporting child to school/daycare, parents work
  - \_\_\_ after school procedure, homework, parent's policy on helping
  - \_\_\_ television
- D. Mealtime:**
- \_\_\_ who prepares
  - \_\_\_ child's likes/dislikes
  - \_\_\_ child's participation
  - \_\_\_ discussion with parent
  - \_\_\_ confidences
  - \_\_\_ topics of conversation
- E. Bed/Bath Time:**
- \_\_\_ child's responsibilities
  - \_\_\_ parent's role in supervision
  - \_\_\_ dental hygiene of child
  - \_\_\_ personal grooming of child
  - \_\_\_ describe actual putting to bed
- F. Discipline:**
- \_\_\_ methodology
    - \_\_\_ spanking
    - \_\_\_ time-out
    - \_\_\_ rewards
    - \_\_\_ praise for good behavior
  - \_\_\_ frequency
- G. Child's General Health:**
- \_\_\_ last medical check up
  - \_\_\_ name and address of child's pediatrician
  - \_\_\_ last dental check up
  - \_\_\_ name and address of dentist
- H. Weekend Routine/Fun Times:**
- \_\_\_ parent-child activities
    - \_\_\_ indoors
    - \_\_\_ outdoors
  - \_\_\_ vacations

\_\_\_ summer

\_\_\_ winter

\_\_\_ trips to library

\_\_\_ games

\_\_\_ reading

\_\_\_ eating out, child's favorite places

\_\_\_ holidays

\_\_\_ birthdays

**I. Miscellaneous:**

\_\_\_ manners in public

\_\_\_ sleepovers with friends

\_\_\_ community/church involvement

\_\_\_ cooperation with other parent

\_\_\_ child needs financially and expenses

**J. Home Life During Marriage, Who's Responsibility:**

\_\_\_ child care, mornings and evenings

\_\_\_ cooking, cleaning

\_\_\_ transporting children

\_\_\_ preparation for school/daycare

\_\_\_ preparation for bedtime

\_\_\_ discipline of child

**K. Role of Spouse in Recent Months:**

\_\_\_ spouse's interaction with child

\_\_\_ spouse's absences from home

\_\_\_ dependency of child upon one parent

\_\_\_ relationship of child with spouse

**L. Why Client Should be Awarded Custody:**

\_\_\_ client should summarize strengths of case and end on a strong point

M. Please let us know you have read the following books and if not, please do so:

\_\_\_ Mom's House, Dad's House

\_\_\_ Mr. Rogers Talks with Families About Divorce

\_\_\_ Positive Discipline