



# Pro Se Custody Pre-Trial/Trial *Workbook*



A Workbook created to help you prepare for trial in  
Family Court as Pro Se, Self Represented.



# THE DIVORCE SOLUTIONIST

**We have a solutionist for every problem!**

*Hey there,*

I am a Family Court Strategist who helps pro se/self represented and Do it Yourself litigants prepare, present and position their case for success in Family Court. Many litigants mistakenly focus on issues that are not relevant, present evidence that is has not admissable and/or make arguments that are often not heard. These all cause them to get disappointing outcomes in their divorce or custody cases.

Trial preparation is a big area where litigants have a chance to turn the direction of their case. The key to doing this it preparing for trial in advance, knowing where to find helpful resources and to get the support they need. But even with all of these, the starting point should always be having a solid Gameplan. (Contact me to create your Gameplan.)

This guide can help in doing just that. Although trial prep is something that should be tailored to your specific case, this guide is a great starting point.

**Good luck,**

**Tracey Bee**

**[www.TheDivorceSolutionist.com](http://www.TheDivorceSolutionist.com)**

# How to Use this Guide:

This guide is set up to help you plot out the most important parts of your custody case. It is not meant to replace legal representation, but is intended to provide a baseline for how you approach trial. The earlier you start the better.

## Key things to keep in mind:

1. Take your time and focus on each specific part of the guide. It is important that you not overwhelm yourself by trying to cram too much in.
2. Repeat each step if and when necessary, to ensure that you are not overlooking some important elements.
3. Be open minded and honest with yourself at each stage. Don't rely too much on anything that is not in your control.
4. It's ok to seek help if you need it.
5. Be detailed as possible when answering each section.
6. WRITE IT OUT. This helps tremendously.
7. At any time, set up a consultation (the first one is FREE) at [www.calendly.com/divorcecoachesq/15min](http://www.calendly.com/divorcecoachesq/15min)

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*Getting Started with*

# Trial Prep- Custody

1

## *Assess your Case*

If your case is certain to go to trial, try to resolve any issues you can. Then prioritize the ones remaining.

2

## *You should have a Gameplan*

At some point during your case you should have created a Gameplan.

3

## *Focus on your goals.*

Your goals might have changed from the time the case started.



# 90 Days Before Trial

At this point the case has been marked for Trial by the Court.

Although settlement attempts are still possible, trial is necessary.

NOTE: If you need to do your S.W.O.T. Analysis, go to the last pages.

- Has anything changed since the last negotiation attempts?
- What are the remaining issues that will be addressed at trial?
- Assess the costs associated with the trial?
- Are there are subpoenas needed?
- Are witnesses lined up, their location, their availability, etc.?
- Decide if you need experts, if so start researching them?

## Analysis of the Case:

*What are the remaining issues at this stage of the case?*

- 1.
- 2.
- 3.
- 4.
- 5.

*What are the strengths of these issues?*

- 1.
- 2.
- 3.
- 4.
- 5.

*What are the weaknesses of these issues?*

- 1.
- 2.
- 3.
- 4.
- 5.



## *90 Days Before Trial - CONT*

- List your evidence for each issue, both for and against.
- Start working on your Witness list and consider their testimony.
- Get the rules for subpoenas in your jurisdiction.
- Locate all of the resources you can to help you with trial.
- Update your SWOT or Custody Gameplan.

### Identifying Evidence/Proof:

*Evidence:*

- 1.
- 2.
- 3.
- 4.
- 5.

*Witnesses:*

- 1.
- 2.
- 3.
- 4.
- 5.

*Resources:*

- 1.
- 2.
- 3.
- 4.
- 5.





# 60 Days Before Trial

At this point you need to start taking more specific, tactical moves to prepare to put on your best case.

- Review & Update your Casemap, strategic plan for tactics.
- Go through Evidence to ensure relevance & accuracy.
- Reach out to your Witnesses to confirm testimony & relevance.
- Review Discovery to check that it's complete and correct.
- Learn your court's procedures, your trial judge's methods, etc.
- Research relevant caselaw and statutes to check for updates.

Issues of the Case:	Evidence for Each Issue:
Strength: Weakness:	<i>Support:</i> <i>Oppose:</i>
Strength: Weakness:	<i>Support:</i> <i>Oppose:</i>
Strength: Weakness:	<i>Support:</i> <i>Oppose:</i>
Strength: Weakness:	<i>Support:</i> <i>Oppose:</i>
Strength: Weakness:	<i>Support:</i> <i>Oppose:</i>



# 1. Witnesses

List & name all of your witnesses; the type of witness, what they will testify to and any other relevant information about them.

- Find out when your court's deadline is for submission.
- Check if the other side has provided their Witness List.
- Cross-check your list with the other side's list.
- Choose what type of witness: eye, fact character, or expert.
- Prioritize each witness based on issues they will testify to.
- Explore the costs or methods necessary to have the witnesses present.

## Witness List:

*Name:*

*Type:*

*Testimony Topic:*

*Name:*

*Type:*

*Testimony Topic:*

*Name:*

*Type:*

*Testimony Topic:*



## 2. Discovery

the purpose of Discovery is to ensure that each party knows what documents, witnesses, etc. the other will present at trial. types of Discovery: Subpoenas, Interrogatories, Production of Documents.

- Find out when your court's deadline is for Discovery Requests.
- Cross-check your list of Demands with the Responses provided.
- See if you need to gather "answering" evidence.
- Organize all Discovery based on the issues for Trial.
- Be sure you submitted your Discovery to the other side & Court.
- File any additional Requests by deadline.

### Discovery:

*Type of Discovery:*

*Discovery Requested:*

*Follow Up Needed:*

*Issue Used For:*

*Type of Discovery:*

*Discovery Requested:*

*Follow Up Needed:*

*Issue Used For:*

*Type of Discovery:*

*Discovery Requested:*

*Follow Up Needed:*

*Issue Used For:*



### 3. *The Law*

Knowing the relevant law, caselaw & statutes that is relevant to the ISSUES of your case. It is important that you understand the law, the exceptions and updated precedents.

- Use your state's resources, Justia or Google Scholar to find the law.
- Be sure to understand how the law applies to the specific case issues.
- Anticipate how the other side will argue the law or its exception.
- Read the law several times to understand its meaning.
- Understand the difference between Procedural & Substantive Law.

#### Laws:

*Issue:*

*Applicable Law & Type:*

*Other Side's Argument:*

*Issue:*

*Applicable Law & Type:*

*Other Side's Argument:*

*Issue:*

*Applicable Law & Type:*

*Other Side's Argument:*

## *3a. Best Interests of the Child Factors*

A large part of knowing the law and how it applies to your specific case in Custody, is knowing the BIOTC factors for your state, how they apply and how they are prioritized.

- Get a list of your state's factors (use [www.Justia.com](http://www.Justia.com))
- Use caselaw to understand how they apply (use [www.scholar.google.com](http://www.scholar.google.com)) OR
- Use your BIOTC Analysis (paid service provided by The Divorce Solutionist.)
- Take your time to apply every relevant fact to the factors.

### BIOTC Analysis:

*Issue:*

*BIOTC Factors:*

*Analysis/Argument:*

*Issue:*

*BIOTC Factors:*

*Analysis/Argument:*

*Issue:*

*BIOTC Factors:*

*Analysis/Argument:*





# *30 Days Before Trial*

At this point you need to start taking more specific, tactical moves to prepare to put on your best case.

- Prepare Witness Questions and review with witness.
- Check on status of court ordered subpoenas.
- Start on Trial Notebook/Folder.
- Gather all court documents & organize them. I.e. petitions, motions, etc.
- Take a trip to the courtroom where the trial will occur.
- Learn your court's procedures, your trial judge's methods, etc.
- Research relevant caselaw and statutes to check for updates.

## Pre-Trial Checklist

- Outline of All Issues & Proof for Each
- Prepare Witnesses & Questions for Each, with Exhibits
- Prepare Opening & Closing Statements
- Organize & label ALL Evidence, Discovery
- Print & Organize Relevant Laws
- Organize & Label Pleadings, Motions, Etc.
- Update all Pertinent Info & Financial Statements
- Visit Courtroom & Confirm Court Procedure
- Verify Case Status with Other Side & Court
- Attempt Settlement One Last Time





# SWOT Exercise

Do your personal SWOT analysis. Use the results to recognize your unique skills, strength, and talents. Plan strategies to manage your weaknesses and take advantage of any opportunities!

## Strengths

- Current Advantages, what do you have over the other party?
  
- Strengths of Your Case

## Weaknesses

- What could you do better?
  
- What does the other side have over you?

## Opportunities

- What can you do to improve your position?
  
- Which strengths could you turn into opportunities?

## Threats

- What obstacles do you have that can cause you the most harm?
  
- Can any of the harm be repaired or fixed?





# *Helpful Resources*

You can handle your trial on your own but if you can get help along the way then you should. There are tons of resources that can help you with different aspects of your case.

## Legal Research:

- [www.justia.com](http://www.justia.com)
- [www.nolo.com](http://www.nolo.com)
- [www.scholar.google.com](http://www.scholar.google.com)

## Court Rules/Procedures:

- [www.westlaw.com](http://www.westlaw.com)
- your state's website
- paid services

## Limited Scope Services:

- [www.thedivorcesolutionist.com](http://www.thedivorcesolutionist.com)
- [www.legalshield.com](http://www.legalshield.com)
- [www.marblelaw.com](http://www.marblelaw.com)

## Miscellaneous:

- Calm app
  - Insight timer app
  - Headspace
  - Support groups on Social Media
  - Reddit subgroups
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# Need a Gameplan or Pre-trial Prep help?

Our services offer help for those who are representing themselves in Family Court. From our Membership Program to private consulting to Unbundled Services, there is something for everyone.