TWO KINDS OF FAMILY LAW TRIALS

Do you have a family law trial coming up? If you do, you have a choice to make.

There are two different kinds of family law trials. A family law trial is about divorce, legal separation, parenting plans, relocation, or child support. The two types of trials are called an Informal Family Law Trial (Informal Trial) and a Traditional Trial. You decide which type of trial is best for you.

What are the differences between Informal Trials and Traditional Trials?

	Informal Trials	Traditional Trials
How formal is the trial?	Less formal	More formal
How easy is this type of trial for a person who does not have a lawyer?	Easier	Harder
What evidence does the judge consider?	The judge decides what is important. You can talk to the judge about things that may not be allowed under the Rules of Evidence, like conversations you had with people outside the courtroom (hearsay). You can bring sworn statements from people who support your case, as well as other evidence or documents.	The parties need to follow the Rules of Evidence and make formal objections if they want to stop the judge from considering evidence.
Who asks questions?	Usually, only the judge.	Mainly the parties or their lawyers, but the judge can also ask witnesses questions.
Can I talk directly to the judge?	Yes.	Not usually. You can usually only talk to the judge during opening and closing arguments, and the other party can object while you are talking to the judge.
Who are the witnesses in the case?	Usually only the parties in the case and the Guardian ad Litem, if there is one. You can ask the judge to allow other expert witnesses, like a doctor or counselor.	Whoever you or the other party lists as a witness before trial starts.
Can I ask the witnesses questions?	No. This means that the other party or their lawyer can't interrupt you when you talk to the judge.	Yes. This means that you can ask the witness to talk about what you think is important.

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What do I need to know about my trial?

ALL TRIALS

1. Decide what type of trial you want. It will be a Traditional Trial unless both parties agree to an Informal Trial.
2. Before trial starts, both parties **must** prepare and give to the clerk, judge, and the other party:
   - If this is a divorce case, a list of everything you and your spouse own and owe and explain how you want the court to divide these properties and debts.
   - If child support or spousal support are an issue: a Financial Declaration, the last six months of pay stubs, and your tax returns for the last two years (with schedules, W2, and/or 1099).
   - If there are children, a proposed parenting plan.
3. Before trial, each party must give the judge and the other party a copy of all of the documents and other evidence that you will give to the judge.
4. The judge will follow the same law to decide your case, whether you have an informal or traditional trial.
5. After trial, the judge will tell one party to draft the final orders. The final, written orders must contain all of the decisions that the judge made after trial. The case is not over until the judge signs the final

INFORMAL TRIALS

6. Before trial, the judge will make sure the parties understand how the informal trial works and that the parties volunteer to have that kind of trial.
7. If there is a Guardian ad Litem (GAL), they will usually testify first.
8. The petitioner will speak to the judge under oath.
9. The judge asks questions. If there is a lawyer, they can ask the judge to ask about certain topics.
10. The respondent then speaks to the judge under oath.
11. The judge will review expert reports, if there are any, and may let experts testify.
12. The judge reviews evidence presented in court.
13. Each party can respond briefly to the other party.
14. Each party can explain to the judge about how the laws apply in the case.
15. The judge decides the case or sets hearing for a decision.

TRADITIONAL TRIALS

6. Both parties make an opening statement, telling the judge about the case and how they think the judge should rule. The petitioner goes first.
7. The petitioner calls all of their witnesses. They ask the witnesses questions and may give the judge evidence. The respondent then asks the witnesses questions. The parties usually testify.
8. The respondent then calls their witnesses and presents evidence. The petitioner can question the respondent's witnesses too.
9. The judge can allow a witness to be questioned again.
10. The parties make a closing argument. This summarizes the evidence, explains how the evidence means they should prevail, and tells the judge what is important.
11. The judge decides the case or sets a hearing for a decision.