

**COURTROOM DECORUM AND PROCEDURE FOR
SELF-REPRESENTED LITIGANTS IN CHILD CUSTODY CASES IN
THE ADAMS COUNTY COURT OF COMMON PLEAS**

IF YOU ARE UNABLE OR UNWILLING TO OBTAIN A LAWYER IN A CHILD CUSTODY CASE, THE COURT IS NOT PERMITTED TO PROVIDE A LAWYER FOR YOU. IF YOU CHOOSE TO REPRESENT YOURSELF IN LEGAL PROCEEDINGS, YOU ARE OBLIGATED AND BOUND TO FOLLOW THE LAWS AND PROCEDURES THAT APPLY TO YOUR CASE.

A LIST OF ATTORNEYS AVAILABLE TO CONSULT WITH YOU REGARDING CHILD CUSTODY, DIVORCE AND SUPPORT MATTERS IS AVAILABLE ON THE ADAMS COUNTY COURT OF COMMON PLEAS' SELF-HELP WEBPAGE AT www.adamscounty.us under the "Courts" link. Just as you would consult a medical specialist for a medical problem, you should consult a legal specialist for a legal problem – a lawyer. If you choose to represent yourself without the assistance of a lawyer, who has specialized training and education, you put yourself at a disadvantage.

GENERAL INFORMATION

When pleadings are filed, self-represented litigants must conform to the Pennsylvania Rules of Civil Procedure governing the construction, filing and service of a pleading, including notice to the opposing party. **Failure to properly serve the opposing party with notice of an action may result in a postponement or dismissal of your case.** Self-help packets with specific instructions are located on the Court's self-help webpage and at the Adams County Law Library, located on the third floor of the Adams County Courthouse.

YOU MAY NOT SEEK LEGAL ADVICE FROM THE COURT OR COURT STAFF, INCLUDING MEMBERS OF THE PROTHONOTARY, CLERK OF COURT, DOMESTIC RELATIONS AND COURT ADMINISTRATION OFFICES. DO NOT CALL A JUDGE'S CHAMBERS TO ASK FOR ADVICE. These individuals are not permitted to give legal advice to you.

DO NOT WRITE LETTERS TO THE JUDGE. The Judge is not permitted to read letters from people involved in a case. These are called "ex parte" communications and are strictly forbidden. If you need to make a request to the Court, you must file your request at the Prothonotary's office and serve a copy of your request upon all other parties and their attorneys, and file a certificate of service evidencing that you have complied with the rules regarding service.

You are responsible for keeping the Prothonotary informed of your current contact information at all times, so that you can receive important information about your case through the mail. To change/update your contact information, you must file an Appearance of Self-Represented Party form with the Prothonotary. This form is available as part of the "Obtaining a Custody Order

Packet” located on the Court’s self-help webpage at www.adamscounty.us under the “Courts” tab. This form is also available at the Prothonotary’s Office.

RULES FOR THE COURTROOM

All participants must be dressed appropriately. No hats or sunglasses.

Cellphones must be OFF at ALL times. Failure to abide by this rule will result in the phone being taken away for the duration of the proceedings.

NO taking of photographs or recording at any time.

No food, beverages, tobacco or gum in the courtroom. There is a pitcher of water at each counsel table for your convenience.

Only one person may speak at a time. Do not speak over counsel, the witness, the other party or the Judge. Do not interrupt the Judge when s/he is speaking. There must be a clear record of what everyone is saying.

Always speak into the microphones so you can be heard.

Always stand when the Judge enters and exits the courtroom

Do not turn to the other party and present questions to that party. Address your comments to the Judge.

Courteous conduct to the Court, the Court staff, attorneys and other parties is expected at all times from everyone.

You must follow all directives of the Court staff.

No one may sit with you at counsel table except a licensed attorney who is representing you.

Carefully read your notice to appear before the Court so you know where to go. Some proceedings are held at the Adams County Courthouse, located at 111-117 Baltimore Street in downtown Gettysburg. Some proceedings are held at the Human Services Building located at 525 Boyds School Road in Cumberland Township. It is your responsibility to appear at the correct location.

BE ON TIME! The Court has many cases to hear. If you are late, the proceedings will likely begin without you.

PREPARING FOR A CHILD CUSTODY TRIAL

Read your pre-trial scheduling order carefully and take note of all deadlines. If you do not comply with those deadlines, you may be precluded from introducing evidence and/or presenting witnesses to support your case.

Have all exhibits (papers, text messages, photographs, medical records, etc.) with you in the courtroom and pre-marked (for example, Plaintiff's Exhibit 1, Defendant's Exhibit 1, etc.). In addition to the original exhibit, you must bring a copy for the opposing party, one for yourself and an extra copy for the Judge. All exhibits which are admitted by the Court will be kept and made part of the record and will not be returned to you. **DO NOT FILE EXHIBITS AT THE PROTHONOTARY'S OFFICE. DO NOT ATTACH EXHIBITS TO YOUR PLEADINGS.**

If you choose to represent yourself, be aware that you are required to know the law, trial procedure, and the rules of evidence. You are strongly advised to hire an attorney or at least consult with an attorney to assist you.

The moving party (the person asking for relief from the Court) has the burden of proof. The burden of proof is the measure by which the case will be decided. The non-moving (responding) party must be prepared to show how the moving party has not met their burden of proof. In cases involving child custody, there are numerous factors that the Court must consider when making a decision. A copy of those factors can be found on the Court's self-help website at www.adamscounty.us under the "Courts" link.

Bring a note pad for writing down notes and questions.

If the parties wish to resolve the issue, they should tell the Judge at the beginning of the proceeding.

GENERAL PROCEDURE FOR CHILD CUSTODY TRIAL

Each party has an opportunity to present their side of the case. The moving party presents his/her case first. The opposing party presents his/her case second. Sometimes the Judge will want to hear testimony from the parents first, before any other witnesses.

Have all witnesses present whom you wish to call to testify on your behalf.

After one party's witness testifies, the opposing party may ask questions of that witness on cross-examination. Cross-examination consists of **QUESTIONS ONLY**. Do not attempt to testify yourself while conducting cross-examination.

Physical evidence (exhibits) must be offered to the court through the testimony of a party or witness. Failure to properly present physical evidence will likely result in the evidence not being considered by the Court. You are responsible for knowing the legal requirements for admission of physical evidence.

Either party may object during the testimony of a party or of a party's witness. IF THERE IS AN OBJECTION, ALL PARTIES MUST STOP TALKING AND ALLOW THE JUDGE TO MAKE A RULING ON THE OBJECTION. The Court must make a clear record of what is being said and by whom. DO NOT CONTINUE SPEAKING OR PRESENT ANOTHER QUESTION UNTIL THE JUDGE RULES ON THE OBJECTION OR OTHERWISE PERMITS YOU TO CONTINUE. If you make an objection, you must state the basis for your objection.

- a. If the Judge says "sustained", the witness may NOT answer the question.
- b. If the Judge says "overruled", the witness may answer the question.

The Judge may allow a brief closing statement by each party after both parties have presented all of their witnesses. The closing statement is an opportunity to sum up what the evidence did or did not show and to tell the Judge what you are requesting.

This document is meant to be a general guide for the self-represented litigant and is not legal advice. It is not an exhaustive list. It is strongly suggested that litigants consider retaining or at least consulting with an attorney in family law cases for relevant legal advice. A list of attorneys who can assist self-represented litigants is available on the court's self-help website at www.adamscounty.us under the "Courts" link.