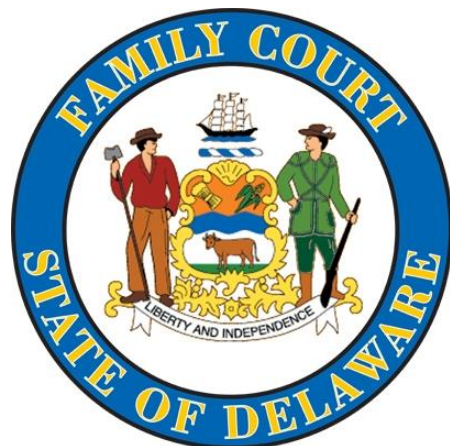


Submitting Evidence for your Virtual Hearing to Delaware Family Court

Updated as of 7/8/2022



If your hearing is in-person (at the Courthouse), you are to bring your evidence to the courthouse with you. This guide is only if your hearing is virtual (such as a Zoom hearing), and you plan to submit evidence at your hearing. Evidence will NOT be presented at a Mediation, Case Review, or Case Management Conference - do not submit evidence to the mailbox for these cases.

Evidence that is introduced to the Court is called an “exhibit”, which is defined as:

- ▶ Any physical piece of evidence that is intended to be introduced at trial, including, but not limited to, audio and/or visual recordings, materials obtained from social networking website(s) or the internet, or any other written documentation.

**ATTENTION: IF YOU ALREADY
RECEIVED DIRECTIONS TO
SUBMIT EVIDENCE FROM A
HEARING OFFICER, FOLLOW
THOSE DIRECTIONS INSTEAD**

IF YOU ARE NOT A PARTY TO A CASE, YOU CANNOT SUBMIT EVIDENCE TO FAMILY COURT. TO SUBMIT EVIDENCE, YOU MUST BE A PETITIONER, RESPONDENT, OR ATTORNEY.

All Evidence must be submitted AT LEAST two (2) business days prior to the Virtual hearing. There are several ways to submit evidence. They are:

- ▶ Email - in some cases, you can email evidence for your case to Family Court
- ▶ Physical Drop-Off - you can drop off any evidence physically to each Courthouse

The next pages will outline how to prepare and submit evidence through email and physical drop-off.

Please remember: submitting evidence DOES NOT MEAN that you have “entered it into evidence” or that the Court will consider it. You will have to request your Judge or Commissioner to review each exhibit during your hearing. [Click here to learn more about presenting evidence in Court.](#)

Submitting evidence by email (Part 1):

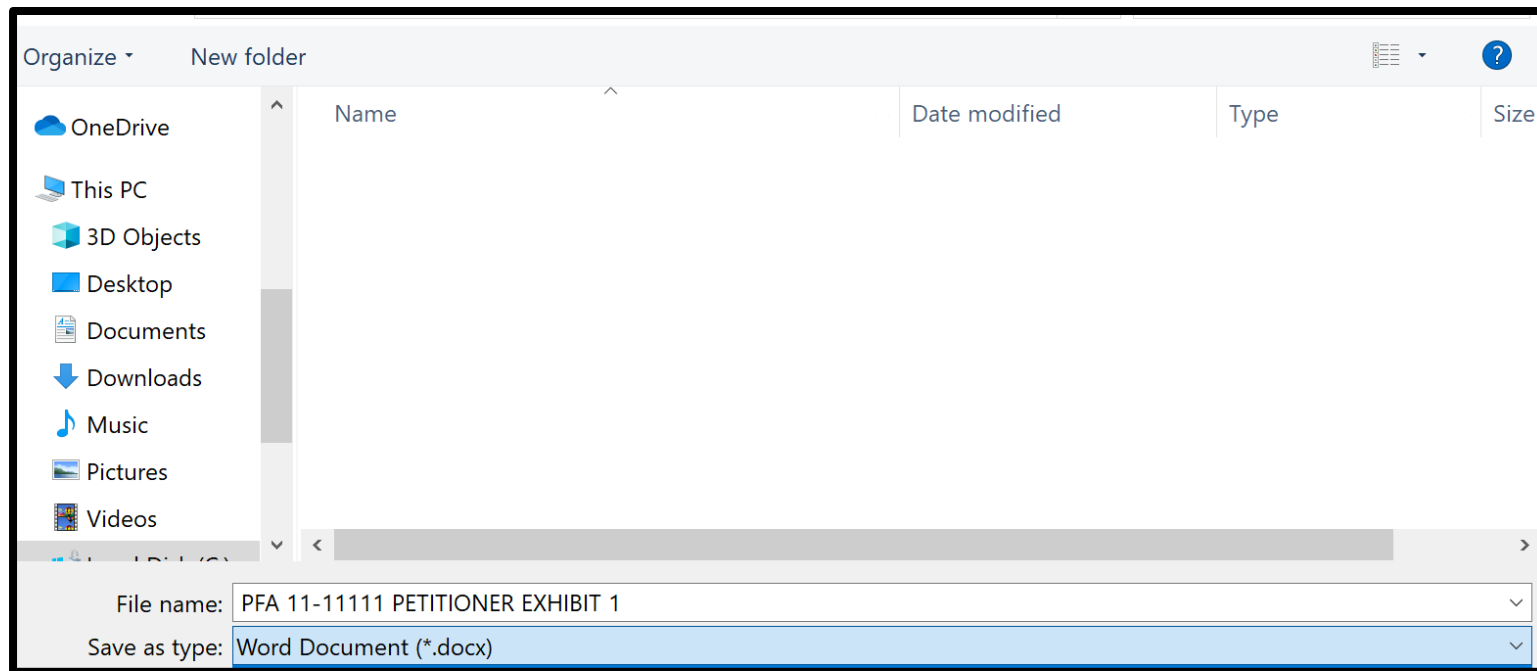
How much evidence do you plan to send to Family Court?

- ▶ **The Court will only accept one email, with up to 25 pages included in that one email.**
- ▶ If your email is too large to go through, you should drop all evidence off to the Court BEFORE the trial.
- ▶ **If you send the Court more than one email, it will NOT be accepted. If you send the Court more than 25 pages, it will NOT be accepted.**

Submitting evidence by email (Part 2):

Preparing your Evidence to Submit to the Court:

- ▶ If you have evidence saved as a Word Document, you must save and email the evidence as a PDF. You can do this by clicking on the “Save As” button, pick the location you would like to save it, and the following window will appear:



NAMING AND SAVING YOUR FILE:

File name:

PFA

11-11111

PETITIONER

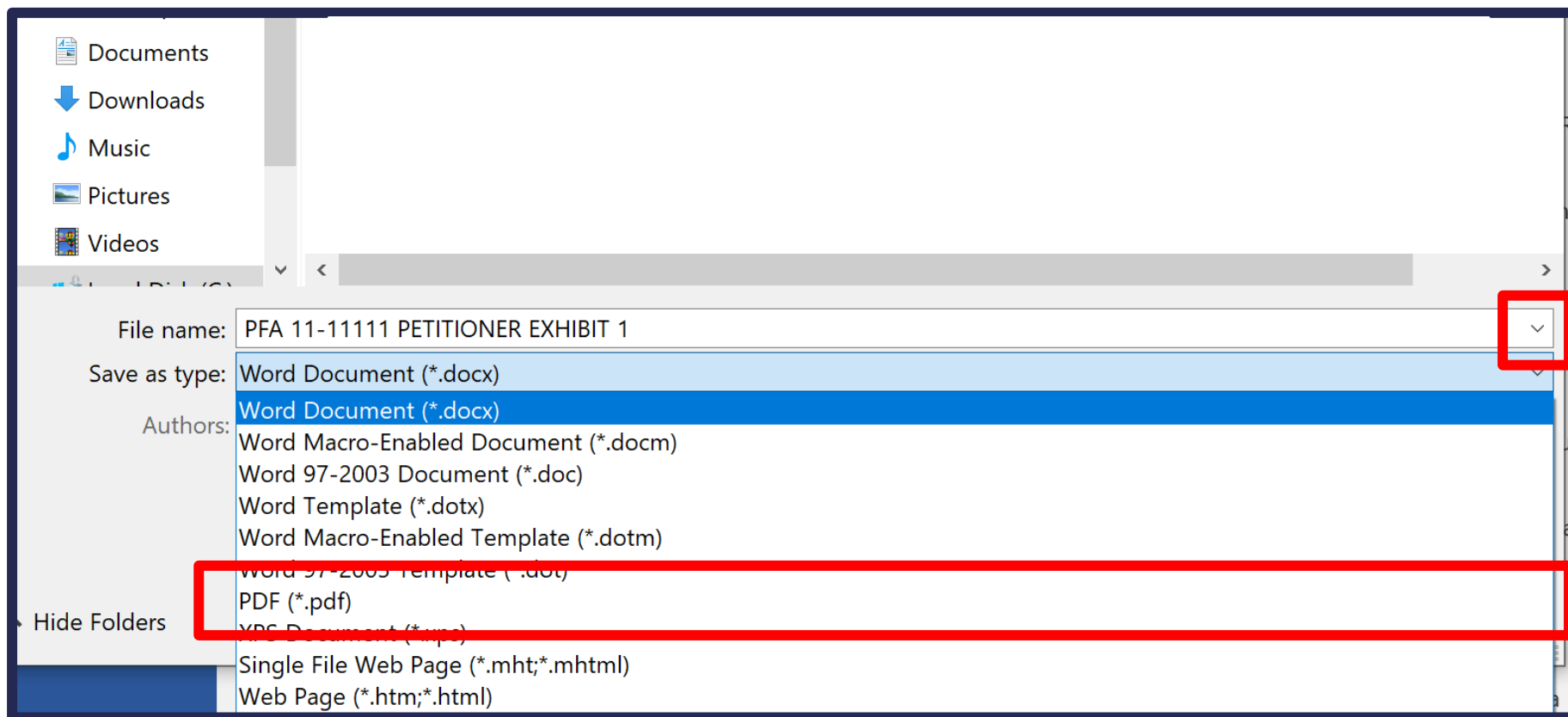
EXHIBIT 1

In the File name box, type:

- Case Type
- Petition or file number
- Petitioner or Respondent**
- “Exhibit [number]”

**If you filed the petition, you are the petitioner. If you did not file the petition, you are the respondent.

This enables the court to identify the case where the evidence is being submitted and will assist the hearing officer to identify which exhibits you are referencing during the hearing.



Click on the highlighted button and choose “PDF” from the list to save the document as a PDF. This will ensure that the file can not be tampered with or altered before your trial.

How do I know what the Exhibit Number is?

- ▶ Arrange your exhibits in the Order that you intend to introduce them at trial.
- ▶ Exhibits are a way of numbering your documents. Each document is a separate exhibit.
- ▶ For example, if you have 3 documents that you would like to submit, each document must be saved separately and labeled “Exhibit 1”, “Exhibit 2”, and “Exhibit 3”.
- ▶ **DO NOT SAVE ALL EXHIBITS AS A SINGLE DOCUMENT.** They must all be separate documents. This will help your virtual trial go smoothly.

Saving a Picture or Video from your Phone

- ▶ When saving and including pictures and video into your evidence email, follow the same instructions on page 10 to name the document.
 - ▶ If the file is too large to email, **DO NOT EMAIL THE FILE.** Follow the instructions to bring in evidence physically to the Courthouse, placing your video or audio file on a flash drive or CD.
- ▶ [Please click on this link for instructions on how to save pictures and videos from your phone onto a computer/tablet.](#)

Submitting evidence by email (Part 3):

- ▶ When you have organized and properly named your evidence, use the email address that is in your Court notice, or that Court staff have instructed you to use. If your hearing is in-person, you are to bring your evidence with you to the Courthouse. Do not submit it electronically.

REMEMBER: IF YOU CANNOT SEND THE FILES IN ONE EMAIL BECAUSE THEY ARE TOO LARGE OR IF YOU HAVE MORE THAN 25 PAGES, YOU MUST BRING THE EVIDENCE TO YOUR COURTHOUSE

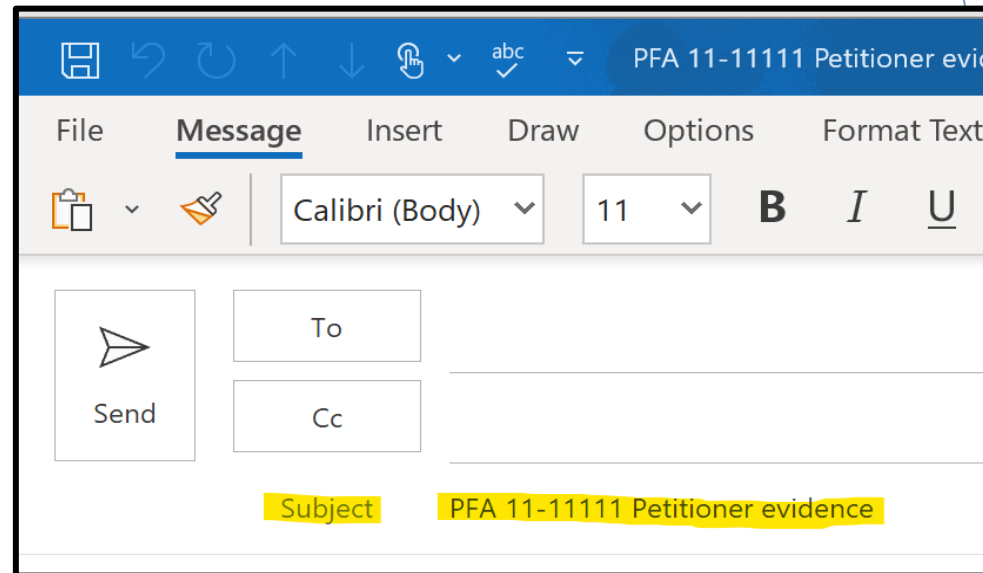
Submitting evidence by email (Part 4):

Once you have evidence saved, it is time to attach and send the email.

REMEMBER: IF THE EMAIL DOES NOT GO THROUGH BECAUSE IT IS TOO LARGE, YOU MUST BRING THE EVIDENCE PHYSICALLY TO THE COURTHOUSE.

In your email, please note the case type, which party to the case you are, and case number in the subject line as shown here

Please type in a message in the body of the email noting what you are submitting.



To attach files:

- ▶ [Click here for Outlook email instructions.](#)
- ▶ [Click here for Android/Google phone instructions.](#)
- ▶ [Click here for iPhone instructions.](#)

If you are physically dropping off evidence, there are two ways to do so. Only use a flash drive or CD if you are submitting video or audio files.

Documents and Photos:

- ▶ Make sure your documents are in an envelope with your full name and the petition and file number CLEARLY WRITTEN on the envelope
- ▶ Make sure all pictures are clearly printed
- ▶ Please label each piece of evidence clearly as outlined on page 10.

Videos and Audio files:

- ▶ Video files must be in the following format: .mov; .wmp; .mp4; .avi
- ▶ Please use a NEW flash-drive or CD to store evidence
- ▶ Please save and clearly name each video or audio file as outlined on page 8.
- ▶ Make sure your flash-drive or CD is in an envelope with your full name and the petition and file number CLEARLY WRITTEN on the envelope

If you submit evidence on a flash drive, you must have virus protection software on your computer. Be aware: the Court will retain the flash drive; you will not get it back!

Remember: all evidence must be submitted AT LEAST two days before the hearing! If your Judge requires more than two days, follow their instructions. You also MUST share evidence with the opposing party.

Drop evidence off at your County's Courthouse Intake/Resource Center:

New Castle County:

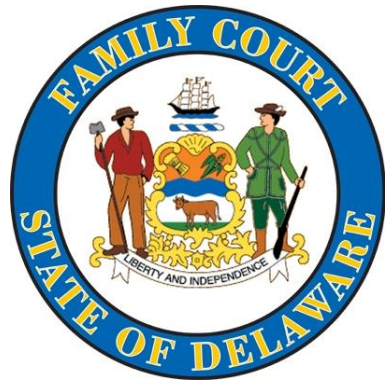
500 North King Street
Wilmington, DE 19801

Kent County:

400 Court Street
Dover, DE 19901

Sussex County:

22 The Circle
Georgetown, DE 19947



If you have questions, please call the Court at:

302-255-0300 (New Castle County)

302-672-1000 (Kent County)

302-855-7400 (Sussex County)

Or go to our website and click on the LiveChat button:

<https://courts.delaware.gov/family/>