



Chapter 3

Opening Statements

WHAT IS AN OPENING STATEMENT?

After you sit down, the Judicial Officer may (but does not have to) ask if any of the parties want to make an “Opening Statement.” An Opening Statement is how you tell the Court a summary of what the Court is about to hear. For example, if you saw a good movie and you wanted to tell a friend to see it, you would tell your friend basically what the movie is about **in just a few sentences** to get your friend to want to see the movie. You would not want to go into detail because otherwise you would ruin the movie for your friend.

An Opening Statement works the same way. In **just a few sentences**, you would tell the Judicial Officer basically what you plan to prove to the Court and what you want the Court to do (the “bottom line” of your story, what your story is about) and you would let the Judicial Officer know if you are going to have other people come in to talk to the Court to help you prove your case.

KEEP YOUR OPENING STATEMENT SHORT AND SIMPLE. Do not go into much detail. And make sure you stand when making your Opening Statement.

The following is an example of what an Opening Statement might sound like in a custody case.

Your Honor, today I am going to prove to the Court that it is in my child’s best interests to give me custody of my child. I will tell you about my child and my living situation, our relationship, and why it is best to have my child live mostly with me. I have one of my child’s teachers here who will tell you how much better my child is doing in school since my child started living with me. I also have my sister and mother here to talk about the relationship my child has with them and my other relatives who live close by. By the end

of the Hearing, I believe you should decide that I should have custody of my child. Thank you, your Honor.

Notice that in the above example, the Opening Statement does not say *why* it is in the child's best interests that you be granted custody or give any information about living situations and relationships. It merely states the "bottom line" without information explaining why.

When you are finished with your Opening Statement, sit down.

WHO MAKES THE FIRST OPENING STATEMENT?

If both sides want to make an Opening Statement, then the person who filed the Petition (the "Petitioner") or Motion (the "Movant") that caused the Hearing to be scheduled will give his/her Opening Statement first. When that person is finished and sits down, the other person (the "Respondent") may stand and ask the Court if he/she may now give his/her Opening Statement. When the Judicial Officer says it is okay, the other person may give his/her Opening Statement.

If there are more than 2 parties in the case such as cases having more than one Respondent, or cases involving a Guardian *ad Litem*, the person who filed the Petition (the "Petitioner") or Motion (the "Movant") that caused the Hearing to be scheduled still will give his/her Opening Statement first. Then the Judicial Officer will decide which person (party) may make his/her Opening Statement next. This order of who goes first will continue throughout the Hearing.

DO I HAVE TO MAKE AN OPENING STATEMENT?

No. You do not have to make an Opening Statement if you do not want to. As previously stated, sometimes, the Judicial Officer may decide that

Opening Statements are not necessary and, therefore, will not ask if any party would like to make one. There are times the Judicial Officer may ask you questions instead of having you make an Opening Statement. Just in case, **be prepared at the beginning of the Hearing to tell the Judicial Officer what you want the Court to do and what decision you want the Court to make.**

If neither side wants to make an Opening Statement, if the Judicial Officer decides not to hear Opening Statements, or if the Judicial Officer does not ask questions, then the Judicial Officer will begin listening to the case.