



# Chapter 5

The Other Party's Case

**WHAT DO I DO WHEN THE OTHER SIDE OR A DIFFERENT PARTY GETS TO TELL HIS/HER SIDE OF THE STORY?**

When the first person to tell his/her story “rests his/her case” the other side may begin telling his/her side of the story. If there is more than one party in the case, the party who tells his/her side of the story next is the party who was first to ask you questions when you told your side of the story.

**The same above rules apply to when that party gets to tell the Court his/her side of the story.** If that party wants to speak directly to the Court, he/she will be “sworn in” before he/she can begin telling his/her side of the story.

**WHAT DO I DO IF I DO NOT AGREE WITH WHAT THE OTHER SIDE IS SAYING?**

**Have your pen and paper ready!** Just as the other side or other parties were not allowed to talk while you were talking, you are not allowed to talk or interrupt when another party is talking. If the other party says something with which you do not agree, **write it down.**

Generally, only when the other party is finished talking, are you allowed to ask that person questions. If there is more than one Respondent or a Guardian *ad Litem* in the case, the Judicial Officer will decide the order of who gets to ask questions first. When it is your turn to ask questions, the best thing to do is to look at all of the things you wrote down. Think about the reason you are at the Hearing and what information the Judicial Officer is looking for. Then decide whether or not if you asked the person questions about his/her statements, it would help you prove your case. If not, do not ask the question. If yes, then ask the person a question about the statement.

**Keep in mind, you must ask questions.** You may not simply tell the Court that you do not agree with what the person said. For example, assume the issue is how much money each side makes. The other side said that he/she works at a restaurant and only makes \$3.50 per hour. You want to prove that he/she makes more than \$3.50 per hour. You must wait until it is your turn to ask questions before you can ask about how much the other person says he/she makes.

When it is your turn to ask questions, you may **NOT** say, “You do not just make \$3.50 per hour. That is not true.” However, you may ask questions about how much that person makes to prove that person earns more. For instance: “Isn’t it true that even though your hourly wage is \$3.50 per hour, you also earn tips? How long are your shifts at work? On average, how many tables do you wait on per shift? On average, how many people sit at a table per shift? What is the average bill per shift?” **Of course, you MUST ask one question at a time AND you must wait for the person to answer your question before you can ask the next question.**

### ***WHAT HAPPENS IF THE OTHER SIDE OR ANOTHER PARTY HAS OTHER PEOPLE TO HELP PROVE HIS/HER CASE?***

Again, the same rules apply to the other side (or other party) that apply to you. The other side may ask questions of the people that he/she wanted to have at the Hearing. Only when the other side is done asking that person questions may you ask that person questions. However, your questions **ONLY** may be about the answers the person gave earlier. You may not ask about different topics. **If you had wanted this person to talk about something other than what the other side asked, you should have asked that person to answer your questions when you were telling the Court your side of the story, BEFORE you rested your case.**