

Declaration tips

Motions are virtually always required to include one or more Declarations. The Declarations are usually the most important part of a motion, because they contain evidence the judge can consider when deciding whether or not the motion must be granted.

Declarations become evidence

Your declaration must contain only facts you personally know to be true.

If someone else knows facts or took pictures you need to prove your argument, have them fill out and sign their own *Declaration*. They can use our [template for a pleading-paper declaration](https://saclaw.org/resource_library/declaration-template-generic/) (https://saclaw.org/resource_library/declaration-template-generic/) or write or type it on the standard form [MC-030, Declaration](https://www.courts.ca.gov/documents/mc030.pdf) (<https://www.courts.ca.gov/documents/mc030.pdf>).

Your Declaration should be consistent with the facts set forth in your Complaint, but is typically written in the first person, since it is the statement of the person signing the Declaration. Unlike the Complaint, which may contain facts for several causes of action, the Declaration supporting the Motion should focus on the specific facts that the court must consider in deciding whether to grant an injunction. You will sign it under penalty of [perjury](https://www.saclaw.org/glossary/perjury/) (<https://www.saclaw.org/glossary/perjury/>). Each separate fact should be explained in a numbered paragraph, so that you can easily refer to that fact in other documents.

The Declaration is the most important part of the Motion. The judge generally makes a decision on the Motion the day before the hearing date, based only on the paperwork, so the Declaration(s) and exhibits must contain everything needed justify the injunction.

It is possible to have more than one supporting Declaration. If your Motion relies on statements by someone other than you, you should obtain a Declaration from the person who made those statements to avoid problems with “hearsay.” Chapter 16 of Nolo’s book *Represent Yourself in Court*, which is listed as a resource at the end of this Guide, has a good, plain-English description of the evidence rules regarding hearsay. If obtaining a Declaration from the person who made the statements is not possible, you will need to research whether there is an exception to the hearsay rule that will allow the court to consider your evidence.

Attaching Exhibits

Documents and photos can be attached to a Declaration as exhibits. In the Declaration, identify the document with language such as:

14. I am the registered owner of a 2002 Toyota Corolla, license plate number 3TXS596, Vehicle Identification Number (VIN) 7842084092307 (“the Vehicle”). A true and correct copy of the registration certificate is attached as Exhibit “A.”

In the above example, you would then photocopy the registration and write “Exhibit A” on the bottom of the first page. If an exhibit is longer than one page, number each page. If you have other documents to submit, use the same “true and correct” language to attach them as Exhibits B, C, and so forth.

A number of rules of evidence govern whether the court may consider a document or photo, typically requiring the declarant (person making the declaration) to set up a sufficient “foundation” for it to be considered within the declaration. Chapter 15 of *Represent Yourself in Court*, on exhibits, has a good explanation of what you must include for the court to consider different types of evidence.

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