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

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. And they must be sworn to be true under penalty of perjury for the judge to consider them reliable.

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.