

**Guide to writing a witness statement for
unrepresented parties in Family Proceedings**

Writing a Witness Statement

This is a guide to writing a witness statement in family proceedings. You will know if the court has asked you to provide a statement because it will say so in the court order that has been sent to you by the court. You should read the Court order carefully so you know what the court has directed you to do. The order may contain things about the witness statement that you need to do, for example, how long it should be or the topics it needs to deal with. The order will also say when the statement needs to be sent to the court and the other people in the case.

This page only provides a *guide* to writing statements and if there is something in a court order that tells you to do something different to what is set out in this guide, the court order should be followed.

What is a Witness Statement?

It's a document where someone writes down their evidence about a case. The person who writes it signs it to confirm it's true. It should include what you want the court to know about the case and why you want the judge to make certain decisions. The information set out in the statement should be *relevant* to the issues the court will have to decide.

A witness statement can also be from someone who is not a party (i.e. not one of the people directly involved in the case). For example, a statement can be provided by someone who saw something relevant to the issues to be decided by the court and is able to tell the court what they saw. Whoever a witness statement is from, in order to ensure that witness statements can be (i) easily read (ii) are related to the issues in the case and (iii) can be relied upon as evidence, the rules that apply to the way in which they should be produced are the same.

A witness statement should be based on facts and describe what the person saw, heard, or felt. Remember, witness statements need to be shared with everyone involved in the case, not just the court. Witness statements are *evidence* and are treated the same as if a person stands up in court and says under oath what is written in the statement. Therefore, what is in the statement must be true.

If the person signing the witness statement knows it is not true, then they can be held in contempt of court. This means that the court can punish them for preparing a false statement by requiring them to complete unpaid work, fine them or imprison them.

Should a Witness Statement be typed?

Statements should be typed if at all possible.

You are strongly advised to type any statements as that will ensure that it can be read and referred to easily and will be the best way to ensure that the court understands what you want to say.

If you have access to a computer, tablet or even a smart phone you can get free word processing software.

You can use Microsoft Word for free on the web [here](#). Other free software is available and a guide to other options can be found [here](#).

If you do not have one of those devices yourself, free or low-cost access to computers can often be found in local libraries and community hubs. You can find details for Cumberland libraries and community hub facilities [here](#). You can find library facilities in Westmoreland and Furness [here](#). There may be other facilities you can find by checking on the internet. Remember, if you use a public computer or a computer belonging to someone else, you should ensure that any documents you create must be deleted from the computer as they are private.

Please do not send an email with your witness statement in the body of the email. This makes it difficult for the court to process and hard to include it in the bundle of documents the judge will read. It is also very difficult to sign an email to confirm that it is true. The court may reject (i.e. not allow the contents to be considered by the court as evidence) statements that are contained in the body of an email.

What heading should a witness statement have?

It is very important that all witness statements have the Case Number on them. This will ensure that the statement is allocated to the correct case. You can find the case number at the top of any order the court has sent you. If you do not put the case number on the statement, the judge may not get to see it.

You should also put the names of the children and the parties at the top of the witness statement.

You can download an example of a witness statement in Word from the www.cumbriadfj.info website and one is included at the end of this document.

How should a witness statement be formatted?

Each paragraph should be numbered, so that it is easy to go to a specific point. Each paragraph should deal with one event, point or issue.

The font size should be no smaller than 12 pt and the lines should be double spaced which means there should be a space between each line.

The pages of any statement should be numbered so that they can be kept in order.

After you've written the heading, the first thing is to state the witness's name and address. Keep in mind that the other party will see your statement, so if your address is confidential, you can mention that the court already has your address.

If the statement is by a witness (i.e. someone who is not one of the parties to the case) and they do not want their address disclosed to someone else in the case, the witness should complete a [Form C8](#) which should be sent to the court at the same time as the statement.

What should be included in a Witness Statement?

The first place to look to find out what information should be included in a witness statement is the order made by the court. Often, this will include details of what the statement should deal with.

If the statement is to set out some things that have happened, these should be set out in date order.

It is not necessary to repeat information that you have already given in a statement unless the court has asked for more detail with respect to something.

Cases About Children

If your case is about children some of the things you might like to tell the court about are:

1. Did you and the other parent live together? If so, when?
2. Give brief details of the circumstances of the separation.
3. Describe each child's personality, likes and dislikes and any particular needs they may have.
4. Do the children have any medical difficulties or needs? If so, what?
5. Describe the childcare arrangements in place between you and the other parent or party before the proceedings were started? When and how often did the other parent or party spend time with the child?
6. Give a brief description of the child(ren)'s routine during the week and at weekends. Please also advise how each parent or other party has been involved with such routines. Also give details of other family members who help or are available to help.
7. If you are in work, what are your working hours? If a child lives with you, who looks after the child when you are at work?
8. Describe the homes in which the child lives, stays or spends time. State whether it is a flat, maisonette or a house; what size (i.e. how many bedrooms?) and the sleeping arrangements for the child (if they currently stay)?
9. How far away do you live from the other parent?
10. How long does the journey take by car or public transport?
11. Where do the children go to school? How do the children get to school? What are the travel times and arrangements?
12. Describe the children's out of school activities, clubs, hobbies and pastimes.
13. Are there any concerns about the children's schooling? Give brief details.
14. Describe how the child(ren) are coping with the separation of their parents and the current issues between you and the other parent or party.
15. Give your view as to the quality of children's past and current relationship with the other parent or party:

- a. Do you think that this needs to be improved, and if so, how can the court help you as parents to do that?
 - b. What childcare and parenting arrangements are you asking the court to implement?
 - c. Who do you say the child/children should live with?
 - d. How much time should the child/children spend with the other parent or party or anyone else?
 - e. Give your reasons for the arrangements you want.
16. Do you have any worries about the other parents' parenting abilities? If so, what are they?
 17. Have you or the children ever been involved with the social services? If yes, do you know the name of the Local Authority and/or any contact details? Briefly explain what that involvement was or is?
 18. Have you or the children ever been involved with the police? If yes, briefly set out that involvement.
 19. What steps have you taken to reach agreement with the other parent or party about the arrangements for the children? What is preventing you being able to reach an agreement with the other parent or party in respect of the arrangements for the children? (do not include here the content of discussions held in mediation sessions)
 20. What do you feel you can do to help the court in making an arrangement that will satisfy both parents (or other party) and the children's welfare?
 21. Is there anything else you think is relevant to the case before the court?

You may not have to deal with all these things, some may not be relevant to the issues in your case. However, thinking about the answers to these questions may help you prepare a statement that will help the court make decisions about the children and help you work through what the real issues in the case are and what you want to say about them.

It may be that the court wants you to deal with other specific things in a statement. They will be set out in the court order.

If you are making allegations about the behaviour of the other party it is very likely that the court order will spell out how to deal with those allegations in a statement. As a general guide it is helpful to:

- Set out the allegations in date order.
- Use a new paragraph for each allegation.
- It can be hard to remember all the details of every incident. If you can't recall everything or if there are too many incidents to include, just explain that you're sharing some key examples to show the court the kind of behaviour you're concerned about. If you don't remember specific dates or places, say so. It can be helpful to focus on the first incident, the most serious one, and the most recent one. Try to include incidents where you have proof, like a witness statement from someone who saw your ex-partner call you names, medical evidence of injuries, or abusive text messages. When describing these incidents, mention the evidence and attach it to your statement (the next part on 'Exhibits' explains how to do this).

- Some types of domestic abuse, like emotional abuse, can be harder to explain. If this is the case, try to list a number of examples and/or mention how often the behaviour happened.
- Tell the court how the behaviour you have described has affected you and the children.

Cases about divorce

If you are involved in a case which involves deciding on the division of financial assets and responsibilities during a divorce and the court has ordered you to file a statement, it is likely that the following information will be helpful:

- What is your current financial position?
- It is likely that you and your ex-partner will have been ordered to exchanged financial information and raised questions about the other party's finances in questionnaires. Is there any new information that is not contained in these documents that is relevant to the judge's decision?
- Do you disagree with some of the statements made by your ex-partner? If so, why and are you able to provide any evidence to show that he is wrong?
- If the court has directed you to provide a section 25 statement you should address all of the factors set out in section 25 of the Matrimonial Causes Act 1973 using sub-headings for each factor. They are:
 - The income, earning capacity, property and financial resources of you and your spouse now and in the future.
 - The financial needs, obligations and responsibilities of you and your spouse now and in the future.
 - The standard of living before the breakdown of your marriage.
 - The ages of you and your spouse and the length of your marriage.
 - Any physical or mental disability that you or your spouse have.
 - Any contributions you and your spouse have made to the welfare of the family including looking after the home or caring for the children.
 - Any behaviour by you or your spouse that the court believes is relevant.
 - Any value or benefit which you would lose when getting divorced.

Exhibits - Attaching additional documents or evidence to a Statement

Additional items of evidence attached to a statement are known as exhibits.

Some examples of exhibits are:

- Emails
- Text messages
- School reports
- Medical Reports
- Telephone records
- Social services reports or letters
- Videos or audio recordings (see below)

Exhibits **must** be included in the same document as the statement and be put at the end of the statement (unless they are audio or video recordings which are dealt with below). **Do not** send documents or photographs to the court by email as many separate attachments. The court **will not** attach these to your statement and it is possible the court will send them back and they will not form part of the case.

A good way to deal with a document you want to attach to a statement as an exhibit is to use a 'scanning' App on a mobile phone. This will allow you to put it into a statement as an exhibit. There are a number of Apps that have basic functions that are free. A list of 'scanning' apps for mobile phones is available [here](#).

Each exhibit should be labelled with the initials of the person making the statement and the number of your exhibit. For example, someone whose name is Jane Smith who provides three exhibits to her statement would label them JS01, JS02 and JS03. The example statement you can download at the bottom of this page includes an example of exhibits being attached and numbered.

In the statement the witness must explain what the exhibit is and why it is relevant. What does it show? For example:

"On 23rd March 2025 I ask the Jane by text if I could go to the park with our son. She replied saying that I could and said that she hoped we had a nice time. I attach exhibit JB03 which shows my text asking about the trip to the park and her reply."

If the person attaching exhibits has provided exhibits in a previous statement, the numbering of the exhibits should continue, so that each exhibit its own unique number. For example, if the first statement of Jane Smith attached exhibits labelled JS01, JS02 and JS03 a second statement from Jane Smith should label any exhibits attached as JS04, JS05 and so on.

Photographs and scanned documents can be inserted or placed in a word document. A video on how to do this can be found [here](#). There is information on the internet about how to do this if you are using different software to type your statement.

Remember, if you are attaching exhibits to your statement, the court or the other people in the case may want to see the originals. You should always bring the original documents to court so that they can be seen by the court if the judge asks. If you exhibit text messages, the phone on which the text messages were sent/received should be available to be seen, in case there is any dispute about who sent them or when they were sent.

Exhibiting Audio or Video Recordings to a Statement

If you want to exhibit an audio or video recording to a statement, you should do the following:

- Include as an exhibit a description of what the video shows and when it was taken.
- Include as an exhibit a word for word transcript of any audio contained on the video or audio recording. An example of this is contained in the sample statement that can be downloaded at the bottom of this page.

- The video or audio file can be emailed to the court (and the other parties). The filename of video **must** include the case number and the number of the exhibit – for example “CA20C50006 JS03.mp4” so that it goes on the correct court file.
- If you have any doubt about the file format of a video or audio recording, it is a good idea to speak to the court office to check that the format you have is compatible (i.e. can be played) with the court’s computers. If the court cannot play the recording, it may ask you to submit it in a different format.

The is an example of a video exhibit in the sample statement at the end of this Guide.

What should not be included in a witness statement?

Try not to repeat yourself, either within a statement or by repeating things that have already been set out in an earlier statement. If the court wants you to provide more detail about a particular event or issue, the court will make that clear.

Think carefully about what is relevant to the issues in your case. You do not need to spend time preparing a statement that provides information about things that are not in dispute. For example, if the issue is about whether the children spend 1 night a week or 2 nights a week with the other parent, there is no need to include in a statement a list of reasons why the children should live with you and carry on going to the school they attend.

The court will sometimes say that statements should be no more than a certain number of words. That will be to encourage everyone to concentrate on the real issues in the case. It can be a mistake to think that the more you write, the more persuasive you are being. Whilst the court will appreciate that it can be difficult to know how much to write, it is always worthwhile remembering that repetition or overly lengthy statements run the risk of making it difficult for the reader to identify the key points being made. Try not to use 100 words when 20 will do.

Do not send a statement in email form (i.e. within the body of an email).

Do not send emails with exhibits attached as separate files to the email. Exhibits must be within the same document as the witness statement (see the Exhibits section above).

If you have taken part in mediation, a statement must not relate what was discussed during the mediation.

What goes at the end of a witness statement?

All witness statements **must** end with a ‘Statement of Truth’ and be signed and dated by the person making the statement:

“I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this witness statement are true.”

Signed: *Jane Boggs*

Dated: 23rd March 2025”

If a witness statement does not contain a date, signature and a Statement of Truth the court can decide not to allow it to be used in the case, which means the statement will be ignored by the Court in reaching a decision.

Do I need permission from the Court to provide a witness statement?

Yes.

If you send a witness statement to the court (and to the other parties) that the court has not given permission for the court may decide not to allow it to be used in the case. This includes statement from witnesses who are not parties to the case. You should always ask the court for permission if you want to provide a statement which has not been ordered by the court in an order.

You can do this at a hearing. The judge is likely to ask you some details about why the statement will be relevant.

It can also be done by completing an application (See the Court Forms Page here and Form C2) in which you can explain why you want to submit a statement, which a judge will consider. If you make an application to submit a witness statement that has not previously been ordered, it is a good idea to explain why the witness will be relevant to the issues in the case.

What do I do if I need more time to file a witness statement?

If you need more time to prepare a statement, you should apply to the court completing an application (See the Court Forms Page here and Form C2) in which you can explain why you need more time and when you will be able to send the statement, which a judge will consider.

Will the author of a statement have to come to court to give evidence?

It is likely that if someone has provided a witness statement that at some point in the case they will be required to come to court to give evidence and be asked questions. The court will let you know if and when this is required. Witness statements that are from people who are not willing to come to court may not be considered by the court as good evidence. You should always check with anyone who provides a statement on your behalf that they are willing to come to court.

Who should statements be sent to?

Statements must be sent to the court and the other parties (or their solicitors). If a Cafcass Officer or a Local Authority are involved, they should also be sent copies of the statements.

Statements can be sent by email providing the other party agrees to accept them by email.

Statements can be sent to the court by email, providing that the email includes the case number in the Subject line of the email and that the statement is signed. A statement may be signed electronically but if an electronic signature is used, it is as binding as a handwritten signature.

If you want to 'scan' a statement and send it to the court and the other parties as a PDF document, this is entirely acceptable. There are a number of free Apps available that will 'scan' documents on your phone and make them into a PDF which can then be emailed. This is also a good way to make documents that you want to attach to a statement as exhibits into a format that can then be placed in a statement (see the section on Exhibits above). A list of 'scanning' apps for mobile phones is available [here](#).

If you are sending a document electronically, it should if at all possible be in 'Word' or PDF format as the court may not be able to open documents in other formats. If in doubt you should check with the court office. Many software applications allow documents to be saved in Word or PDF compatible formats.

Can I get more help preparing a statement?

Details of organisations and websites that provide more detailed help and guidance with court cases can be found on the 'Help with the Law' page of www.cumbriadfj.info.

www.cumrbiadfj.info

April 2025

EXAMPLE STATEMENT

Case Number: AB25C00123

IN THE FAMILY COURT SITTING AT CARLISLE COMBINED COURT

CHILD(REN): Trevor Bloggs (DOB 1.2.19)

Mary Bloggs (DOB 4.5.20)

BETWEEN:

JOSEPH TREVOR BLOGGS

AND

JANE MARY BLOGGS

SECOND STATEMENT OF JANE MARY BLOGGS

1. I am Jane Mary Bloggs of 1 Any Street, Carlisle, CA1 1AB.
2. The court directed that I file a statement setting out what happened during my visit to the park with the children on 25th March 2025.
3. I collected the children from school on 25th March 2025 at 3:30 pm. The children were happy to see me. I drove them to the park in my car. We had a lovely time at the park and I attach a photo, labelled Exhibit JMB01, showing the children playing in the park. The children came to no harm at the park.
4. I returned the children to Joe's home at 6 pm. The children went happily into the Joe's home and they were laughing and smiling. After they had gone inside Joe's girlfriend came out of the property and started shouting abuse at me. I took out my phone and made a video

recording of the way she was behaving. I attach to this statement Exhibit JMB02 and have submitted to the court a video file of what I recorded with the file name "AB25C00123 JMB02.mp4".

5. I felt very intimidated by her behaviour and was worried that the children must have heard her.
6. I can confirm that I did nothing to provoke Joe's girlfriend to behave in this way and said nothing to her before the recording started. I left in my car very quickly. I know that Joe's girlfriend is called Tracey Smith.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this witness statement are true.

Signed: *Jane Bloggs*

Dated: 4th April 2025

EXHIBIT JMB01:



EXHIBIT JTM02:

Video file labelled "AB25C00123 JMB02.mp4"

What the video shows:

The video shows Tracey Smith outside of Joe's property, stood on the path. She looks angry and is waving her hands around and shouting. You can that I get into my car and then the recording stops.

Audio:

Tracey Smith: ... the cat's dragged in. What are you filming me for? You can sling your hook. Go on, get lost. You look a right state. Call yourself a mother? You look scruffy. I bet those kids had a miserable time at the park.

Jane Bloggs: Tracey, I don't want any trouble. I'm just leaving.

Tracy Smith: Good riddance and don't come back.