

The Essential Custody Evidence Checklist

7 Things You Must Document (And 3 You Can Ignore)

The Goal: Factual, Neutral Documentation

Documentation isn't about "winning" a fight; it's about providing a clear, factual record for attorneys, mediators, and the court. When you document calmly, you speak the language that judges respect.

The Big Three: What Matters Most

1. Custody Exchanges

The court looks for patterns of reliability.

- Arrival and departure times (Note if late/on-time).
- Location of the exchange.
- Who was present (Were third parties involved?).
- Any refusal to transfer the child.

2. Unreimbursed Expenses

Money is one of the most litigated areas of co-parenting.

- Medical co-pays and prescriptions.
- School fees and supply costs.
- Extracurricular registration and equipment.
- Proof of payment (Screenshots or receipts).

3. Significant Incidents

Focus on safety, health, and major transitions.

- Direct quotes of concerning statements (Use quotation marks).
- Physical safety concerns or injuries.
- Denial of scheduled visitation or phone calls.

Mastering the “Neutral” Rule

4. The “Who, What, Where, When” Method

Never document the “Why.” That is for the court to decide.

- **Wrong:** “He was late again just to spite me and ruin my weekend.”
- **Right:** “Father arrived at 3:45 PM for a 3:00 PM scheduled pickup at the library parking lot.”

5. The Attachment Habit

A note is a claim; an attachment is proof.

- Save screenshots of text messages (ensure date/time are visible).
- Upload PDF copies of school reports or medical summaries.
- Photos of receipts (don’t rely on paper copies that fade).

The “Ignore” List: Save Your Energy

Documenting these things can often make you look “high-conflict” in the eyes of a judge.

- Minor Lateness:** If a co-parent is 5-10 minutes late occasionally, let it go.
- Personal Lifestyle:** Diet choices, clothing styles, or messy houses (unless they pose a safety risk).
- Petty Annoyances:** Rude tones or “read” receipts on messages that don’t impact the child.

Stop the Sunday Night Scramble.
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