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| **Nuts and Bolts: Family Law 101**  **September 16, 2015**  **Sample – *Voir Dire* for Consent Custody Agreement** |

When you present an agreement as to child custody and visitation/access, most magistrates and judges expect you to *voir dire* your client as to his or her consent to the agreement. Present the agreement, either written or verbal. This is an example of what to ask your client after the agreement is presented to the court.

* Name and address.
* You are the [mother/father] of [each child’s name and date of birth]?
* [If it is an oral agreement:]
  + Did you hear the agreement I just recited for the record?
  + Is that your understanding of the agreement?
* [If it is a written agreement]:
  + I’m showing you the agreement I just handed to the [judge/magistrate]. Did you have an opportunity to read this document in its entirety?
  + And you understand your obligations under this agreement?
  + Turn to the last page. Is that your signature?
  + Is that [opposing party’s] signature?
* Is this agreement the entire agreement between you and [opposing party]?
* Did anyone promise you anything or coerce you into entering into the agreement?
* Do you believe this agreement is in the best interests of your [child/children]?
* Are you a fit and proper person to have [joint or sole] [legal or residential] custody of [child/children]?
* [Are you] or [is opposing party] a fit and proper person to have the [visitation or access] as provided by the agreement?
* Are you entering into the agreement voluntarily?
* Are you under the influence of alcohol or any drug that would impair your ability to freely enter into this agreement?
* Are you satisfied with my services and counsel in helping you come to this agreement?