

Presenting Medical Reports or Records as Evidence in a Civil Suit in General District Court

In a civil suit tried in a general district court to recover damages for personal injuries or to resolve any dispute with an insurance company or health care provider, either party may present evidence. The evidence is presented by a report from the treating or examining health care provider and the records of a hospital or similar medical facility at which the treatment or examination was performed. It includes the:

- extent, nature and treatment of the injury;
- results of the examination of the person so injured; and
- costs for the treatment and examination.

The medical report shall be admitted as evidence if the party gives the opposing party or parties a copy of the report and written notice of such intention 10 days in advance of trial and if attached to such report is a sworn statement of the treating or examining health care provider that:

1. the person named was treated or examined by such health care provider;
2. the information contained in the report is true and accurate and fully descriptive as to the nature and extent of the injury; and
3. any statement of costs contained in the report is true and accurate.

The hospital or other medical facility record shall be admitted if attached to it is a sworn statement (affidavit) of the custodian that it is a true and accurate copy of the record of the hospital or other medical facility.

Form: [Affidavit](#) for Medical Reports or Records

The image shows the top portion of a legal form titled "VIRGINIA: Affidavit of Medical Reports or Records". The form is designed for use in a court. It includes fields for "IN THE _____ COURT", "Plaintiff", "vs.", "Defendant", and "Case No. _____". Below these fields, the title "Affidavit of Medical Reports or Records" is followed by the reference "Pursuant to Section 36.1-182, Code of Virginia". The first numbered statement reads: "1. I, _____, custodian, or supervisor of the custodian, of records for _____ Hospital or Medical Facility located at _____".

This is the top part of the **Affidavit for Medical Reports or Records**.

- You fill out the name of the court, the plaintiff, the defendant and the case number.
 - You furnish the affidavit to the health-care provider. They fill in the affidavit, attach copies of the requested records and return it to you.
 - You send a copy to the affidavit and the records to the opposing party **10 days in advance** of the trial date.
- You bring the affidavit and copies of the records to court.

For more information, see Virginia Code § [16.1-88.2](#). Evidence of medical reports or records; testimony of health care provider or custodian of records.

If you want non-public records (either medical or non-medical), but you are not presenting them into evidence, see **Authorization to Release Records** and the **Authorization to Release Health Records**. Use the **Authorization to Release Records** to request non-health records and the **Authorization to Release Health Records** for health-care records.

Also, if you want to introduce government records into evidence, see **Government Records**.