

CLIENT QUESTIONNAIRE - DIVORCE CASES (CONTESTED)

Please review and answer all the questions that apply. If you already answered a question and it is repeated, then just refer back to the prior question# that already answered it. If a question does apply to you, please explain in detail. Please type up answers on computer.

I. BASIC INFO

A. YOUR BACKGROUND INFO

1. In terms of your background:
 - a. Full name, address, DOB & last 3 digits of social security # and driver's license #
 - b. Where were you born, where did you grow up at, and what cities have you lived in during last 10 years?
 - c. What is your general family background? (only needed in custody dispute cases).
 - (1) Are parents still living?
 - (2) Are they married or divorced to each other?
 - (3) If divorced or split up, do they have a new significant other?
 - (4) What is your relationship with them? (Good terms or bad?)
 - (5) Do they live in town, or if not then where?
 - (6) Any significant problems/conflicts with them growing up?
 - (7) Are they currently involved in your and child/ren's lives?
 - (8) Any problems with them being around the kids?
 - (9) Any problems in their background or current behavior that other party might use against you?
 - d. What is your educational background?
 - e. What is your work history?
 - f. Do you have any criminal history, or ever been investigated by Child/Adult Protective Services or other government agency? If so, list charges and outcome.
2. What is your occupation, and your net monthly income (gross income minus only the following deductions - Federal Income Tax, Social Security & Medicare)?
3. If you are not employed, are you disabled, and do you receive any disability benefits?
4. Describe your previous marital history, and identify any children of any prior relationships.

B. THE OTHER PARTY'S BACKGROUND INFO

5. In terms of the other party's background:
 - a. Name, phone, address, date of birth, social security #, and driver's license # ?
 - b. Where were they born, where did they grow up at, and what cities have they lived in during last 10 years?
 - c. What is their general family background? (same questions as above).
 - d. What is their educational background?
 - e. What is their work history?

- f. Do they have any criminal history, or ever been under investigation by Child/Adult Protective Services or any other government agency? If so, list charges and outcome.
- 6. What is their occupation, and their net monthly income (gross income minus only the following deductions - Federal Income Tax, Social Security & Medicare)?
- 7. If they are not employed, are they disabled, and do they receive any disability benefits?
- 8. Describe their prior marital history, and identify any children of any prior relationships.

C. RELATIONSHIP WITH THE OTHER PARTY

- 9. How, where, and when did you meet the opposing party?
- 10. When and where were you married?
- 11. Describe the initial relationship with the party, and how it went bad/ended.
- 12. When were you separated?
- 13. Did you and the other party have any children? If so, please fill out Section II below.

D. COMMON-LAW MARRIAGE

- 14. Was this a formal marriage (marriage certificate) or informal? (“common-law”)
- 15. In order to determine if it could be a “common-law” marriage:
 - a. Did the parties live together?
 - b. Did they intend to enter into a marriage relationship at some point?
 - c. Did they tell other people they were married also?
- 16. If common law, has it been more than 2 years since they stopped living together?

E. GROUNDS FOR DIVORCE

- 17. What are the basic grounds for divorce?
 - a. Just can’t get along anymore (insupportability). Also known as “no fault” divorce
 - b. Cruelty
 - c. Adultery (With whom? What proof do you have?)
 - d. Conviction of a felony (Spouse must have already been in prison for 1 year, and not convicted based upon the testimony of the other spouse)
 - e. Abandonment (Other spouse has been gone for over 1 year, AND intended to abandon spouse, not just temporarily separate)
 - f. Living apart (Spouses must have been living apart form 3 years in a row)
 - g. Confinement in a mental hospital by other spouse (for at least 3 years, with chances of recovery without relapse “unlikely”)

F. ASSETS & DEBTS

18. List all of the assets either of you own:
- a. Homes and other real estate (no matter whose name it is listed in).
 - i. When was each piece of property purchased? (before or after the marriage)
 - ii. Were any payments made during the marriage by either party?
 - iii. Who is in the home now?
 - iv. Who wants to keep it?
 - v. Does either party want to sell it?
 - vi. How much is it worth? (Latest value listed on Bexar County Appraisal District)
 - vii. How much is owed on it?
 - viii. How much equity is in it?
 - b. Vehicles (no matter whose name it is listed in)
 - i. When was each vehicle purchased? (before or after the marriage)
 - ii. Were any payments made during the marriage?
 - iii. How much is each car worth?
 - iv. How much is owed on each car?
 - v. Who wants to keep each one?
 - c. Retirement Accounts
 - d. Bank accounts
 - e. Significant household furnishings
 - f. Other significant personal effects

19. List all the debts that either of you own
- a. Mortgage
 - b. Vehicle loans
 - c. Personal loans
 - d. Student loans
 - e. Taxes
 - f. Credit Cards
 - g. Other debts

G. SPOUSAL MAINTENANCE (“ALIMONY”)

20. Is either party going to be seeking spousal maintenance (“Alimony”)? If so:
- a. Which party?
 - b. Is that party unable to work for some reason?
 - c. Are they unable to pay for their own “reasonable minimum needs.”?
 - d. Have they been officially diagnosed with some sort of “incapacitating physical or mental disability”?
 - e. Is this disability temporary or permanent?
 - f. Are they receiving any type of disability payments?
 - g. Will they have enough money to live on anyway, when factoring in the assets/money they are likely to get from divorce settlement?

- h. Has the party who may have to pay been convicted or put on “deferred adjudication” for a family violence offense, within the last 2 years?
 - i. Have the parties been married for at least 10 years?
 - j. Is the party seeking support unable to pay for their own “reasonable minimum needs, because they are taking care of a child with some sort of “incapacitating physical or mental disability”?
21. In regards to the spouse seeking support, what is his/her:
- a. Age
 - b. Employment history
 - c. Earnings history
 - d. Education, skills & training
 - e. Physical & Emotional Condition
 - f. Role or fault in the break-up of the marriage
 - g. Contribution to the marriage as homemaker

H. FAMILY VIOLENCE ISSUES

22. Is either party alleging that they are “family violence” issues in the case? If so:
- a. Who is alleging it?
 - b. What exactly are they alleging?
 - c. When did such incidents allegedly take place?
 - d. Did they ever take place in the presence of a child?
 - e. Are there any police reports relative to the allegations? (If so, please provide)
 - f. Was either party ever arrested for such allegations? (If so, please provide Case #)
 - g. If so, what was the outcome? (Probation, Jail, etc)
 - h. Has the other party also been accused of committing family violence?
 - i. Was either party intoxicated at the time of the offense?

I. TEMPORARY ORDERS - RESTRAINING ORDER OR PROTECTIVE ORDER

23. Is either party seeking a Temporary Restraining Order? If so, what are the grounds:
- a. Other party is harassing.
 - b. Other party is destroying or denying access to property
 - c. Other party is denying access to the child/ren
 - d. Need court to decide who gets to stay in house
 - e. Need court to decide who gets temporary custody
24. Is either party seeking a Protective Order? If so, why?
- a. Other party has committed family violence
 - b. I am concerned for my safety and/or safety of my child
 - c. I need to exclude spouse from home (Did abuse occur been in last 30 days?)

II. CASE INVOLVING CHILDREN OR CUSTODY/VISITATION DISPUTES

A. ESTABLISHMENT OF CUSTODY POSSESSION, AND/OR VISITATION ORDER

25. What are the children's names and dates of birth?
26. Did the father assist the mother, or provide any financial support to the children during the pregnancy? (Cases where the parties were not married or living together at the time).
27. Explain how the relationship developed and/or changed when the children were born.
28. Explain who played what role in raising the children, giving specifics as to who took care of the child and how (i.e. changing diapers, feedings, bathing, babysitting, educating, fulfilling medical needs, taking care of special needs, involvement in extra-curricular activities, etc.)
29. Identify and explain any disabilities, physical or mental health problems of the child/ren, and what treatment they are receiving, if any.
30. List and explain all your good qualities as a parent.
31. List and explain any significant mistakes you have made as a parent that the other party may know about and use against you. Explain how you have changed and/or learned from these mistakes so that they will not be repeated.
32. List and explain all the other party's shortcomings as a parent
33. List and explain all the other party's good qualities as a parent as well, IF ANY.
34. List and explain the relationship of the other party to any significant other (new boyfriend/girlfriend/fiance/spouse, etc.), and the same for yourself. Any concerns about new party being in the life of your child/ren?
35. List, identify and explain the relationship of any other individuals in regular contact with, or living in the household with your ex. Any concerns about new party being in the life of your child/ren?
36. List, identify and explain the relationship of any other individuals in regular contact with, or living in the household with you. Any concerns by the other party about this person being in the life of your child/ren?
37. List & identify any support system you have in place to help you with taking care of the children. Explain their relationship, how close by they live, and any prior experience they have taking care of your child/ren, or other children.

38. Address with specificity all of the following areas regarding you and your spouse/ex-spouse and how it affects their parenting skills:

- (1) job stability;
- (2) residence stability;
- (3) psychological or emotional stability;
- (4) lifestyle and morality;
- (5) substance abuse;
- (6) criminal history;
- (7) excessive discipline or lack of discipline;
- (8) lack of medical attention;
- (9) neglect; and
- (10) abuse.

B. ENFORCEMENT OF CUSTODY, POSSESSION, AND/OR VISITATION

39. Is there already some sort of custody order or agreement in place already? If so:

- a. Are both parents named as “Joint Managing Conservators”?
- b. Or, has 1 parent been named a “Sole Managing Conservator” and the other one as “Possessory Conservator”? If so, then why?
- c. Or, has 1 parent had their parental rights officially terminated? If so, why?
- d. Which parent has the exclusive right to determine the “primary residence” of the child?
- e. Is there any geographic restriction on this right? (Bexar County, Texas, etc.)
- f. Does each parent have custody of a child? (Split custody)
- g. If the dispute is over visitation, then
 - i. Who has been accused of violating the order?
 - ii. What visitation rules did they break?
 - iii. When?
 - iv. How many times?
 - v. Is there documentation of the violation? (police reports? witnesses? text messages or e-mails? Etc.)
- h. If the dispute is over child support, then
 - i. Who is supposed to pay support?
 - ii. How much?
 - iii. Are they current or behind on payments?
 - iv. If so, then how much?
 - v. Do they have some sort of documented disability that prevents them from working?
 - vi. When was the last time they made a payment?
- i. Who has been accused of violating the order?
 - i. What rules did they break?
 - ii. When?
 - iii. How many times?
 - iv. Is there documentation of the violation? (police reports? witnesses? text messages or e-mails? Etc.)

C. MODIFICATION OF CUSTODY, POSSESSION, OR VISITATION

40. Which party is seeking a modification?
41. What specific modifications are they seeking?
 - a. Change of conservatorship?
 - b. Change of person who has the right to determine the residence of the child?
 - i. If so, has it been more than 1 year since prior order?
 - ii. Will child's present environment "endanger the child's physical health or significantly impair the child's emotional development."?
 - iii. Does the other party agree to modification?
 - iv. Has the other party voluntarily relinquished physical custody of the child for last 6 months?
 - c. Change in visitation, possession, or access
 - d. Change in other terms of prior order
42. Do any of these general grounds for modification apply?
 - a. The circumstances of the child or a person affected by the order have materially and substantially changed, since the date of last order (or settlement agreement)
 - b. The child is at least 12 years old, and has expressed a preference to live with one parent over another
43. What are the other grounds for modification?
 - a. Danger to the child
 - b. Change in living situation in 1 of the parties
 - c. Anticipated change in living situation of parties
 - d. Presence of another person in child's life

III. CHILD SUPPORT ISSUES

The term "Obligor" refers to the person ordered to pay child support

The term "Obligee" is the person who is supposed to receive support

If possible, party needs to provide copies of potential Obligor's pay statements, W-2's or LES Statements.

A. ESTABLISHMENT OF CHILD SUPPORT

44. If there is no court order yet:
 - a. Are the parties married, but separated?
 - b. Are the parties divorced, but one party was not ordered to pay child support even though other party had custody?
 - c. Who has primary custody of the child/ren?
 - d. Who is seeking child support?
45. In regards to the person who is or may be ordered to pay child support:
 - a. What do they do for a living?
 - b. Who is their employer?
 - c. How long have they been employed there?
 - d. What is their net monthly income (Gross income minus only FICA, SS &

- Medicare taxes)? Military LES statements are more complicated.
- e. Do they currently pay for health insurance for the children?
- f. If so, how much? (Include just the extra amount they pay, IF ANY, for the kids portion of the insurance. Must no include the amount to cover themself or their spouse).
- g. Do they have any other children they are obligated to support?
- h. If so, how many?
- i. If they are not employed, do they have some sort of documented disability?

B. ENFORCEMENT

- 46. Is there already a court order in regards to child support, and if so:
 - a. When was the order issued, where, and what is Case #?
 - b. Who is ordered to pay?
 - c. How much are they ordered to pay?
 - d. Were they also ordered to provide health insurance, or to pay other party for medical support?
 - e. Is the party who was ordered to pay current on child support and health insurance or behind?
 - f. If behind, how much?
 - g. Does the party who is behind have some sort of legal excuse for non-payment?
 - i. Serious disability preventing them from working?
 - ii. Proof that payments were actually made, but not credited to account?
 - iii. Actually had care and custody of the child, but never went back to Court to get old order changed

C. MODIFICATION OF CHILD SUPPORT

- 47. Which party is seeking a modification?
- 48. Are they seeking an increase or decrease?
- 49. Do any of these general grounds for modification apply:
 - a. The circumstances of the child or a person affected by the order have materially and substantially changed, since the date of last order (or settlement agreement)
 - b. It has been more than 3 years since the date of the last order, and the amount ordered previously differs from the amount that would be ordered today by either:
 - i. 20%, or
 - ii. \$100.00
- 50. What are the grounds for modification to increase?
 - a. Party makes significantly more money than they used to
 - b. Amount originally order was below Texas Family Code Child Support Guidelines range
- 51. What are the grounds for modification to decrease?
 - a. Party makes significantly less money than they used to

- b. Amount originally order was above Texas Family Code Child Support Guidelines range

IV. CHILD PROTECTIVE SERVICES ACTIONS

- 52. Has the Texas Department of Family & Protective Services ever been involved in the case?
 - a. Investigating you?
 - b. The other party?
 - c. Any party involved in this case
 - d. Treatment of the child in this case
 - e. Treatment of a different child

- 53. What are they investigating?
 - a. Abuse? (Details)
 - b. Neglect? (Details)

- 54. What was the result of their investigation?
 - a. Found that a report of abuse or neglect was “substantiated”
 - b. Found it was “unsubstantiated”
 - c. Found evidence was “inconclusive”

- 55. Were any of the parties ordered to abide by any “Safety Plan”? If so,
 - a. Who?
 - b. What were the terms?
 - i. Drug tests?
 - ii. Parenting Classes?
 - iii. Supervised visits?
 - iv. Other
 - c. How has the other person complied with the term?
 - d. What has the other person not done to comply?

- 56. Is the case still open or closed?

- 57. Who made the allegations in the first place?

V. TERMINATION OF RIGHTS

- 58. Grounds for Termination - Do any of these apply?
 - a. a parent has voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return;
 - b. voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months;
 - c. voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months;

- d. knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;
- e. engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;
- f. failed to support the child in accordance with the parent's ability during a period of one year ending within six months of the date of the filing of the petition;
- g. abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence;
- h. voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth;
- i. contumaciously refused to submit to a reasonable and lawful order of a court under Subchapter D, Chapter 261;
- j. been the major cause of:
 - i. the failure of the child to be enrolled in school as required by the Education Code; or
 - ii. the child's absence from the child's home without consent of the parents or guardian for a substantial length of time or without the intent to return;
- k. executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by this chapter;
- l. been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3 for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:
 - i. Section 19.02 (murder);
 - ii. Section 19.03 (capital murder);
 - iii. Section 19.04 (manslaughter);
 - iv. Section 21.11 (indecent with a child);
 - v. Section 22.01 (assault);
 - vi. Section 22.011 (sexual assault);
 - vii. Section 22.02 (aggravated assault);
 - viii. Section 22.021 (aggravated sexual assault);
 - ix. Section 22.04 (injury to a child, elderly individual, or disabled individual);
 - x. Section 22.041 (abandoning or endangering child);
 - xi. Section 25.02 (prohibited sexual conduct);
 - xii. Section 43.25 (sexual performance by a child);
 - xiii. Section 43.26 (possession or promotion of child pornography);
 - xiv. Section 21.02 (continuous sexual abuse of young child or children);
 - xv. Section 20A.02(a)(7) or (8) (trafficking of persons); and
 - xvi. Section 43.05(a)(2) (compelling prostitution);
- m. had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of Paragraph (D) or

- (E) or substantially equivalent provisions of the law of another state;
- n. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months, and:
 - i. the department or authorized agency has made reasonable efforts to return the child to the parent;
 - ii. the parent has not regularly visited or maintained significant contact with the child; and
 - iii. the parent has demonstrated an inability to provide the child with a safe environment;
- o. failed to comply with the provisions of a court order that specifically established the actions necessary for the parent to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than 9 months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child;
- p. used a controlled substance, as defined by Chapter 481, Health and Safety Code, in a manner that endangered the health or safety of the child, and:
 - i. failed to complete a court-ordered substance abuse treatment program; or
 - ii. after completion of a court-ordered substance abuse treatment program, continued to abuse a controlled substance;
- q. knowingly engaged in criminal conduct that has resulted in the parent's:
 - i. conviction of an offense; and
 - ii. confinement or imprisonment and inability to care for the child for not less than two years from the date of filing the petition;
- r. been the cause of the child being born addicted to alcohol or a controlled substance, other than a controlled substance legally obtained by prescription, as defined by Section 261.001;
- s. voluntarily delivered the child to a designated emergency infant care provider under Section 262.302 without expressing an intent to return for the child; or
- t. been convicted of:
 - i. the murder of the other parent of the child under Section 19.02 or 19.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code;
 - ii. criminal attempt under Section 15.01, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.01, Penal Code, to commit the offense described by Subparagraph (i); or
 - iii. criminal solicitation under Section 15.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.03, Penal Code, of the offense described by Subparagraph (i); and

- (2) Explain how termination is, or is not, in the best interest of the child.

VI. GENERAL ADVICE AND EVIDENCE NEEDED

1. Be very careful what you say to or around the other party. They may be audio or videotaping you without your knowledge. They may also be saving your texts & e-mails as well. In some cases, they may have even hired a private investigator to follow you.
2. Provide us with a list of witnesses we can call to help you at court. Please include their address, phone numbers, whether they will need to be subpoenaed to testify or show up voluntarily, and a short statement about what each witness can testify to. Call them and let them know about the court date to see if they will show up, and let them know we may contact them. Also, give us the same info on any witnesses you think the other party might call too.
3. Start gathering up and making copies of all relevant legal and financial documents, such as: driver's licenses, social security cards, tax returns, pay stubs, birth and marriage certificates, passports, tax returns, pay stubs, retirements information, property deed records, bills (mortgage, car and credit card statements), school records, medical records, texts, e-mails, etc. Also make a list of, and take pictures and/or videotape or all your significant assets, in case they go missing later.
4. In custody dispute cases, give us approximately 25 pictures with you and the kids around the house and city participating in various fun, educational, or extra-curricular activities. Show them growing up with you at different ages, holidays, activities, etc. Also, take a few pictures of the neighborhood, apartment or house (nice clean living room, fully stocked fridge and pantry, and child's room).
5. Also, in custody cases, get us copies of school records (report cards, attendance reports, behavioral reports) daycare records, medical records (including immunization records), extra-curricular activity records, awards, certifications, baptismal certificates, etc. related to the children. .
6. Also, in custody cases, make sure you know all relevant basic info about your children, including: date of birth; social security #, shoe size, shirt size, favorite food, special medical needs, allergies, doctors, teachers, classes, friends, etc. Be able to explain exactly how you are a good parent, and/or why the kids are better off with you. Be as involved as you can in your children's life. Have plans in case of emergencies, and be able to show that you know where your children are at all times, and that your children, and/or their supervisors, know how to contact you at all times. Know the names, addresses and phone numbers of the family doctor, dentist, and all person's responsible for your children, including baby sitters. This would also include a list of friends and family who could help you with the children in an emergency.
7. Keep a journal/diary on a daily basis or as events relevant to your spouse or children occur, especially of their behavior before and after visitation periods. In your diary or calender begin keeping a record of key events in your children's daily life. Compare your role in your children's life to the other party's role.
8. Also, try not discuss details of the case with the children. Try to leave them out of any dispute as much as possible. Do not force them to be in the middle, or choose sides. Judges do

not like to see that.

9. Never violate a court order regarding the children, or give the other party any other excuse to make you look bad in court. Show the Court you are trying to be reasonable.

10. Be patient. Remember the Court system is not perfect, and often a slow and unpleasant process.

PLEASE PROVIDE ELECTRONIC VERSIONS OF ALL DOCUMENTS & PICTURES REQUESTED WHENEVER POSSIBLE. YOU CAN E-MAIL THEM TO US, OR PUT THEM ON A DISK OR THUMB DRIVE AND DROP THEM OFF AT OUR OFFICE. (IF SENT BY E-MAIL, PLEASE TRY TO GROUP ITEMS INTO JUST A FEW E-MAILS INSTEAD OF SENDING 10 OR MORE E-MAILS). YOU CAN ALSO USE DROP-BOX OR ONE DRIVE AS WELL.

ALSO PLEASE TRY TO GET THEM TO US AT LEAST 2 WEEKS PRIOR TO ANY COURT HEARING SO THAT WE HAVE TIME TO REVIEW, ORGANIZE, AND MAKE COPIES OF THEM. IF YOU WAIT UNTIL THE LAST MINUTE, THEN WE WILL REQUIRE THAT YOU PRODUCE 3 PHYSICAL COPIES OF EACH, BECAUSE THAT IS HOW MANY WE NEED TO TAKE TO COURT IF WE WANT TO INTRODUCE THEM INTO EVIDENCE.

PICTURES SHOULD BE RENAMED TO IDENTIFY THE PARTIES AND LOCATION IN THEIR NAME.

PLEASE CALL IF YOU HAVE ANY QUESTIONS ABOUT THESE INSTRUCTIONS, OR THE PROCESS IN GENERAL.