

**CLIENT QUESTIONNAIRE - DIVORCE CASES (UNCONTESTED)**

**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. Full name, address, DOB & last 3 digits of social security # and driver's license #
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. If so, what is status of custody, visitation and child support orders?

**B. THE OTHER PARTY'S BACKGROUND INFO**

5. Name, phone, address, date of birth, social security #, and driver's license # ?
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.
9. 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.

**C. RELATIONSHIP WITH THE OTHER PARTY**

10. When and where were you married?
11. When did you separate (stop living together)?

**D. COMMON-LAW MARRIAGE**

12. Was this a formal marriage (marriage certificate) or informal ("common-law") marriage? If formal, then skip to next section.
13. 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?
14. If common law, has it been more than 2 years since they stopped living together?

**E. GROUNDS FOR DIVORCE**

For uncontested divorces, we will list the grounds as “insupportability”. This means that you and your spouse just can’t get along anymore. Also known as “no fault” divorce.

15. If you and your spouse want to list other grounds for some reason, tell us what grounds are, and why?

**F. ASSETS & DEBTS**

16. 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
17. 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”)**

18. 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”?
19. 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**

20. 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?

## **II. CASE INVOLVING CHILDREN OR CUSTODY/VISITATION DISPUTES**

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

21. Names and dates of birth of the children of the marriage.
22. Names and dates of birth of any other children either party has with another person.
23. Identify and explain any disabilities, physical or mental health problems of the child/ren, and what treatment they are receiving, if any.
24. 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?
25. 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?

### **III. CUSTODY AND VISITATION**

In an uncontested case, both parties will be named as “Joint Managing Conservators” with each retaining almost identical parental rights. However, one party will be granted the exclusive right to determine the “primary residence” of the child. Typically, they will be restricted to Bexar County, or Texas. In some cases (like those where one parent has not traditionally been involved in taking care of the child very much), one parent will only be named as a “Possessory Conservator.” This means that the other parent is granted the exclusive right to make most of the decisions regarding the child, and the other parent is mainly limited to visitation with the child.

26. Is there any reason why both parties should not be named as “Joint Managing Conservators”? If so, then which party will be named “Managing Conservator” and which one will be named “Possessory Conservator.” What are the grounds for this arrangement?
27. Have the parties agreed on any geographic restriction on where the child should stay?

In regards to visitation, we will put language in the Decree that grants standard visitation to the party who the child does not live with. This means that party will get guaranteed visitation periods with the child (if they want them):

- a. 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> weekend of every month (starting at 6 p.m. on Friday and ending on 6 p.m. on Sunday);
- b. Thursday evenings from 6 p.m. to 8 p.m.;
- c. Thanksgiving every other year;
- d. Half of the Christmas vacation (switching on December 28);
- e. 2 hours on child’s birthday;
- f. Spring Break every other year;

g. 30 days in the summer.

28. Is there any reason that we need to put in a different visitation schedule?

29. If so, then what should the visitation schedule be?

#### **IV. CHILD SUPPORT ISSUES**

The term “Obligor” refers to the person ordered to pay child support

The term “Obligee” is person who is supposed to receive support

If possible, please provide copies of potential Obligor’s pay statements, W-2’s or LES Statements.

30. As part of your agreement, who will be paying child support, and how much will they be paying a month?

The Final Decree of Divorce will specify that you all payments for child support will be made directly to the Texas State Attorney General’s Office through the state disbursement unit, unless you specify otherwise.

31. Do you and other party want payments to be paid directly to the Obligee instead? If so, then why?

32. 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.) Please provide a copy of their pay statements if you have any.

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 not include the amount to cover themselves 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?

## V. GENERAL ADVICE AND EVIDENCE NEEDED

**Hopefully your case will be an uncontested divorce. However, please keep in mind that sometimes cases that start off as uncontested change and become contested. Therefore, it is important to prepare for this possibility just in case. Please review the instructions below for things we will need if that happens.**

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.**