

## Divorce Questionnaire

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Your Full Name:

Gender:

Home phone:

Cel phone:

Email address:

Do you check this regularly?

Does **spouse** have access to this?

Home address:

What **county** is this in?

Is it okay to send mail here?

How long have you lived there?

How long lived in **Texas**?

Your place of employment:

Work phone #:

How long have you been there?

Your Date of birth:

Your Place of birth:

Do you have a criminal history?

Do you take any prescription meds?

Driver's license number:

SSAN:

Your education:

Have you talked to any other lawyers?

Any physical handicaps or chronic illnesses?

Who lives with you?

Do you smoke?	Are you currently using <b>illegal</b> drugs?
Spouse's full name:  What name does he go by?	Spouse's date of birth:  Spouse's <b>place</b> of birth:

Spouse's home address:  How long has he lived there?  How long has he lived in Texas?  Does he smoke?	Spouse's driver's license #:  Spouse's SSAN:  Spouse's phone number(s):  Home:  Cell:
A description of spouse (for our process server):  ---Height: ---Weight: Hair color:  Ethnicity:  Car that he usually drives:	Who lives with your spouse?    What prescription medications does spouse take?   Does spouse have a criminal record?
Wife's maiden name:	Do you want to go back to your maiden name?
When did you get married (date)?	When did you <b>separate</b> ?

<b>WHERE</b> did you get married (city)?	Any special reason that you separated?
Is there any <b>adultery</b> involved?	Has there been any <b>family violence</b> ? When?
How far did spouse go in school?  Is he currently using illegal drugs?	Where does spouse work?  What does he do there (job title)?
How long has he worked there?	How much do they pay him?

Does spouse ever get paid <b>commissions</b> or <b>bonuses</b> ?  Do you know if he has a written employment contract?	Does spouse have any other sources of regular income (trust fund, etc.)?
Is spouse in good health?	Does spouse have any physical handicaps or disabilities?

How much do they pay <b>you</b> where you work?	Do <b>you</b> ever get commissions or bonuses?
Do you have any other sources of income (besides employment)?	Do you or your spouse have an <b>ownership interest</b> in a business?
Are there any warrants out for your arrest?	Any warrants out for <b>spouse's</b> arrest?

### CHILDREN OF THIS MARRIAGE

Name and SSAN	Sex	Date of Birth	Place of birth	Residence?
Name:  SSAN:				
Name:  SSAN:				
Name:  SSAN:				

**FOR THE STATEMENT REQUIRED BY §154.181(b), TEXAS FAMILY CODE:**

[If private health insurance is in effect for the child(ren):]

Company Providing Health Insurance Coverage:	
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Policy Number:	
Parent Providing Coverage:	
Provided through Parent's Employment?	
Monthly Premium:	

[If *private* health insurance is not in effect for the child:]

- The child is / is not receiving medical assistance under Chapter 32, Human Resources Code.
- The child is /is not receiving health benefits coverage under the state child health plan. The cost of the premium is \$\_\_\_\_\_ per month.
- Neither I nor <spouse> have access to private health insurance at a reasonable cost.

<p>What kind of extracurricular activities are the children involved in?</p>  <p>Does either parent have any Indian heritage (Indian Child Welfare Act)?</p>	<p>Have you and spouse ever had <b>conflicts</b> about the children's extracurricular activities?</p>
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What do you want to end up with as far as **custody and visitation** for the children?

Have you and spouse ever made an **agreement** about custody and/or visitation?

Were any of the children <b>adopted</b> ?	Does any child have <b>medical or emotional problems</b> ?	Does any child own any property?
Any Court-ordered relationships with grandparents?	Are any of the children <b>married</b> ? (I have to ask. In Texas, there are 15-year-olds who get married.)	Have the children ever been the subject of a Court order?
During your separation, has anybody been paying any <b>informal</b> child support?	Does either party have <b>children by a previous marriage</b> ?	Is either party currently paying <b>Court-ordered</b> child support?

Does spouse use a <b>financial advisor</b> ?	Are <b>you</b> currently involved in any lawsuits?	Is <b>spouse</b> currently involved in any lawsuits?
Do you have a Facebook or Myspace account?	Does <b>spouse</b> have a Facebook or Myspace account?	Is either you or spouse in a <b>bankruptcy</b> now?  Was there a bankruptcy filed during the marriage?

What do you believe that you and spouse are likely to fight about in the divorce?

***Your car(s):***

Year	Make	Model	Color	Titled:	When acquired:	How much you paid for it:

**Financing of your car(s):**

Name and address of creditor	Both sign?	When debt originated	Balance	Monthly payments	Who's making the payments

***Spouse's car(s):***

Year	Make	Model	Color	Titled:	When acquired:	How much you paid for it:

**Financing of spouse's car(s):**

Name and address of creditor	Both sign?	When debt originated	Balance	Monthly payments	Who's making the payments

Are you buying a house (making house payments)?	Under - (a) a regular Texas mortgage?  (b) a contract for deed?	When was the last time the house was <b>formally appraised</b> ?
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**Checking accounts and savings accounts:**

Joint Accounts:	
YOUR (sole) accounts:	
SPOUSE's (sole) accounts:	





<p><i>Your</i> employment benefits - retirement, pension, 401k, IRA:</p> <p>(and how much is in it?)</p>	<p><i>Spouse's</i> employment benefits - retirement, pension, 401k, IRA:</p> <p>(and how much is in it?)</p>
<p>Do you have a <b>safe deposit box</b>? What's in it?</p>	<p>Are you or spouse expecting an <b>income tax refund</b> any time soon?</p>
<p>Did either you or spouse <b>inherit</b> any money or property during the marriage?</p>	<p>Did anybody IMPROVE or enhance anybody's <b>separate property</b> during the marriage?</p>

## Debts

Creditor	Both parties sign?	When the debt originated	Balance	Monthly payments	Collateral (if any)	Who's making the payments?


Who has been paying the bills each month (such as rent, mortgage, utilities)?

<p>Are there any <b>co-signers</b> on any of these debts (other than you and spouse)?</p>	<p>Do you owe any <b>back taxes</b> of any kind?</p>
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<p>Have you and spouse <b>made any agreements</b> about dividing the property and the debts?</p> <p style="text-align: center;">YES                  NO</p> <p>(If “Yes”) What are the agreements?</p>
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Does spouse have anything in his possession that you want?	Do you have anything in <b>your</b> possession that <b>spouse</b> would want?	Does anybody <b>owe you</b> any significant amounts of money?
Does anybody owe <b>spouse</b> any significant amounts of money?	Have you and spouse ever filed for divorce before?	Have you and spouse ever been to a marriage counselor?
Have you ever been married before?	Has <b>spouse</b> ever been married before?	Did you and spouse sign a <b>pre-nuptial</b> agreement?
Do you or your spouse have <b>wills</b> ?	Did either you or spouse ever <b>inherit money</b> or other property during the marriage?  If “yes,” where is the money now (or: what was done with it)?	During the marriage, did you or spouse ever settle any <b>personal injury</b> cases?
Have you <b>written any letters</b> to spouse since the two of you separated?	Has spouse <b>written any letters to you</b> since the two of you separated?	Are you interested in asking for <b>alimony</b> ?  [See information below]

## “Maintenance” (commonly referred to as *alimony*)

The first requirement for getting a Court to award alimony is that the spouse asking for alimony (let’s say it’s the **wife**) does not have sufficient property (including her separate property) to provide for her “minimum reasonable needs.” This means that if she gets \$1,000,000.00 in the divorce settlement, it’s not likely that she will also get an award of alimony.

If she does not receive a large amount of property in the divorce, she is *eligible* for alimony if:

1. Her husband

(a) was convicted of a “family violence” crime (or received deferred adjudication) **and**

(b) the offense committed against the wife or her child **and**

(c) the offense occurred less than two years before the date the divorce was filed, or it occurred after the divorce was filed and while the divorce was pending.

2. She has an incapacitating physical or mental disability.

3. She was married for at least 10 years **and** is unable to earn sufficient income to provide for her minimum reasonable needs.

4. She is taking care of a child of the marriage who is disabled, that is, who requires personal supervision because of a physical or mental disability, so that she basically has to stay home with the child 24 hours a day.

Step two is determining **how long the alimony will be paid** (the duration of the alimony order).

1. Alimony can be ordered for up to *five* years if:

The parties were married for less than 10 years and the eligibility is based on the husband committing family violence.

The parties were married for at least 10 years but less than 20 years.

2. Alimony can be ordered for up to *seven* years if:

The parties were married to each other for at least 20 years but less than 30 years.

3. Alimony can be ordered for up to *ten* years if:

The parties were married to each other for more than 30 years.

Unless the alimony order is based on the wife being disabled (or a child being disabled), the court is **required** to limit the duration of the alimony order to the **shortest reasonable period** that allows the wife to earn sufficient income to provide for her minimum reasonable needs.

If alimony is based on the spouse's disability or the fact that she's taking care of a disabled child, the alimony can continue for as long as the wife or the child is disabled.

An alimony order is **subject to modification** (years after the divorce decree is signed) if there is a change in circumstances (if the child gets out of the wheelchair and starts running marathons, for instance).

The **upper limit** on alimony is (a) \$5,000.00 per month or (b) 20% of the husband's average monthly GROSS income, whichever is less.

**Contractual alimony** (that is, it's agreed to by the other spouse) can be for any amount. There is no upper limit.

Do you think we need temporary orders? If "yes," why?

Is there anything else I should know about your situation?

*Generally*, how would you like for the divorce to turn out?