

What We Need You to Tell Us at a Consultation

Knowledge is power, and in family law, it is of two basic kinds: knowledge of the law and knowledge of the facts. While we go to great lengths to make sure we are fully up to date on the law, we will never know the facts of your situation as well as you do.

During an initial consultation, we have to understand the facts of your case well enough to apply the correct statutory and case law to it. Then we share with you our analysis of what results are most probable, what factors could influence decisions that are still alterable, the range of reasonably foreseeable alternatives for things that can be evaluated in that manner, and identify those issues as to which no reasonable evaluation can be made based on the available information. The purpose of that analysis is to permit you to make better decisions about what course of action to take.

Of course, what we need to know varies a great deal from one case to another. For example, the precise length of residence in some other State could be critical for a jurisdictional analysis but not important at all for a custody analysis. This paper is intended to give an overview of the kinds of information we will be looking for in various kinds of cases to help you better prepare and organize that information before coming in for a consultation.

Some of the information we will seek can be filled out in advance on our standard forms – notably including our Client Information Sheet, and the Financial Disclosure Form. Sometimes we will ask you to create a chronology, or time line, in advance. Much of the rest will be things that you know, or can find out; as a general proposition, if we are asking about it, we think it is relevant to the outcome of the matters you want to discuss.

1. What you are seeking. While this seems obvious, it is remarkable how many people consult counsel without stopping to think about what they really want. The more clearly you can specify what outcomes you wish, or what information you are trying to obtain, the likelier you will have a substantive response by the end of the consultation.
2. Relationship Information. Understanding the history and highlights of the relationship in issue is important in nearly every family law case. To the extent not clearly set out on our standard forms or a time line, be ready to tell us about the critical turning points in the underlying relationship:
 - (1) The date you met the other party;
 - (2) The date you started residing together;
 - (3) The date of your marriage;
 - (4) The dates of any important events altering the relationship;
 - (5) The date you separated; and
 - (6) The date of your divorce.
3. Educational and Employment History for Both Parties:
 - (1) At least a sketch of the formal education, degrees, licenses, or other educational credentials of both parties and information

- about any current or planned future education;
 - (2) A brief summary of past employment and income, going back at least 5 years;
 - (3) Any information about current employment and income of either party and any indications that such employment could change or terminate in the foreseeable future.
- 4. Military or Prior Career Background:
 - (1) Whether either party served in the military (and, if so, the details of that service) or had any other prior career;
 - (2) If known, whether there are pension or other accrued benefits relating to the prior career.
- 5. Assets and Debts. To the degree not fairly set out in the Financial Disclosure Form or other financial paperwork you bring in, be prepared to give at least a sketch of certain financial matters that could make a difference to the analysis of your situation:
 - (1) Whether one or both parties had any significant pre-marital separate property or separate debt and whether any of that property or debt still exists;
 - (2) Whether any property created or accrued during the relationship was jointly titled or titled in the name of just one of the parties and, if so, why;
 - (3) What debts exist, what they are for, and whose name is on them.
- 6. Written or Oral Agreements:
 - (1) Are there any Prenuptial, Postnuptial, or Separation Agreements either in draft or finalized and, if so, do you have a copy for us to review; and
 - (2) Do you have any other written agreements with the other party, on any point (or knowledge that either party will assert the existence of an oral agreement and, if so, its terms).
- 7. Monetary Orders or Voluntary Monetary Assistance:
 - (1) Are there any orders in place for child support, spousal support, alimony, or family support; if so, have all required payments been made; and
 - (2) Has any money changed hands between the parties without a court order and, if so, from who to whom, when, how much, and for what.
- 8. Child(ren) Information. Whenever children are involved in a family law case, we need enough information about them to see whether any of the special laws governing jurisdictional, custody, visitation, and support affect the case:

- (1) The date of birth for each child;
 - (2) Any special needs each child may have, including whether there has been any formal diagnosis and when; any medications regularly taken; unusual illnesses; whether there is or should be any special classes or schooling needed; any extraordinary costs relating to the special needs;
 - (3) The custody and visitation schedule for each child with either party or any third parties; when (if ever) that schedule changed; and whether the schedule in reality matches whatever paperwork might exist;
 - (4) The cost (and who pays it) for any private schooling for each child;
 - (5) Any extracurricular activities, the schedule for those activities, any costs, and who pays those costs;
 - (6) Whether each child is ever in the care of nannies, daycare, after-school programs, or other third parties, and if so the full history of the use of any such, including the costs and who pays those costs; and
 - (7) All court orders from any court, private agreements (written or oral) or other arrangements, formal or informal, relating to the custody, visitation, and support of each child.
9. If either party seeks to relocate from Nevada with a child, we will need to know the full history, background, and explanation connecting each party and child with both Nevada and the other place in question. That information includes at least:
- (1) The extent to which the move is likely to improve the quality of life for both the children and the custodial parent;
 - (2) Whether the custodial parent's motives are honorable, and not designed to frustrate or defeat visitation rights accorded to the noncustodial parent;
 - (3) Whether, if permission to remove is granted, the custodial parent will comply with any substitute visitation orders issued by the court;
 - (4) Whether the noncustodian's motives are honorable in resisting the motion for permission to remove or to what extent, if any, the opposition is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;
 - (5) Whether, if removal is allowed, there will be a realistic opportunity for the noncustodial parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship with the noncustodial parent.
 - (6) (For a detailed "fill-in-the-blank" analysis of these factors, see the document titled "Move Cases After *Schwartz* posted on the Child Custody page of the firm website).

10. Domestic Violence:
 - (1) Is there a history of domestic violence between the parties or with any other person (including the children);
 - (2) If so, all details as to dates, allegations, witnesses, police involvement, temporary protective orders, outcome, etc.

11. Medical Conditions (including Mental Illness):
 - (1) Does either party have a verified or alleged medical condition that in any way could influence the outcome of any legal proceedings;
 - (2) If so, all details, including dates, diagnosis, prognosis, treatment regimen, medications, etc.

12. Substance Abuse:
 - (1) Has either party had verified or alleged substance abuse issues at any time;
 - (2) If so, all details, including dates, treatment, if any, and related incidents, allegations, or problems.

13. Incarceration Information:
 - (1) If either party has had any involvement with the criminal justice system, ever, the relevant charges, evidence, outcomes (if past), or pending dates or events (if present).