

FAMILY LAW CLIENT QUESTIONNAIRE

April 2013

Please complete this questionnaire. If you will spend the time to complete all items, you will give us the background information necessary to begin to understand the complexity of the personal aspects of your family law problem. All information will be held in strict confidence.

Please DO NOT skip a question and leave the answer blank. The staff at Evans Family Law Group are trained to follow up with you on any blank questions. Please indicate some answer to all questions, even if “n/a” or “none.”

Information About You and Your Spouse

**** Please fill in all blanks ****

Please give your full legal name, date and place of birth, Social Security number, and driver’s license number:

Name: _____ Maiden name: _____
Date of birth: _____
Place of birth: _____
Social Security No.: _____
Driver’s Lic. / State: _____ / _____

Please give the full legal name and requested information for your spouse:

Name: _____
Maiden name: _____
Relationship to you: _____
Date of birth: _____ Place of Birth: _____
Social Security No.: _____
Driver’s Lic. / State: _____ / _____

Where are you living now?

Street address: _____
City: _____ State: _____ Zip : _____
How Long in State? _____ County? _____
County of residence: _____
Residence telephone: _____
Other telephone numbers: _____
Do you own or rent where you currently reside? _____
If you rent, when does your lease expire: _____

Date of marriage: _____ **Date of Separation:** _____

Location/Place of Marriage: _____

Describe primary reason(s) for Separation: _____

Is your spouse aware that you are considering divorce? YES NO

Is your spouse willing to agree to the divorce? YES NO

Please complete the following concerning your employment:

Employer: _____ Job Title: _____

Full address: _____

Telephone number of employer _____

Gross salary/ month: \$ _____ Annual Income: \$ _____

Length of employment: _____

Education: _____

Training: _____

Describe any bonuses, commissions, or other financial benefits provided by your employment in addition to salary: _____

Where is your spouse living and what is his/her telephone number?

Street address: _____

City: _____ State: _____ Zip Code: _____

Telephone number: _____

Provide the following information concerning the employment of your spouse:

Employer: _____ Job Title: _____
Full address: _____
Telephone number of employer: _____
Gross salary/ month: \$ _____ Annual Income: \$ _____
Length of employment: _____
Education/Training: _____
Describe any bonuses, commissions, or other financial benefits provided by your spouse' employment in addition to salary: _____

Marriage Counselor, if applicable:

Name: _____
Address & Phone #: _____
Dates of Counseling: _____

Check as appropriate if your marital difficulties involve any of the following:

- | | |
|--|--|
| <input type="checkbox"/> Incompatibility | <input type="checkbox"/> Drugs/alcohol |
| <input type="checkbox"/> Sexual disappointment | <input type="checkbox"/> Financial dispute |
| <input type="checkbox"/> Sexual infidelity | <input type="checkbox"/> Physical violence |
| <input type="checkbox"/> Not Cohabiting (3yrs) | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Abandonment | <input type="checkbox"/> Mental Institution (3yrs) |

Other: _____. Describe _____

Has your spouse been violent toward you in the past? Yes No

If yes, give dates and times and describe each incident in detail: _____

Have you or your spouse ever filed for a divorce? Yes No

If so, when, where, and against whom? _____

Does your spouse now have an attorney? Yes No

If so, Name & Contact Information: _____

Is your spouse requesting a name change or prior name be restored? Yes No

If yes, state name requested in full: _____

Have you been married before? Yes No If Yes, how many times? _____

In what county and state have you been divorced? _____

In what county and state have you been divorced? _____

State the name of each of your former spouses, date of divorce from each former spouse, and county where each divorce was granted:

Name/Former Spouse Date of Divorce County of Divorce

Name/Former Spouse Date of Divorce County of Divorce

Has your spouse been married before? Yes No If Yes, how many times? _____

State the name of each of your spouse's former spouses, date of each divorce and county where each divorce was granted:

Name of spouse's ex Date of Divorce County of Divorce

Name of spouse's ex Date of Divorce County of Divorce

Information on Children

If any children born during your marriage, answer all questions:

Name of child: _____ Sex: _____
Date and place of birth: _____
Social Security No.: _____
Driver's Lic./State: _____ / _____
Disability, if any: _____
Child's address: _____

Name of child: _____ Sex: _____
Date and place of birth: _____
Social Security No.: _____
Driver's Lic./State: _____ / _____
Disability, if any: _____
Child's address: _____

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Date and place of birth: _____
Social Security No.: _____
Driver's Lic./State: _____ / _____
Disability, if any: _____
Child's address: _____

Name of child: _____ Sex: _____
Date and place of birth: _____
Social Security No.: _____
Driver's Lic./State: _____ / _____
Disability, if any: _____
Child's address: _____

Do any court Orders exist re: the children of your marriage? YES NO

Example: Child support orders from Attorney General's Office

If yes, County and State: _____ Date Rendered: _____

Are there any questions of paternity that need to be addressed? YES NO

If so, please discuss with the Attorney privately and as soon as possible

If there are any minor children of you or your spouse from a prior relationship (marriage, living together, or otherwise), answer all questions:

Name of child: _____ Sex: _____
Date and place of birth: _____
Disability, if any: _____
With whom Child resides: _____

Name of child: _____ Sex: _____
Date and place of birth: _____
Disability, if any: _____
With whom Child resides: _____
If there is court ordered visitation, what are the terms: _____

Do you pay or receive child support? _____
Amount of support: _____ per _____
When were you first ordered to start paying? _____
Are you currently in Arrears? Yes No How much? \$ _____
Is there an Attorney General Order/Case: Yes No _____
Is there an previous private Order/case: Yes No _____

Does your Spouse pay or receive child support? _____
Describe child support: _____ per _____
When was your spouse first ordered pay? _____
Are you currently in Arrears? Yes No How much? \$ _____
Is there an Attorney General Order/Case: Yes No _____
Is there an previous private Order/case: Yes No _____

Are you or your spouse currently under any enforcement proceedings or threat of enforcement related to child support? Yes No If yes, please describe: _____

Custody of the Children

Will there be agreement on custody of the children? YES NO UNKNOWN

If yes, will primary custody be with? Mom Dad Neither Other

Note: This means who will the children primarily live with, who decides their residency?

Will the parents be named Joint Managing Conservators? YES NO

Note: This is the presumption under Texas law. Typical exceptions, to avoid appointment of both parents as joint managing conservators, are things such as family violence, issues related to alcohol, physical or other abuse, criminal history etc ... If you are unsure, you need to discuss this in detail with the Attorney.

Will one parent be named as Sole Managing Conservator? YES NO

If yes, please describe reasons to overcome the presumption of joint managing conservatorship as this information may be required to be included in the Decree of Divorce or presented to the Court upon finalizing your Divorce: _____

Is there any concern with both parents having access to information related to the Children and the right to confer with professionals related to the Children? For example: access to medical records, educational records, and the right to consult with educators, medical or mental health providers for the Children: YES NO

If Yes, please detail the reasons for limiting, restricting, or prohibiting a parent in this regard as this information may be required to be included in the Decree of Divorce or presented to the Court upon finalizing your Divorce: _____

The Texas Family Code allocates the rights and duties of parents and parents may likewise enter into an agreed “parenting plan” which allocates these rights and duties between them by agreement. These decisions may be made “jointly” by agreement between the parents, “exclusively” by one parent with or without first consulting the other parent, or “independently” meaning each parent may independently make these decisions.

Below, please indicate “M” for “Mom” or “D” for “Dad” in addition to the following:

- “J” decisions to be made jointly and by agreement between the parents
- “E” decisions to be made exclusively by one parent
- “I” decisions to be made independently by either parent
- “C” parents are required to consult the other parent in advance
- “No C” parents are not required to consult the other parent in advance
- “T” “tie breaker”, meaning the parent indicated, M or D, has the ultimate right to break a tie and make a particular decision for the child if the parents are unable to reach agreement.

Describe how decisions related to the Children are to be made under the Family Code:

Type of Decision **M or D + J, E, I, C, No C, T**

1. Medical, dental, invasive surgical treatment _____

Note: Unless agreed to otherwise, both parents have the right, per the Texas Family Code, to make decisions in the event of an emergency related to the Child that does not involve invasive surgical treatment.

2. Psychiatric, psychological, or other mental health treatment _____

3. Legal matters or decision with legal effect on behalf of the Children _____

4. Marriage and enlistment into the armed forces _____

5. Education, school, or education related decisions _____

6. The right to and manage the services and earnings of the Children _____

7. Right to act as agent of Child in relation to the Child’s estate _____

Unknown, undecided, or “other”, or have further questions, please detail to discuss with Attorney: _____

Possession and Access for the Children

Describe the agreement will be regarding possession and access/visitation of the children during school: *Note: Any questions, please call to discuss with the attorney*

- | | | | |
|-----|--|--------------------------|------------------|
| (1) | Standard Possession Order | <input type="checkbox"/> | |
| (2) | Expanded Standard Possession Order | <input type="checkbox"/> | |
| (3) | Modified expanded/standard possession | <input type="checkbox"/> | (describe below) |
| (4) | “2-2-3” Non Wrap Possession Order | <input type="checkbox"/> | |
| (5) | “2-2-3” Wrap Possession Order | <input type="checkbox"/> | |
| (6) | Alternating Weekly possession schedule | <input type="checkbox"/> | |
| (7) | Firefighter’s schedule | <input type="checkbox"/> | |
| (8) | Custom order, something other than above | <input type="checkbox"/> | (describe below) |

If the agreement related to visitation and possession of the children will vary from one of the version stated above, please detail as much as possible the terms of the agreement for visitation:

Holidays & Summer

Holidays are generally “split” in the Texas Family Code. Under the standard Holiday schedule, parents who reside within 100 miles of each other split the Christmas Holiday alternating in each year which parent has the first part of Christmas and the latter part of Christmas. The parent who has the latter part of the Christmas Holiday gets the Children for the Thanksgiving holiday and the parents will alternate Spring Break.

For parents within 100 miles, Summer is typically 30 days in the month of July or can be broken up as designated by that parent who has the extended Summer possession time. However, the Thursday periods of possession generally do *not* occur during the Summer but the weekend schedule continues. During the Summer period of possession, the parent without the extended Summer possession has the right to “block out” one weekend during the extended summer possession and one weekend outside of the extended summer possession.

If parents live over 100 miles apart, the difference is that this parent would have every Spring Break Holiday and Summer possession is extended to 42 days rather than 30.

However, in an Agreed Divorce, parents can choose a parenting plan for holidays that they believe works best for them and that is in the best interest of their Children.

Indicate what are the terms of your agreement for Holiday Possession and Access:

Christmas Standard Other (Please detail below)

Which parent will have first part of Christmas Odd Years Mom Dad

Which parent will have first part of Christmas even Years Mom Dad

Thanksgiving Standard Other (Please detail below)

Summer Standard Other (Please detail below)

Summer 2 Weeks Alternating, as described below

Note: A common option in the Summer in Agreed Divorces is to allow each parent to have a period of 2 weeks of possession and access to allow for "summer vacation". Typically, the agreement is in alternating years one parent has the first right by April 1st to designate their 2 weeks and then the other parent designates their 2 weeks by April 15th and then vice versa in the alternating years. In the absence of a timely designation, the 2 weeks usually is first 2 weeks of July and then the first 2 weeks of August as a default.

Spring Break Standard Other (Please detail below)

Father's Day Weekend

Standard Other (Please detail below)

Mother's Day Weekend

Standard Other (Please detail below)

Child's Birthday

Standard Other (Please detail below)

Note: The standard provision on the child's birthday is that the parent then not otherwise entitled to possession on the day of the Child's actual birthday would have the right to a visitation from 6:00 pm – 8:00 pm on the actual day of the Child's birthday, provided the parent picks up the kiddo from the other parent's location and returns the Child to the parent's location.

The following are options that are not "standard" in the Holiday section of the Texas Family Code, but are options which I have seen parents include in their parenting plans in Agreed Divorces. If the box is "checked" it tells the Attorney you want to include a provision related to that Holiday:

Parent's Birthday

(Please detail below)

Note: While it's not "standard" in the Family Code, the standard provision here on a parent's birthday is similar to that of the Child's birthday that the parent then not otherwise entitled to possession on the day of the parent's actual birthday would have the right to a visitation from 6:00 pm – 8:00 pm on the actual day of the parent's birthday, provided the parent picks up the kiddo from the other parent's location and returns the Child to the parent's location.

Easter Sunday in Even Years

Mom Dad

Easter Sunday in Odd Numbered Years

Mom Dad

Memorial Weekend in Even Numbered Years

Mom Dad

Memorial Weekend in Odd Numbered Years

Mom Dad

July 4th In Even Numbered Years

Mom Dad

July 4th In Odd Numbered Years

Mom Dad

Labor Day Weekend in Even Numbered Years

Mom Dad

Labor Day Weekend in Odd Numbered Years

Mom Dad

Extra-Curricular Activities

If your children are involved in extra-curricular activities, please describe them:

With regard to extra-curricular activities, what is the agreement between you and your spouse with regard to how to (1) enroll or select and register, (2) pay for, and (3) transport the Children to their extra-curricular activities (particularly keeping in mind whether or not they can be scheduled during times that may occur on the other parent’s periods of possession and visitation)? _____

Note: if this is an issue, there are many options related to extra-curricular activities and you may need to discuss with the Attorney. Generally, most Agreed Divorces provide that parents will first attempt to agree on extra-curricular activities and, if agreed, the parents split the costs of such activity. In our general experience, most Agreed Divorces include a provision that allow each parent to sign the Child up for 1 extra-curricular activity at a time which may or may not occur on the other parent’s time. Our language generally gives preference to activities the Child has been involved or is expressing an interest and both parents are required to confer with the other in advance to allow discussion and planning. If it is agreed, the parents split the costs and, if not, the enrolling parent pays all costs but the parents publish the schedule and share transportation regardless whether it is the extra-curricular activity preferred by the parent then in possession or visitation with the kiddo. However, this like all other parts of a parenting plan in an Agreed Divorce is to be discussed and agreed upon by the parents in accordance to what they believe is in the best interest of their kiddo.

SAMPLE PROVISION RE: *Extracurricular Activities*

The Court finds that the parties have agreed and IT IS ORDERED AND DECREED that each party shall have the right to enroll the child in no more than (1) extra-curricular activity at a time provided such activity does not impinge on the other party's period or periods of possession of the child. By way of clarification, unless otherwise expressly agreed and signed by both parties, the child shall not be enrolled in any more than a total of two (2) extra-curricular activities at a time, with each party authorized to enroll the child in one (1) activity at a time subject to the terms and conditions set forth herein.

The Court finds that the parties have agreed and IT IS ORDERED AND DECREED that if a child is unilaterally enrolled into an extracurricular activity, then, absent a written agreement from the other party to share the cost of the activity, the enrolling party will be solely responsible for all costs and transportation associated with the activity.

The Court finds that the parties have agreed and IT IS ORDERED AND DECREED that neither party shall enroll the child the subject of this suit in an extracurricular activity that impinges or interferes with the other party's period or periods of possession of the child without the express written agreement of the other party. In the event the child is enrolled in an extracurricular activity that has been agreed upon by the parties, the parties stipulate, agree, and

IT IS FURTHER ORDERED AND DECREED the parties shall equally share and be responsible for the costs associated with the agreed upon extracurricular activity.

IT IS FURTHER ORDERED AND DECREED the parties agree to provide transportation to and from the activities, practices or other events conducted as part of the agreed upon extracurricular activity. In the event a party is unable to transport the child on a particular day, that party shall contact and notify the non-possessory party to see if appropriate arrangements can be made for the child to attend.

If a child is 3 years of age or under, will there be any special modification for visitation?

Yes No If yes, please describe: _____

Are there any long distance or travel considerations for visitation by a parent with their children? Yes No If yes, please describe: _____

What are the terms of the agreement regarding long distance travel? _____

Note: For example, who will pay travel expenses? Who will accompany the children? Are there any particular restrictions on the type of travel such as no commercial bus or non-stop flights?

Are there special considerations or restrictions for international travel and the Children? Yes No If yes, please describe: _____

Will there be special considerations to apply for & maintain passports? Yes No If yes, please describe: _____

Electronic and Telephone Contact with Children

Will there be any agreements or special considerations to allow the children and a parent or both parents to have telephone and/or electronic communication with the other parent (i.e. skype, email, text etc): _____

Geographical Restriction for the Children’s Primary Residence

What will the geographical restriction be on where the Children can reside?

- (1) **Same County as Filing Petition for Divorce**
Example: Travis County

- (2) **Same County and Surrounding Counties**
Example: Travis County & Contiguous Counties

- (3) **School District or Surrounding Districts** *(describe below)*
Example: Austin Independent School District

- (4) **Attendance Zone of a Child’s school** *(describe below)*
Example: Attendance Zone of Kiker Elementary School

- (5) **A defined mileage radius** *(describe below)*
Example: 20 miles from Child’s School or Resident of a Parent

- (6) **State of Texas**
- (7) **Continental United States**
- (8) **No restriction**
- (9) **Other, to be described below** *(describe below)*

Child Support

Describe your agreement regarding child support:

Who will pay child support: Mom Dad Neither How much: \$_____

Is there a lump sum to be paid for child support? Yes No If yes, how much: \$_____

Is support to be paid Monthly, Bi-Monthly, or Every 2 weeks (circle one)

Will support payments be withheld, i.e. “garnished”, from paychecks: Yes No

Will a party purchase life insurance to insure child support obligation? Yes No.

If yes, which party be required: Mom Dad How much will policy be? \$_____

If other, explain: _____

Will there be any agreement for college related expenses or education expenses beyond high school? Yes No. If yes, explain: _____

Note: The law does not obligate a parent to support a child, including education/college, one the child has turned 18 years of age and is no longer enrolled full-time in high school earning a high school diploma or GED. However, parents can agree to make arrangement contractually which may be incorporated in their Decree of Divorce. Because a Decree of Divorce can be both the Order of the Court and a contract executed by the parties, this kind of provision would be enforceable in the nature of a contract.

Health Insurance for the Children

Is/are the children current covered by health insurance? Yes No.
Who provides health insurance? Mom Dad Neither Other
Who is the health insurance provider: _____
What is the policy number: _____
What is the amount of the monthly premium: _____
If other, please describe: _____

Is the current health insurance policy acquired through work or privately? _____
Who will continue coverage for children after divorce? _____

If different, name of company covering spouses: _____
Insuring life of: _____
Policy #: _____ Work or Privately acquired? _____
Will spouse elect cobra coverage post divorce? (*may do so up to 36 months*): Yes No
If spouse will make election for cobra, please describe: _____

Is there a health savings account through a parent's employment? Yes No.
If yes, please describe any terms of agreement on how these funds are to be applied and set forth in the Decree of Divorce: _____:

Are there any special considerations or restrictions related to the HSA to be set forth in the Decree? _____

Please describe the agreement regarding providing health insurance for the children post-divorce: _____

Please describe the agreement for allocating between the parents out of pocket medical expenses that are not reimbursed by health insurance: _____

Is there agreement to provide, if eligible, coverage for the Children beyond age 18? If yes, please describe the agreement: _____

Other than health insurance, are there other insurance considerations to be incorporated in the Decree of Divorce such as dental, vision, or otherwise: _____

Do any of the children have special needs or disabilities that will require long-term support or that render them incapable of supporting themselves financially or requiring long-term care or direct supervision? If yes, please describe the special need or disability:

If your child has medical prescriptions, please describe: _____

If a child does have special needs or disability as stated above, if there is an agreement for long term support for such child please detail the terms of such agreement: _____

If necessary, please provide any additional information regarding your agreement or other special considerations related to child support: _____

List all property (other than furniture and clothing) owned by the children, if any (including any property you or someone else is holding for the benefit of the Children):

Are there any financial accounts in the name of your children, such as savings, checking, education (529) or custodial? No Yes If yes, give following information:

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____

What is the agreement with regard to how this account will be managed post-divorce? _____

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____

What is the agreement with regard to how this account will be managed post-divorce? _____

Does anyone other than your spouse or your children live with you? No Yes

If yes, please describe: _____

ASSETS AND LIABILITIES

Real Estate:

Address of Property #1: _____
Mortgage Company: _____ Year bought: _____
Balance owed: \$ _____ Monthly payments: \$ _____
Escrow taxes & insurance? Yes No. If no, how are they paid? _____
In who's name(s) is the note on property? _____
In who's name(s) is the title on property? _____
Amount of original loan: \$ _____ Date original loan: _____
To whom loan is made payable to: _____
* Volume # _____ page # _____ Deed of Trust Records of _____ (County)
Proposed Division: H _____ % W _____ % Other *see below "disposition of real estate"*

Legal description of the property: *(This is the "lot and block" description you may obtain from your property tax records, deed, or other closing documentation.)* _____

* ***Check your closing documents for the volume and page references***

Address of Property #2: _____
Mortgage Company: _____ Year bought: _____
Balance owed: \$ _____ Monthly payments: \$ _____
Escrow taxes & insurance? Yes No. If no, how are they paid? _____
In who's name(s) is the note on property? _____
In who's name(s) is the title on property? _____
Amount of original loan: \$ _____ Date original loan: _____
To whom loan is made payable to: _____
* Volume # _____ page # _____ Deed of Trust Records of _____ (County)
Proposed Division: H _____ % W _____ % Other *see below "disposition of real estate"*

Legal description of the property: *(This is the "lot and block" description you may obtain from your property tax records, deed, or other closing documentation.)* _____

Special Consideration for Disposition of Real Estate

Print and repeat as necessary for each property

For any of the real estate properties listed above, is there agreement that one or more of them will be sold? Yes No. If yes, which ones: _____

If you answered yes, the please answer the following:

Is there agreement on terms of listing and sale of the property? Yes No If yes, please describe: _____

Is there agreement on the broker/realtor for listing & marketing the property?

Yes No If yes, please give name and contact information for broker/realtor:

In the event there is disagreement over terms of the sale and/or marketing of the property, would you be willing to allow any one of the following methods to resolve the disagreement (so as to avoid having to return to court to request a judge to decide):

Allow realtor to determine Binding mediation Party in possession determines
 Other, or describe alternatives in Decree. If so, please describe: _____

Will there be any special considerations in the sale to account for? Yes No If yes, please describe: _____

Note: At times parties agree to use the proceeds from the sale of a residence to be applied at the time of closing to specified debts or liabilities of the parties, such as credit cards. The Decree of Divorce can be written in such a way to specify that at the time of closing to address this kind of situation.

Is there agreement one party will retain while the other refinances? Yes No If yes, please describe the terms of your agreement regarding refinancing: _____

Note: In a situation when one spouse will retain the residence but the mortgage is in the name of both parties, consider whether there should be a specified period of time by which the residence must be refinanced or sold.

If any of the real estate properties listed above are not to be sold, what are the terms of your agreement for use post-divorce? _____

Motor Vehicles, Boats, Airplanes, Cycles, Trailers:

Year _____ Make _____ Model: _____
VIN # _____ Balance of Lien \$ _____
Lien holder (bank): _____ Year Acquired: _____
In who's name(s) is the loan on the vehicle? _____
In who's name(s) is the title on the vehicle? _____
Will transfer of title on the vehicle be required? Yes No To whom? _____
Proposed Division: H _____ % W _____ % Other _____

Year _____ Make _____ Model: _____
VIN # _____ Balance of Lien \$ _____
Lien holder (bank): _____ Year Acquired: _____
In who's name(s) is the loan on the vehicle? _____
In who's name(s) is the title on the vehicle? _____
Will transfer of title on the vehicle be required? Yes No To whom? _____
Proposed Division: H _____ % W _____ % Other _____

Year _____ Make _____ Model: _____
VIN # _____ Balance of Lien \$ _____
Lien holder (bank): _____ Year Acquired: _____
In who's name(s) is the loan on the vehicle? _____
In who's name(s) is the title on the vehicle? _____
Will transfer of title on the vehicle be required? Yes No To whom? _____
Proposed Division: H _____ % W _____ % Other _____

Bank Accounts, Savings Accounts, C.D. 's, Credit Union, Savings Bonds:

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____ Primary User: _____
Name(s) on withdrawal card: _____
Proposed Division: H _____ % W _____ % Other _____

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____ Primary User: _____
Name(s) on withdrawal card: _____
Proposed Division: H _____ % W _____ % Other _____

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____ Primary User: _____
Name(s) on withdrawal card: _____
Proposed Division: H _____ % W _____ % Other _____

Financial Institution: _____ Amount on Deposit: \$ _____
Type of Account: _____ Style of Account: _____
Last 4 Numbers on Account: _____ Primary User: _____
Name(s) on withdrawal card: _____
Proposed Division: H _____ % W _____ % Other _____

Life Insurance:

Name of company: _____

Insuring life of: _____

Whole, Term, or Universal _____ Policy #: _____

Work or Privately acquired? _____

Proposed Division: H _____ % W _____ % Other _____

Name of company: _____

Insuring life of: _____

Whole, Term, or Universal _____ Policy #: _____

Work or Privately acquired? _____

Proposed Division: H _____ % W _____ % Other _____

Stocks, Mutual Funds, Personal Investments, etc.:

Financial Institution holding investment: _____

Name on Account: _____ Type of Account: _____

Last 4 Numbers on Account: _____ Estimated value: \$ _____

Proposed Division: H _____ % W _____ % Other _____

Financial Institution holding investment: _____

Name on Account: _____ Type of Account: _____

Last 4 Numbers on Account: _____ Estimated value: \$ _____

Proposed Division: H _____ % W _____ % Other _____

Financial Institution holding investment: _____

Name on Account: _____ Type of Account: _____

Last 4 Numbers on Account: _____ Estimated value: \$ _____

Proposed Division: H _____ % W _____ % Other _____

Financial Institution holding investment: _____

Name on Account: _____ Type of Account: _____

Last 4 Numbers on Account: _____ Estimated value: \$ _____

Proposed Division: H _____ % W _____ % Other _____

Financial Institution holding investment: _____

Name on Account: _____ Type of Account: _____

Last 4 Numbers on Account: _____ Estimated value: \$ _____

Proposed Division: H _____ % W _____ % Other _____

Pets & Livestock:

Type of Animal _____ Breed: _____ Name: _____

Description of Animal: _____

Proposed Division: H _____ % W _____ % Other or Special considerations after divorce? _____

Type of Animal _____ Breed: _____ Name: _____

Description of Animal: _____

Proposed Division: H _____ % W _____ % Other or Special considerations after divorce? _____

Retirement, Pensions, Other Company Benefits (See Additional Information Below)

Do you participate in a retirement plan? Yes No Type of Plan: _____
Financial Institution holding investment: _____
Last 4 Numbers on Account: _____ Estimated value: \$ _____
Name and contact information for the plan administrator: _____

Proposed Division: H _____ % W _____ % Other or special considerations: _____

Does your spouse participate in a retirement plan? Yes No Type of Plan: _____
Financial Institution holding investment: _____
Last 4 Numbers on Account: _____ Estimated value: \$ _____
Name and contact information for the plan administrator: _____

Proposed Division: H _____ % W _____ % Other or special considerations: _____

Do you participate in a company savings plan? Yes No Type of Plan: _____
How much is on deposit in that savings plan? \$ _____
Financial Institution holding investment: _____
Last 4 Numbers on Account: _____ Account Holder: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Does your spouse have a company savings plan? Yes No Type of Plan: _____
If so, how much does your spouse have in that saving plan? \$ _____
Financial Institution holding investment: _____
Last 4 Numbers on Account: _____ Account Holder: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Miscellaneous Assets:

Does anyone owe you or your spouse any money? Yes No

If yes, name of person owing money (debtor): _____

Address of debtor: _____

Date debt was created: _____

Original Amount owed: \$_____ Is debt evidenced in writing? Yes No

Reason for Debt? _____

Describe who will be obligated on debt after divorce? H _____ % W _____ %

or other: _____

If yes, name of person owing money (debtor): _____

Address of debtor: _____

Date debt was created: _____

Original Amount owed: \$_____ Is debt evidenced in writing? Yes No

Reason for Debt? _____

Describe who will be obligated on debt after divorce? H _____ % W _____ %

or other: _____

Are you or your spouse involved in any lawsuits? Yes No

If so, explain _____

Proposed Division: H _____ % W _____ % Other _____

Do you own any mineral interests (Oil & Gas)? Yes No

Describe: _____

Proposed Division: H _____ % W _____ % Other _____

Do you or your spouse own any interest in a closely held corporation, partnership, joint venture, sole proprietorship, etc? Yes No

Describe: _____

Proposed Division: H _____ % W _____ % Other _____

Do you or your spouse own any interest in a closely held corporation, partnership, joint venture, sole proprietorship, etc.? Yes No.

Type of business interest: Corporation Partnership JV Sole Proprietorship
Please describe for interest #1: _____

Proposed Division: H _____ % W _____ % Other or special considerations:

Type of business interest: Corporation Partnership JV Sole Proprietorship
Please describe for interest #2: _____

Proposed Division: H _____ % W _____ % Other or special considerations:

Type of business interest: Corporation Partnership JV Sole Proprietorship
Please describe for interest #3: _____

Proposed Division: H _____ % W _____ % Other or special considerations:

Spousal Maintenance a/k/a “Alimony”

Is there agreement to provide a spouse with Alimony following divorce? Yes No

Who will pay Alimony: Husband Wife Neither How much: \$_____

Note: To qualify as Alimony for the IRS, Alimony must be made in monthly payments and cannot be a “substitution” for payments on debt or division of marital assets. If written properly, Alimony is tax deductible by the paying party (“obligor”) but is taxable income to receiving party (“obligee”). In an agreement, there are no specific requirement as this can, within reason, be left to agreement of the parties. If you have questions please consult the Attorney.

For what period of time will the Alimony be paid? _____

Note: This is generally express in terms of months or years.

Is support to be paid Monthly, Bi-Monthly, or Every 2 weeks (circle one)

Will the alimony payments be withheld, i.e. “garnished”, from paychecks: Yes No

Will the payments “step-down” and be reduced over a period of time? Yes No

If yes, please describe: _____

Note: some parties agree to initially start Alimony at a certain rate and after a defined period of time it “steps-down” or reduces automatically.

Will a party purchase life insurance to insure the alimony obligation? Yes No.

If yes, which party be required: Husband Wife How much will policy be? \$_____

If other, explain: _____

Summary of Debts

Debts: (Other than home and automobiles)

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Name of creditor: _____ Balance: \$ _____
Last 4 Numbers on Account: _____ Primary User: _____
Who created debt: _____ Purpose of Debt: _____
Proposed Division: H _____ % W _____ % Other or special considerations: _____

Income Taxes:

Have you filed an income tax return for all previous years?

Yes No . If yes, how filed in previous years: Joint Individual

Prepared by whom? _____

Describe agreement for filing of income taxes in year of divorce? _____

Refund anticipated for year of divorce? Yes No If yes, once refunds is received, describe agreement for division of same and how it received by other spouse:

Proposed Division of refund: H _____ % W _____ % Other or special considerations: _____

Are any fees owed for prior tax preparations: Yes No If yes, please describe proposed division of this obligation: H _____ % W _____ % Other or special considerations: _____

Tax Arrearages

Do you and/or your spouse owe the IRS back taxes? Yes No . If yes, please describe agreement for division of arrearage: H _____ % W _____ % Other or special considerations: _____

Do you and/or your spouse have any losses or other “carryovers” for purposes of the IRS that need to be considered? Yes No . If yes, please describe agreement for division of same: : H _____ % W _____ % Other or special considerations:

Do you and/or your spouse owe any tax arrearages (ex: property taxes)? Yes No
If yes, please describe type of arrearage, to whom the arrearage is owed, specifically what the arrearage relates to: _____

Describe proposed agreement for division of the same: H _____ % W _____ %
Other or special considerations: _____

Dependency Exemptions for Children, if any:

Have you and your spouse discussed claiming children on future tax returns? Yes No
If yes, how filed in previous years: Joint Individual

Describe agreement for claiming children in future? *(for example: one spouse claims, spouses alternate claims, one spouse claims one child and another claims the other):* _____

Note: If there is an agreement by the parents to claim a child or children as dependents, in order to formally comply with the IRS requirements, the parents need to execute and file with the IRS Form 8332. If there is an agreement in this regard between the parents to allocate the dependency exemption, language to this effect will be included in the Decree of Divorce requiring the parties to sign IRS Form 8332, which is a "Release of Claim to Exemption for Child of Divorced or Separated Parents".

This form is available at our website at www.evansfamilylawgroup.com , can be provided through our office or you may download the form at: www.irs.gov and search for form 8832

Separate Property

The term “separate property” mean property which (1) was owned or acquired by you **before** your marriage or (2) which was **inherited** either before or during your marriage, or (3) was received as a **gift** either before or during your marriage or (4) was **purchased with** the proceeds of sale of property which was separate property.

Do you own any separate property? Yes No

If yes, describe in detail your separate property or indicate clearly in the margins above which property is considered separate, otherwise the law will presume the property you have listed in this questionnaire was acquired during your marriage and is considered community property between you and your spouse: _____

Describe your Primary Goals in Retaining our Office:

Describe any special considerations you wish our office to always keep in mind:

What are your most immediate and pressing needs, if any:

Mail

Address you wish to receive mail from this office: _____

Electronic Mail

Electronic email address you wish to receive electronic mail from this office:

Phone Contact

Where do you prefer to be contacted/telephoned?

Office _____ Preferred time to call _____
Home _____ Preferred time to call _____
Other _____

I state that the information contained above is true and correct to the best of my knowledge.

Signature

Name: _____

Date: _____

DIVISION OF RETIREMENT ACCOUNTS CHECKLIST

If part of your agreed division includes the division of an IRA, 401k, pension plan, defined benefit plan or other retirement plan then you will need to provide the following information:

Instructions: This checklist refers to the “Participant” as the employee participating in the retirement plan, and the “Alternate Payee” as the spouse seeking her/his share of the retirement plan benefits. Please answer as many questions as you can and provide as much information as possible. If you have any questions, please contact our office.

1. Provide the following information about the Participant (Employee):

Name: _____ E-mail address: _____
Address, City, State, Zip: _____
Social Security Number: _____
Telephone Number: _____ Date of Birth: _____

2. Provide the following information about the Alternate Payee (Spouse of Employee):

Name: _____ E-mail address: _____
Address, City, State, Zip: _____
Social Security Number: _____
Telephone Number: _____ Date of Birth: _____

3. Are the Participant and Alternate Payee’s divorced? Yes No

What is the date of divorce _____ Date of separation _____
What was the date of marriage _____

4. How many retirement plans does Participant (Employee) participate in?

5. Is a prior spouse entitled to plan benefits with an existing QDRO? Yes No

6. Please provide the following information about the employer:

Name of Employer: _____ E-mail address: _____
Address, City, State, Zip: _____
Employer Contact Name: _____
Telephone Number: _____ Fax Number: _____

7. Information about the Participant's employment history. Date Participant:

Began employment: _____ Terminated employment: _____

Is Participant retired? Yes No

Is Participant currently receiving payments from the plan? Yes No

8. Does Participant have plan assets with more than one employer? Yes No

9. What is/are the name of the plan(s): _____

10. Is this a Federal civil service plan? Yes No

11. Is this a military plan? Yes No

If yes, what is the Participant's branch of service? _____

14. Only if available, provide copy of most recent plan(s) account statement or valuation. Is Available Is not Available

15. Please provide a copy of the first page and the page with QDRO reference ONLY of the divorce decree, separation agreement, or decree of separate maintenance.

Household Furnishings, Appliances, Etc

Please identify all household furnishings, wall hangings, appliances, equipment, tools, firearms, etc. which have significant replacement cost or personal value to you which you would like to claim in this divorce as yours on a room to room basis or as you have agreed with your spouse to divide your assets:

Room	Item	Date Acquired	Value	Division

Household Furnishings, Appliances, Etc

Please identify all household furnishings, wall hangings, appliances, equipment, tools, firearms, etc. which have significant replacement cost or personal value to you which you would like to claim in this divorce as yours on a room to room basis or as you have agreed with your spouse to divide your assets:

Room	Item	Date Acquired	Value	Division

Disclosure Disclaimer by Parties

If you and your spouse answer the questionnaire together, please review the following disclaimers and sign below. It is not required that your spouse sign this document. The first disclaims that your spouse understand that Evans Family Law Group represents only the client and not the other spouse and that at any time any discussions had between Evans Family Law Group and the non client spouse should not be considered legal advice nor creating an attorney client relationship with the non client spouse. The second disclaims the parties have made a reasonable disclosure of all property, both community and separate, and all financial obligations and they are contained within the Agreed Decree of Divorce.

Disclaimer as to Representation

This Agreement has been prepared by James W. Evans, attorney for CLIENT (name will appear in the Agreed Decree of Divorce). At the commencement of, and at all stages during, the negotiation of this Agreement, James W. Evans, the attorney for CLIENT informed all Parties that the attorney has acted solely as counsel for CLIENT and has not advised or represented NON CLIENT SPOUSE (Name will appear in Agreed Decree of Divorce) in any manner whatsoever. NON CLIENT SPOUSE, at the commencement of, and at all stages during, the negotiation of this Agreement has been told that he/she could and/or should be represented by his/her own counsel of his/her own choosing, but at all times has elected not to do so. Both Husband and Wife have read this Agreement carefully and thoroughly, fully understand each of its provisions, and, therefore, sign it freely and voluntarily.

Disclosure Disclaimer

Each party represents and warrants to the other party that he or she has, to the best of his or her ability, made to the other party a fair and reasonable disclosure of the nature and extent of the community property of the parties, including values, and financial obligations, contingent or otherwise before their execution of this *Agreed Decree of Divorce*. Each party additionally acknowledges that, before the signing of the agreement, he or she has been provided a fair and reasonable disclosure of the community property and financial obligations of the parties before the execution of this *Agreed Decree of Divorce*. Furthermore, and before the execution of this *Agreed Decree of Divorce*, each party has previously offered to provide, or has provided, to the other party all information and documentation pertaining to all community property, including income and value, and all financial obligations that have been requested by the other party. Each party acknowledges that he or she has, or reasonably could have had, full and complete knowledge of the community estate of the parties and of all financial obligations of the community estate of the parties.

CLIENT SPOUSE SIGNATURE

NON CLIENT SPOUSE SIGNATURE

FIRM CONTACT INFORMATION

EVANS FAMILY LAW GROUP

FAMILY LAW ATTORNEY

WWW.EVANSFAMILYLAWGROUP.COM

ATTORNEY

JAMES W. EVANS

(512) 628-2571 DIRECT LINE

(512) 689-8319 CELL

(512) 628-2551 FAX

JIMMY@EVANSFLG.COM

LEGAL ASSISTANT: DINA ORONA

(512) 628-2550 TEL

(512) 628-2554 DIRECT

DINA@EVANSFLG.COM