



STEVEN J. LANE

SAMPLE - ISSUES ADDRESSED
IN A DOMESTIC RELATIONS DEPOSITION

I. BACKGROUND (Name and Telephone)

A. Domicile

1. Length of stay of residence.
2. Residences since date of marriage.
3. When first established residency in Louisiana.

B. Marriage Statistics.

1. Date, place of marriage.

C. Children of Marriage

1. How many.
2. Names, addresses, ages, dates and place of birth.
3. Adopted.

D. Other dependents.

E. Former marriage.

F. Children of the former marriage.

1. How many.
2. Names, addresses, ages, dates and place of birth.
3. Adopted.

II. BACKGROUND - EARNINGS AND PROPERTY

A. Employment.

1. All occupations and salaries
2. Type of work
3. Length
4. Training
5. Certificate or degree
6. Application to graduate school

7. Application for scholarship
 8. Mental or emotional handicap
 9. Psychological effect of daily routine
 10. Physical impairment
 11. Self-employed
 12. Other sources of income
 13. Deductions from salaries
 14. Other
- B. Income Tax Returns
1. Filed a return - state and federal
- C. Current Living Expenses
1. Housing
 2. Food
 3. Household supplies
 4. Clothing
 5. Transportation
 6. Medical and dental
 7. Utilities:
 - (a) Electricity
 - (b) Gas
 - (c) Water
 - (d) Telephone
 8. Laundry
 9. Personal and grooming
 10. Educational:
 - (a) School
 - (b) Lunch
 - (c) Books, etc.
 11. Entertainment
 12. Insurance
 13. Fixed Obligations
 14. Miscellaneous
 15. Support others with expenses
 16. Spouse's routine
 17. Requests that spouse work
- D. Support of children
1. Amount provided during marriage
 2. Child's routine
 3. Allocation of expenses under II(c)
- E. Clubs and Organizations
- F. Creditors

1. Outstanding obligations
 2. Credit cards (limit; amount owed; subjects of charges)
 3. All loans (sources; amounts; notes; interest; repayment; source of funds for repayment)
- G. Debtors
- Who, what, when, where, why
- H. Ownership of Personal Property
1. Automobile
 2. Furniture/Household goods
 3. Other property
- I. Business Interests
1. Business enterprises with others
 2. Amount involved (interest; loan; line of credit)
 3. Type of entity
 4. Stockholders and percentage
 5. Position
 6. Capital contributions; distributions (K-1's)
 7. Tax losses
 8. Income derived
 9. Benefits
 10. Effects on other properties owned
 11. Effects on financial condition
 12. CPA; accountants
 13. Buy-Sell Agreements; Sales Restrictions (Partnership Agreements)
 14. Status of business
- J. Securities
1. Stocks
 2. Number of shares
 3. Value
 4. When purchased
 5. Source
 6. Income
 7. Certificates of Deposit, money markets, Treasury bills, Treasury Notes and Bonds.
- K. Bank Accounts -
who, what, when, where, amount
- L. Safe Deposit Boxes
1. When, where, number, access and amount

M. Ownership of Real Property

1. Maintenance Costs
2. Improvements
3. Sales, transfers or interests
4. Notes
5. Where; who purchased
6. Price; value; appraisal
7. Source; note; security; generated; income; encumbrances.

N. Property held by a Third Person

O. Gifts

1. To family; friends; children; others (occasions and amounts)
2. Money to persons
3. Dinner, expenses, trips

P. Life Insurance Policies

1. Insurer; insured; owner; beneficiary
2. Face amount; number, type, surrender value; amount indebted.

Q. Community Property

What, when, where, amount (purchased and now) possession

R. Separate Property

1. What, when, where, who gave, amount (then and now)
2. Disposition and sale (appraisals)
3. Spouse's property

S. Financial Records

1. Lists of Assets/Liabilities
2. Bank Statements
3. Income/expenses
4. Business Profit and Loss Statements

T. Alimony

1. How much is needed.
2. Prior discussions.

U. Lifestyle

1. Describe manner
2. Vacations
3. Gifts

4. Clubs and organizations
5. Entertain company
6. Dinner and movies
7. Serious loss or catastrophes

V. Income

1. Gross; net; salary; bonuses; dividends
2. Rents; royalties; leases; sales; loans
 - (a) From whom
 - (b) Amount
 - (c) Why
3. Expenses

W. Retirement Plans

1. Types
2. Percentage participation
3. Trustee
4. Date and amount of contribution
5. Date and amount of withdrawals

III. GROUNDS - CRUELTY (what, where, when, witness)

A. Denial of love

1. Statements, writings made

B. Expressions of dissatisfaction with spouse

1. Regarding sex, intelligence, as parent
2. Regarding speech, dress, family background
3. Reasons

C. Dissatisfaction with marriage

1. Mistake? Failure?

D. Preference of Companionship of Others

E. Letters concerning marital status.

F. Recording of Spouse's faults (diary)

G. Periods of silence.

H. Absences from home.

I. Communication with former spouse.

- J. Membership/participation in organizations.
- K. Refusal of Sexual Intercourse
 - 1. How often
- L. Request for Divorce
- M. Profanity
- N. Accusations of criminal misconduct
- O. Attempted commitment to mental institution
- P. Accusations of Adultery
- Q. Particular offensive statements
 - 1. Explanation/retraction
- R. Conversation Causing Distress
- S. Failure to Defend Spouse Against Abuse
- T. Association with improper persons
 - 1. Drinker
 - 2. Crook/criminal
 - 3. User of profanity
 - 4. Times brought to house
 - 5. Necessity of calling police.
- U. Failure to allow visitors
- V. Opening other spouse's mail.
- W. Intoxication
- X. Abuse of Children
 - 1. Thrown objects
 - 2. Beatings
- Y. Threats of force and violence
- Z. Physical assaults
 - 1. Thrown objects
 - 2. Beatings

- AA. Arrests for violence
- BB. Injuries caused to spouse.
- CC. Prevent receipt of medical attention.
- DD. Locking spouse out of home.
- EE. Insults, criticism, ridicule
- FF. Threats to leave
- GG. Forgiveness and condemnation

IV. GROUNDS - ADULTERY

- A. Facts concerning alleged paramour
(History of initial relationship)
 - 1. Who, when and where
 - 2. Number of times
 - 3. Marital status
 - 4. Children
 - 5. Sexual problems
 - 6. Spouse drive to sex?
 - 7. Spouse good parent; ridicule; felony; attacks; slander; drugs; beat child; drink?
- B. Corroborating circumstances
 - 1. Gifts and loans to alleged paramour
 - 2. Payment of expenses of paramour
 - (a) II(c) expenses
 - 3. Trips together
 - 4. Sharing hotel room
 - 5. Sexual relations
 - 6. Admission of love of paramour to spouse
 - (a) Told of sexual relations
 - 7. Failure to heed request to discontinue association
- C. Spouse's emotional distress
- D. Dating persons of opposite sex?
 - 1. Left city?
- E. Evenings away from home.
(who, what, when, where, why)
 - 1. Explanation to spouse.
- F. Particular activities.

- G. Acts of adultery
 - 1. Ever committed it.
 - 2. Convicted of it.
 - 3. Arrested for it.
 - 4. Lewd, indecent, improper conduct.

V. GROUNDS - ABANDONMENT

- A. Facts of abandonment
 - 1. Date, reasons
- B. Intention to return
 - 1. Statements
- C. Ability to return
- D. Subsequent returns
 - 1. Intent to remain permanently
- E. Offer to resume cohabitation
 - 1. By spouse
- F. Missing persons report
- G. Residence during abandonment
- H. Places of employment
- I. Military Service
- J. Insanity
 - 1. Adjudged insane
 - 2. Committed
- K. Hospitalization
- L. Imprisonment
- M. Refusal to Follow Husband
 - 1. Opportunity to leave/remain
 - 2. Husband's request to follow
- N. Constructive Abandonment

1. Ordered not to return
 2. Locked out/changed locks
- O. Reconciliation
1. Offer to cohabit
 2. Via letter
 3. Via telephone
 4. Via personal visit
- P. Communications after Abandonment
- Q. Support received during abandonment
1. Actual, or just offer
 2. Via what methods
- R. Just cause for leaving
1. Failure of spouse to fulfill mutual obligations
 2. Refusal to cook
 3. Unkempt, untidy, filthy
 4. Fighting/verbal abuse
 5. Cruelty, in general
 6. Other causes/grounds for divorce or separation

VI. GROUNDS - NONSUPPORT

- A. Circumstances of nonsupport
1. Monies paid, received
 2. Household and personal necessities
- B. Termination of Support
1. When, why
- C. Known standard of living
1. Monthly household allowance
 2. Value of home
 3. Use of automobile
 4. Amount of personal belongings
- D. Claim of Proper Support
1. Manner, amount, when
- E. Receipt of Public Assistance

1. Dates
 2. By spouses, children
- F. Request for Support
1. Amounts paid
 2. How often
- G. Ability to provide support
1. Capacity for earning wages
 2. Receiving disability payments
- H. Income and Assets
1. Monthly income
- I. Ownership of Family Home
- J. Spouse's Expenditures
1. Food
 2. Clothing
 3. Alcoholic beverages
 4. Nightclub entertainment
 5. Motion picture entertainment
 6. Tobacco
 7. Gifts to friends, relatives, children
 8. Poker
 9. Sports equipment
 10. Toiletries
- K. Spouse's Financial Records
1. Accounts, budgets
- L. Plaintiff's contributions of support
1. From loans
 2. From employment
 3. Creditor's demands
- M. Excuses for nonsupport.

VII. CUSTODY

- A. Custody General
1. Arrangement preferred
 - (a) discussions with individuals

- (b) factors considered
 - (c) specific instances recalled
 - 2. Day-to-day care history during the marriage
 - (a) responsibilities of each parent (when and why)
cooking; cleaning; dress; school meetings; recreation; medical; religion; homework; transportation)
 - 3. Custodial history since physical separation
 - (a) who, what, when, where, why
 - (b) day-to-day responsibilities of each parent
 - (c) Relationship of parties concerning access (denials; arguments; discussions; opinions in major decision-making areas)
 - 4. Opinion regarding the best interest of the child
 - 5. Child's preference (discussions and parents' responses)
- B. Support Requests
(Cost of maintaining child under II(c))
- (a) past
 - (b) present
 - (c) future
- C. Deponents family history
- (a) Parents and immediate family
 - (b) Parents marital status
 - (c) Mental, physical and emotional condition of parents
- D. Circumstances of marital termination.
- 1. Basis for separation
 - 2. Basis for divorce
 - 3. Findings of the trial court in each instance
 - 4. Effect on children - physical, mental, emotional, daily activities.
 - 5. Relationship to children since the physical separation
- F. Residence
- 1. Description
 - (a) Rooms
 - (b) Yard
 - (c) Future relocation plans
 - 2. Attempts to sell
 - 3. Attempts to rent
 - 4. Existence of lease agreements
 - 5. Neighborhood zoning description
 - 6. Other inhabitants
- G. Education

1. Types of schools
 2. Distance from home
 3. Future educational intentions
 4. Children's grades
 5. Teachers
 6. Study habits; report cards; school meetings and conferences
- H. Mental and physical health of deponent
1. Infirmities or chronic ailments
 2. Physicians, psychiatrist, psychologists
 3. Treatments
 4. Marital counselling-who, what, when, where (both parties)
- I. Mental and physical health of children
1. Infirmities or chronic ailments
 2. Physicians, psychiatrist, psychologist
 3. Treatments
 4. Marital counselling-who, what, when, where (both parties) (who, what, when, where, why)
- J. Employment Demand
1. Work load
 - (a) Days; hours
 - (b) Superiors and equals
 - (c) advancement, development of deponent and equals
 - (d) various employment locales (traveling)
 - (e) duties
- K. Marital status
1. Who, when, where
 2. Activities
 3. Disagreements regarding children
 4. Prior marriages
 5. Who, what(dissolution) when, where, why
- L. Character and reputation
1. Felony and misdemeanors
 2. Who, what, when, where, why
 3. Habitual intemperance (supra)
- M. Religious beliefs
1. Churches attended
 2. Activities
 3. Ex-spouse's religion

4. Offices held
5. Supreme being
6. Involvement of children and parents

N. Background of child

1. Birth-when, where, physicians
 - (a) past illnesses
2. Injuries and circumstances
3. Allergies
4. Hospitalizations
5. Activities with child
 - (a) what, when, where, with whom
6. Daily activities
 - (a) children's allergies
 - (b) children's doctors
 - (c) special medications
 - (d) occasions you have taken children to the doctor
 - (e) occasions you have taken children shopping
 - (f) clothes sizes
 - (g) friends of children
 - (h) children's grades
 - (i) friends of children
 - (j) children's grades
 - (k) Parent-teacher meetings
 - (l) favorite subjects of children
 - (m) school activities
 - (n) activities out of school
 - (o) sexual practices
 - (p) alcoholic tendencies of children
 - (q) nighttime activities
 - (r) Maids and babysitters
 - (s) homework habits
 - (t) school counselors
 - (u) tutors
 - (v) cooking of meals
 - (y) discussions with ex-spouse re: affect of divorce litigation on children
 - (z) conversations with children regarding divorce litigation

 - (aa) children's sexual problems
 - (bb) reprimands by parent
 - (cc) specific incidents showing parent is unaware of child's behavior and activities.
7. Third party relations with children
 - (a) Import of both sexes
 - (b) Opposite sex friends
 - (c) Opposite sex relatives

(present, discussions, activities, relation with children, influence)

8. Former spouse
 - (a) shortcomings relating to deponent
 - (b) shortcomings relating to children
 - (c) basis for denial of sole or joint custody
 - (d) favorable traits of deponent
 - (e) favorable traits of client

9. Visitation problems
 - (a) who, what, when, where, why
 - (b) Children's conduct, pre and post visitation

10. Impediments to custody
 - (a) past, present and future
 - (b) specific examples
(employment; altered arrangement; forgetfulness)