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**CLIENT CUSTODY INFORMATION**

Please fill out this questionnaire and return it as soon as possible. It is important that you answer all questions fully.

It is imperative that you be candid!

You should answer all questions relevant to your case. If a question does not apply to your particular situation, please indicate by marking the question "N/A". If the answer to any question requires more space than has been provided on the form, please complete your answer on a separate sheet: Refer to the question number to which your answer applies and attach your answer to this questionnaire.

Your responses to these questions will help to organize your case and will save you money on attorney's fees in trying to gather and assemble information after the case is in progress.

Since your answers are being made to an attorney, you are assured of confidentiality and are protected by the attorney/client privilege.

**ATTORNEY/CLIENT PRIVILEGE ASSERTED AS TO ALL  
INFORMATION CONTAINED HEREIN**

BACKGROUND INFORMATION:

<u>About You</u>	<u>About your spouse or ex-spouse</u>
Your name: _____	(Ex) Spouse's name: _____
Address: _____	Address: _____
_____	_____
Telephone: _____	Telephone: _____
Birthplace: _____	Birthplace: _____

**CUSTODY: INTROSPECTIVE VIEW**

- List and explain all your good qualities as a parent.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- List and explain all your shortcomings as a parent.  
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3. List and explain all your spouse's good qualities as a parent.

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4. List and explain all your spouse's shortcomings as a parent.

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5. Complete a martial history beginning with your dating relationship with your spouse. Emphasize any and all important events/episodes with particular reference to your child(ren).

6. Keep a daily trial journal.

7. Secure photographs of you and your child(ren) participating in various activities.

8. Detail, in your opinion, why it would be in the best interest of your child(ren) for you to be named the managing conservator of your child(ren).

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9. List why it would not be in the best interest of your child(ren) for your spouse to be named the managing conservator of your child(ren).

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10. Prepare a complete list of witnesses, their addresses, phone numbers, whether they will need to be subpoenaed to testify, and most importantly, about what each witness can testify.

**DO THE FOLLOWING, IN ADDITION TO THE ABOVE, IF YOUR CASE INVOLVES  
A CHANGE OF CUSTODY:**

11. List any and all material and substantial changes in conditions (since the date of the last order regarding custody) with reference to (a) your situation, (b) your child(ren), and (c) your ex-spouse.

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12. List why your appointment as the new managing conservator would be a positive improvement.

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## INFORMATION FOR CUSTODY CLIENTS

The considerations which I focus upon in a custody case are as follows:

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|--|----------------------------|
| 1. Love and Affection                    | 10. Future Plans           |
| 2. Discipline                            | 11. Goals and Ambitions    |
| 3. Personal Responsibility               | 12. Housing and Homemaking |
| 4. Formal Education                      | 13. Day Care               |
| 5. Extracurricular activities            | 14. Availability           |
| 6. Leisure Time                          | 15. Social Abilities       |
| 7. Religious, Moral and Ethical Training | 16. Prior Experience       |
| 8. Developmental Model or Example        | 17. Temporary Orders       |
| 9. Ulterior Motives                      |                            |

These considerations are the basis for comparing the parties and their parenting abilities. Each category's meaning is set out in the following pages.

### LOVE AND AFFECTION

Which party provides the best kind and degree of love and affection for the child? For example, which seems to care to most? Which do the child or children respond to more readily? Which seems more willing to make sacrifices for the good of the child or children, while at the same time appropriately encouraging their quest for independence? Which seems to enjoy the company of the children more, and is better able to laugh and play with them constructively? The answers to these questions will have high priority on the list of considerations.

### DISCIPLINE

Which party provides the best discipline for the child? Most people recognize that proper discipline is necessary for any person to achieve reasonable goals in life, and particularly for children. The setting of limits, and a system for enforcing them, is a basic requirement of parenting. For example, which party has the best approach to curfews, and the best methods of enforcing them? A judge or a jury will know that the parent who doesn't know where his or her child is and what he or she is doing is asking for serious trouble for that child and the parent as well.

### PERSONAL RESPONSIBILITY

By personal responsibility I mean essentially self-discipline. For example, which of the parties makes the greater effort to see that the child keeps his room clean, bed made, teeth brushed, clothes put away, etc. These are habits which are obviously not the most important in themselves, but indicate which parent is better equipping the child to take care of himself in the future. A sense of self-discipline is an extremely important cornerstone of personal development, and it can begin at home in simple but effective ways.

### FORMAL EDUCATION

Which party is more committed to education? For example, which person helps with homework, attends conferences with teachers and encourages good grades? This category rates very high on the list of considerations. A judge or the jury will no doubt feel some debt of gratitude to a parent or parents who encourage children in their formal education.

### EXTRACURRICULAR

Which person encourages athletics, music lessons, Boy Scouts, and the like? Which seems more willing to make the sacrifices necessary to permit participation? For instance, wouldn't it have been a tragedy if Roger Staubach had been raised by parents who refused to permit or make the sacrifices that allowed him to develop

his talent?

### LEISURE TIME

Leisure time is a powerful restorative, and a wonderful opportunity to develop special interests which formal education and extracurricular do not satisfy. It is also an opportunity for destructive influences to work. Supervision is important, as well as the availability of sources of enjoyment such as playmates, playground, or perhaps books, games and the like. Which of the parties can provide the best resources for the child in this regard?

### RELIGIOUS, MORAL AND ETHICAL TRAINING

The law is committed to religious freedom, and that is as it should be. But when judges and juries are required to play parents because of the failure of a particular family unit, they will of necessity have to make a judgment about which party to the custody suit will provide the best approach to religion. Moral and ethical training are similar subjects. Those tenets that are time tested and therefore seem more reliable will be more acceptable than others. Which party seems more committed to appropriate and reasonable courses of training for the child in these matters? Church attendance, Sunday school, and religious activities are clues to the kind of influences the child will be subjected to.

### DEVELOPMENTAL MODEL OR EXAMPLE

Which person displays the better personal characteristics required for living respectably and responsibly and successfully in the world of the child's future? For example, which demonstrates the best coping abilities, that is, who can best make a living and be a parent at the same time he or she is maintaining a happy or at least wholesome personal life? If a parent's example is one of promiscuity, excessive drinking, lax personal discipline, etc., the judge or a jury will expect the child to develop similarly, even though these aspects of his parent's life are not obvious to the child. It is difficult to conclude that a person's problematical personal life will not affect the child, at least to some degree. In any event, I think that juries tend to prefer the person who is generally more stable and wholesome, judged according to a rather traditional set of values.

### ULTERIOR MOTIVES

If you are the mother, do you want the child for child support payments or other benefits, such as welfare or social security, which are available to the managing conservator? Or if you are the father, are you only being spiteful because of your failures as a husband? And don't forget to look for the influences of other persons, such as grandparents, who are through their own child seeking custody of their grandchild. In this regard, one always expects a grandparent to side with her child, so in deciding whether she is the ulterior motive, the judge or a jury will look beyond this natural alignment with such questions as: who will keep the child while the parent is working, or how often has temporary visitation been conducted at the grandparent's?

### FUTURE PLANS

Do they include planning for the care and upbringing of the child? Do they seem conducive to proper parenting? For example, are you planning to remarry? If so, how will your intended spouse stand up to the scrutiny of the jury? And if the plans represent a substantial departure from the way the parent has lived and done things in the past, will they really be implemented?

### GOALS AND AMBITIONS

Which party displays the more appropriate desires for the future? And which seems to be the most able to accomplish what you intend? A father going to night school four nights a week after work is to be applauded, but will he have sufficient time to be a parent? On the other hand, a fellow who can't seem to keep a job won't be a very good example to a youngster, particularly when compared with a hardworking mother who is getting

ahead within the confines of a nine to five job five days a week. She may be able to teach the youngster more about success and happiness in the real world than either of the fathers mentioned above.

HOUSING AND HOUSEKEEPING

Most people would think that mothers are cinch winners in this category. However, more often than not a custody case reveals Mom to be a sloppy housekeeper. In any event, housekeeping is very important to youngsters, and to juries who are choosing a parent. That is not to say that the best is required. Sometimes the best housekeeper is so preoccupied with those chores that he or she pays attention to nothing else. Look for the happy medium. It's been my experience that such is most often preferred. As to the physical facilities, which of the parties will have adequate housing for the child after the verdict? For example, Dad is going to have to be pretty bad, or Mom is really going to have to shine in other categories, if all she has to offer by way of housing after the trial is a one-bedroom apartment in a singles complex.

DAY CARE

Historically, one of the reasons that mothers have been preferred as managing conservators is that they were available to care for the child or children all day long while father worked. Mother might still be preferred by juries for this reason (despite the instruction that sex shall not be considered) in a case where father makes enough that mother can stay home.

PRIOR EXPERIENCE

Which of the parties has had most of the prior responsibility for the raising of this child? For example, if the child is emotionally unstable and lagging in development, and one of the parties has primarily been responsible for his or her upbringing, perhaps that party is to be avoided as a choice for managing conservator. However, that is not to say a lot about the one who now seeks to deprive the prior influencer of the child, unless that one has had little opportunity to do anything about it before now. A father who has accepted his wife's parenting for several years should be scrutinized carefully when his testimony scathingly criticizes what his wife had done in the past. They may be two peas from the same pod.

TEMPORARY ORDERS, (If you are at that point, yet).

Were they agreed? If so, can this really be a serious custody dispute? If they were not agreed, how has the child fared under the temporary arrangement? If the mother was appointed temporary managing conservator, has the father taken every opportunity to visit? Has he fulfilled his support obligations? Same questions to the mother when the father has been the temporary managing conservator.

The categories devised are not exhaustive of the possibilities by any means, nor have all the relevant questions pertaining to each been stated. In addition, some categories will overlap others in a particular case. Nevertheless, this approach is of great assistance in coming to grips with the competing interests represented in a custody case.

**FATHER INFORMATION**

**MOTHER INFORMATION**

Social Security # \_\_\_\_\_

Social Security # \_\_\_\_\_

Driver's license # \_\_\_\_\_

Driver's license # \_\_\_\_\_

Employer: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer's

Employer's

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Position: \_\_\_\_\_

Position: \_\_\_\_\_

How long with  
current employer? \_\_\_\_\_

How long with  
current employer? \_\_\_\_\_

Prior employment: \_\_\_\_\_ Prior employment: \_\_\_\_\_

Prior marriage: \_\_\_\_\_ Prior marriage: \_\_\_\_\_  
Children of prior marriage? \_\_\_\_\_ Children of prior marriage? \_\_\_\_\_  
Names and birth dates of children of prior marriage: \_\_\_\_\_ Names and birth dates of children of prior marriage: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE & PLACE OF MARRIAGE TO SPOUSE OR EX-SPOUSE WITH WHOM THIS DISPUTE HAS ARISEN:

Date of marriage: \_\_\_\_\_  
Place of marriage: \_\_\_\_\_

INFORMATION ABOUT DIVORCE FROM EX-SPOUSE (IF THIS IS AN ACTION FOR MODIFICATION):

Date of divorce: \_\_\_\_\_  
Place of divorce: \_\_\_\_\_  
Court: \_\_\_\_\_  
Name of Judge: \_\_\_\_\_  
Name of your previous attorney: \_\_\_\_\_  
Name of your ex-spouse's previous attorney: \_\_\_\_\_  
Have there been any changes in custody, visitation, or support formally - or informally?  
\_\_\_\_ Yes \_\_\_\_ No  
If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the order that is now under dispute entered by agreement or after a contested trial?  
\_\_\_\_\_

BASIC INFORMATION ABOUT CHILDREN OF THIS MARRIAGE:

<u>Name</u>	<u>Birth date</u>	<u>Birthplace</u>	<u>Social Security No.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If you want sole custody of your children, please tell me why you think you should have sole custody in fifty words or less:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With whom do the children currently live? \_\_\_\_\_

Period of time in which this living arrangement has been in effect? \_\_\_\_\_

Names and addresses of schools children attend, dates attended and name of teacher or principal there who is

familiar with child:

Child's name: \_\_\_\_\_  
School: \_\_\_\_\_  
Address: \_\_\_\_\_  
Dates attended: \_\_\_\_\_  
Grade: \_\_\_\_\_  
Teacher or principal: \_\_\_\_\_

Child's name: \_\_\_\_\_  
School: \_\_\_\_\_  
Address: \_\_\_\_\_  
Dates attended: \_\_\_\_\_  
Grade: \_\_\_\_\_  
Teacher or principal: \_\_\_\_\_

Child's name: \_\_\_\_\_  
School: \_\_\_\_\_  
Address: \_\_\_\_\_  
Dates attended: \_\_\_\_\_  
Grade: \_\_\_\_\_  
Teacher or principal: \_\_\_\_\_

CARE OF THE CHILDREN:

To the extent that both you and your spouse or ex-spouse have shared the responsibilities listed below, describe the degree to which the responsibilities have been shared:

Who helps the children get dressed in the morning? \_\_\_\_\_

Who bathes the children and grooms them? \_\_\_\_\_

Are any of the children nursing? \_\_\_\_\_

Who takes care of the children during the day? \_\_\_\_\_

Who arranges for getting children together with playmates? \_\_\_\_\_

Who puts the children to bed at night? \_\_\_\_\_

Who prepares meals? \_\_\_\_\_

Who arranges medical and dental care and takes children? \_\_\_\_\_

Who takes the children to school? \_\_\_\_\_

Who picks the children up from school? \_\_\_\_\_

Who shops for the children's clothes? \_\_\_\_\_

Who transports the children to extracurricular activities? \_\_\_\_\_

Do you or your spouse participate in recreational or educational activities with the children?

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Describe the nature of the activities and how often you and your spouse or ex-spouse participate in them? \_\_\_\_\_

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Do the children receive religious training? \_\_\_\_\_

If so, from whom? \_\_\_\_\_

Who arranges the children's birthday parties? \_\_\_\_\_

Who helps the children with their homework? \_\_\_\_\_

Who attends parent-teacher conferences? \_\_\_\_\_

Are the children more likely to turn to you or to your spouse or ex-spouse when they have problems? \_\_\_\_\_

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Do you feel the children are closer to you or you spouse or ex-spouse? \_\_\_\_\_

Are the children in day-care or with a sitter? \_\_\_\_\_

If so, how many hours per week? \_\_\_\_\_

Give name, address, and telephone number of the day-care service or sitter:

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Who arranges for the day-care or sitter? \_\_\_\_\_

Who cares for the children when they are ill? \_\_\_\_\_

Who disciplines the children? \_\_\_\_\_

By what method? \_\_\_\_\_

Has the division of responsibility for child care changed over the years? \_\_\_\_\_

If so, describe: \_\_\_\_\_

**TIME AVAILABLE TO SPEND WITH THE CHILDREN AND PLANS FOR THEIR FUTURE CARE:**

What are your working hours? \_\_\_\_\_

What time do you leave home? \_\_\_\_\_

When do you return? \_\_\_\_\_

Do you have flexible working hours? \_\_\_\_\_

Does your work require travel? \_\_\_\_\_

If so, what distances and amounts of time? \_\_\_\_\_

Is your work schedule likely to change in the future? \_\_\_\_\_

What are your plans for child care? \_\_\_\_\_

Describe your housing arrangements, including number of bedrooms: \_\_\_\_\_  
\_\_\_\_\_

What are your spouse's or ex-spouse's working hours? \_\_\_\_\_

What time does your spouse or ex-spouse leave home? \_\_\_\_\_

When does your spouse or ex-spouse return? \_\_\_\_\_

Are your spouse's or ex-spouse's working hours flexible? \_\_\_\_\_

Does your spouse's or ex-spouse's work require travel? \_\_\_\_\_

If so, what distances and amounts of time? \_\_\_\_\_

Is your spouse's or ex-spouse's work schedule likely to change in the future? \_\_\_\_\_

What are your spouse's or ex-spouse's plans for child care? \_\_\_\_\_

Describe your spouse or ex-spouse's housing arrangements, including number of bedrooms:  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIAL NEEDS OF THE CHILDREN:**

Do the children have any special or unusual educational or health care needs? \_\_\_\_\_  
If so, describe them. \_\_\_\_\_

Who has worked to meet those needs? \_\_\_\_\_

Are you or your spouse or ex-spouse better able to meet those needs? \_\_\_\_\_  
Why? \_\_\_\_\_

Has the children's academic performance changed in the last few years or months? \_\_\_  
If so, what is the reason for the change? \_\_\_\_\_

**INTERFERENCE WITH OTHER PARENT'S RELATIONSHIP WITH CHILDREN:**

Have you or your ex-spouse interfered with the child's relationship with the other parent or spoken badly about the other parent to the child? \_\_\_\_\_  
If so, explain: \_\_\_\_\_

Have you or your ex-spouse blocked the other parent's visitation with the children? \_\_\_\_  
If so, explain, giving dates and frequency with which visitation was blocked:  
\_\_\_\_\_  
\_\_\_\_\_

Have you or your ex-spouse discouraged the child from having a good relationship with a step-parent or a "significant person" in the other parent's life? \_\_\_\_\_  
If so, explain: \_\_\_\_\_

**COOPERATION BETWEEN YOU AND YOUR SPOUSE OR EX-SPOUSE:**

How well have you and your spouse or ex-spouse been able to cooperate on matters concerning the children and on matters concerning visitation or access to the children?

\_\_\_\_\_  
\_\_\_\_\_

To what extent do you and your spouse or ex-spouse share values regarding how the children should be raised, what type of education they should have, and what type of religious training they should have (if any)?

\_\_\_\_\_  
\_\_\_\_\_

**FREQUENCY OF MOVES AND PLANS TO MOVE:**

Have you or your ex-spouse moved in the last ten years? \_\_\_\_\_  
If so, when and where (include moves in the same city)?

\_\_\_\_\_

Do you or your spouse or ex-spouse plan to move in the near future? \_\_\_\_\_  
If so, when and where? \_\_\_\_\_

\_\_\_\_\_

Does the parent who is not moving oppose the move? \_\_\_\_\_  
Why? \_\_\_\_\_

\_\_\_\_\_

**"SKELETONS IN THE CLOSET" AND SENSITIVE TOPICS:**

IT IS IMPERATIVE THAT YOU BE OPEN AND HONEST IN ANSWERING THE FOLLOWING QUESTIONS. ANY DISCUSSION RELATING TO ANY OF THESE TOPICS BETWEEN YOU AND YOUR ATTORNEY WILL BE PROTECTED BY THE ATTORNEY/CLIENT PRIVILEGE. IF YOU FAIL TO BE HONEST IN ANSWERING THESE QUESTIONS, IT COULD BE ABSOLUTELY DISASTROUS TO YOUR CASE.

IF AN ANSWER TO ONE OF THE QUESTIONS BELOW IS "YES", PLEASE DESCRIBE THE SITUATION IN DETAIL.

Have you or your spouse or ex-spouse:

- \_\_\_\_\_ committed a felony?
- \_\_\_\_\_ been arrested?
- \_\_\_\_\_ been in jail or prison?]
- \_\_\_\_\_ used illegal drugs?
- \_\_\_\_\_ abused prescription drugs?
- \_\_\_\_\_ abused alcohol?
- \_\_\_\_\_ been arrested for or convicted of driving while under the influence of alcohol (drunk driving)?
- \_\_\_\_\_ engaged in gambling activities (legal or illegal)?
- \_\_\_\_\_ engaged in other illegal activities?
- \_\_\_\_\_ attempted suicide?
- \_\_\_\_\_ been hospitalized for an emotional or psychiatric disorder?
- \_\_\_\_\_ suffered from or received treatment for an emotional or psychiatric condition?
- \_\_\_\_\_ abused your spouse?
- \_\_\_\_\_ abused your child?
- \_\_\_\_\_ had a sexual relationship during the marriage with someone other than your spouse?
- \_\_\_\_\_ had a sexual relationship (during or not during the marriage) with someone other than your spouse of which the children were aware? If so, described the children's reaction to the

relationship and the children's feelings about the person(s) involved in the relationship.  
\_\_\_\_\_ had a homosexual relationship?  
\_\_\_\_\_ engaged in unusual sexual practices?  
\_\_\_\_\_ had a pregnancy outside of marriage?  
\_\_\_\_\_ had a venereal disease?  
\_\_\_\_\_ drunk socially? If so, what do you drink and with how often?

If you or your spouse or ex-spouse have a relationship with a person whom the children see frequently and that person would answer "yes" to one or more of the preceding "skeleton in the closet" questions, describe the situation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you or your spouse suffer from any physical disability that would interfere with being able to care for the children? \_\_\_\_\_

CHILDREN'S PREFERENCES:

Have the children told you with whom they want to live? \_\_\_\_\_

If so...

What is the basis for the preference? \_\_\_\_\_

How strong is the preference? \_\_\_\_\_

How long has the preference been held? \_\_\_\_\_

Has the preference changed? \_\_\_\_\_

How would you feel about the children talking to the judge regarding their preferences?

\_\_\_\_\_

CHILDREN'S RELATIONSHIP WITH OTHER FAMILY MEMBERS:

How do the children get along with each other? \_\_\_\_\_

How do the children get along with step-parents? \_\_\_\_\_

How do the children get along with step-brothers and step-sisters? \_\_\_\_\_

Do the children have particularly close relationship with either or both sets of grandparents?

\_\_\_\_\_

Do the children have a strong relationship with anyone else that you believe is important?

\_\_\_\_\_

GOALS:

What are your future goals with the children and the reasons for your goals?

\_\_\_\_\_  
\_\_\_\_\_

What extent do you think that you and your ex-spouse should have joint custody (sometimes called "shared parental responsibility") under which you both would equally make major decisions affecting the child and/or being with the child for substantial periods of time?

\_\_\_\_\_

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What are your spouse's future goals with the children and the reasons for those goals?

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Have you and your ex-spouse attempted to work out a settlement of the case between yourselves? What progress have you made? What are your positions?

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Who do you think would make good witnesses for you and what do you think the testimony would be? Possible witnesses include neighbors, the children's teachers, friends, doctors, baby sitters, day-care workers, clergy and family members.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Who do you think will be witnesses for your spouse or ex-spouse and what do you think will be the testimony of those persons?

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_  
Testimony: \_\_\_\_\_