

Family Law Information

Please read and initial next to each paragraph, then sign on the last page and return to our office.

Court and Judge Selection

1. _____ My case will be assigned to the court of continuing jurisdiction or if a new case, randomly to either the 74th, 170th, or 414th District Court.
2. _____ If I am assigned to the 74th District Court, my case will be handled at the Juvenile Detention Center, located at 2601 Gholson Road.
3. _____ If my case is assigned to the 74th or 414th District Court, I understand that setting hearings can be more difficult than in the 170th.
4. _____ I understand that the judge in my case may not follow the law, and that my only remedy would be to appeal after the case is over, and that appeals rarely succeed and are very expensive.
5. _____ I understand that I cannot change which court my case is assigned to absent there being a conflict of interest, such as the judge previously being my or the opposing party's attorney.

Standing Order

6. _____ I understand there is a standing order in effect immediately when my case is filed and that both I and the opposing party must follow the order or we can be sanctioned by the court.

Affidavit of Indigency

7. _____ If I file an affidavit of indigency to waive the court costs, I understand the judge may decide that I am not indigent and order me to pay court costs.

Temporary Orders

8. _____ I understand that temporary orders can be issued in cases where one (or both) parties request them. Temporary orders set up who "temporarily" has custody & visitation of children, how much temporary child support will be paid, and who will pay attorney fees or other bills while the case is pending. Temporary orders can be agreed upon or issued after a contested hearing with the judge.
9. _____ I understand if we have a hearing on temporary orders, we may be put "on the clock" and allowed only a limited time to put on testimony and evidence.
10. _____ I understand that what is ordered in temporary orders is frequently ordered at a final hearing, as far as child custody, support, and visitation, so it is very important to put on a winning case at temporary orders.

Mediation and Arbitration (alternative dispute resolution)

11. _____ Mediation can be a formal or informal settlement process where both parties go to separate rooms, and a neutral third party acts as the mediator, going back and forth between the parties to try to reach a settlement. I understand I can voluntarily mediate a case or the judge can force me to go to mediation prior to trial. A mediated settlement “shall” be enforced by the judge.
12. _____ Mediations are usually scheduled as “whole day” for cases with children.
13. _____ I understand that my attorney has no control over the time a mediation takes and that I am responsible to pay attorney fees and mediation fees for the entire time a mediation takes.
14. _____ Arbitration is a quasi-trial held in front of an arbitrator instead of a judge. Certain arbitrators will put rules on both sides in an effort to make the process faster. Arbitration can be binding or non-binding, meaning the judge either has to follow the arbitrator’s decision or not.
15. _____ I understand that if I signed a pre-nuptial or other agreement, it may require me to participate in mediation and/or arbitration.

Discovery

16. _____ Discovery is the legal process where one party can force the other party to produce copies of documents (such as bank statements & pay stubs), answer questions under oath, admit or deny certain facts, or even appear at a deposition (where questions are asked under oath and recorded by a court reporter).
17. _____ I understand that discovery is not always necessary in every case, but I may request discovery from the opposing party and the opposing party may request discovery from me. and some discovery is mandatory under the 2021 modified rules.
18. _____ I understand that if the opposing party has hired “certain lawyers” they will send voluminous discovery requests no matter what, and that I must answer them, and that answering them will cost additional attorney fees in helping me prepare my answers.
19. _____ I understand that if the opposing party sends discovery requests, I must timely answer them and will present the answers to my attorney as quickly as possible, but in any event no later than 20 days after the opposing party sends the discovery requests.
20. _____ I understand that any evidence I wish to use in trial (photos, videos, texts, emails, etc.) must be presented to my attorney immediately and need to be in a court admissible format. I further understand that if I wait until the month before trial to produce these items, my attorney cannot use them in my trial.
21. _____ I understand that any documents I get from governmental agencies (police reports, deeds, court documents, etc.) must be *certified* copies to be admissible in court. I further understand that the government agency will charge me extra for certified copies.

Witness Statements

22. _____ I understand that if I am wanting a contested hearing on any matter, I must prepare witness statements for all witnesses I expect to testify in the trial (including the opposing party and any witnesses he/she intends to have testify). In those statements, I must include a list of both good *and* bad facts, plus questions I want asked of the witness. I should also include questions I expect the opposing party will ask me or my witnesses so we can be better prepared. *I understand that I must get these witness statements to my attorney no later than 7 days before court so we can be adequately prepared.*
23. _____ I understand that if testimony differs from what is on the witness statements, it can have adverse affect on my case. I need to be truthful with my attorney so we can be prepared and put on the best possible case we can.
24. _____ I understand my attorney will ask me to fill out a separate “prepare for war” packet which asks very personal and potentially embarrassing questions and that I will need to fill it out honestly and accurately to aid the attorney in preparing for trial.

Social Media, Emails, Texts

25. _____ I understand that I must inform my lawyer about all social media accounts that I use (Facebook, Twitter, etc.), emails, and texts and that ANYTHING I post on my accounts, email to others, and/or text to others can and will be used *against* me in court. Therefore it is advisable to not post anything on social media and to deactivate any accounts I do have. It is further important not to text or email anything that I do not want the judge to read.
26. _____ I further understand that hidden, old, and deleted posts, emails, and texts can still be used against me because they exist in cyberspace and can be obtained by subpoena or other means. I also understand it can be considered a crime to delete old posts.

Bench Trial

27. _____ I understand that a “bench trial” means the judge will determine all issues (no jury).
28. _____ I understand that some judges will allow an opening statement and closing argument, others just want to hear the witnesses.
29. _____ The general courtroom procedure is as follows: parties announce ready, the petitioner calls witnesses and presents evidence, the respondent cross examines any witness called by the petitioner, then the respondent calls their witnesses, who are cross-examined by the petitioner.
30. _____ Direct examination means open ended questions, such as “tell us what happened.”
31. _____ Cross examination is often done with “leading questions” which are questions that are generally only answered yes or no, without any allowance for explanation.
32. _____ If I am asked a cross exam question and I want to explain my answer, I understand that my attorney will be allowed to ask me “re-direct” where I can explain.

33. _____ I should always listen carefully to any question I am asked and pause before answering. The pause gives my attorney time to object if necessary.
34. _____ I understand that only one person at a time should talk in court because the court reporter cannot take down notes when more than one is talking.
35. _____ It usually takes somewhere between 6 months and 2 years to schedule a bench trial.

Jury Trial

36. _____ I understand that this law firm will not offer me a jury trial on my case without a specific special retainer agreement. In other words, my choices will be to settle the case or have a trial before the judge, not to have a jury trial unless we enter into a separate agreement (with higher retainer).
37. _____ I understand that if I opt for a jury trial, not only will the cost be substantially more, but being able to schedule a jury trial can be difficult and severely delayed.
38. _____ I understand that juries can only decide on: determining who would be a managing conservator or possessory conservator, who the child(ren) would live with, and whether or not there would be a geographic restriction on where the child(ren) live.
39. _____ I understand that a jury can only give an advisory opinion as to: attorney fees and costs.
40. _____ I understand that a jury cannot decide at all: issues related to determining parentage, child support, specific terms of possession, nor the rights of a conservator.

Agreement in lieu of trial

41. _____ I understand that if we agree to terms, we do not have to have a trial, but we may have to “prove up” the decree with the judge before the case is final. Either myself, or the opposing party (or both) can attend a prove-up hearing.

Notice and Timelines

42. _____ I understand there is a requirement we give the opposing party at least 45 days notice prior to setting a final hearing if we are having a contested case.
43. _____ I understand there is a requirement that we give the opposing party at least 3 days notice prior to setting a contested hearing on temporary orders.
44. _____ I understand the judge *must* reset the final hearing date to allow more time to conduct discovery if more time is requested by the opposing party.
45. _____ I understand the judge can reset any of our court dates for any reason without notice.
46. _____ I understand a child custody case can be moved to another county if the child(ren) live there for a certain amount of time (usually 6 months).

Documents

47. _____ I understand my attorney will shred any documents brought to the office. If I want them returned, I must come pick them up no later than 30 days after completion of my case.

Drugs and Alcohol

48. _____ I understand I may be drug tested and that I must refrain from using illegal drugs (including prescription medication for which I do not have a prescription). Furthermore I must provide proof of valid prescription for certain medications that I am taking. I further understand that if I fail a drug test it is highly likely that I will lose my case. I further understand that a drug test could be by urine, hair, nail, saliva, blood, or other testing procedure.

49. _____ I understand that I should not consume alcohol nor any drug/medication that would impair my ability to drive whenever I am in possession of my child(ren).

50. _____ I understand that the judge may not permit me to smoke cigarettes, consume alcohol, or take certain drugs/medications while I am in possession of my child(ren).

Miscellaneous

51. _____ I understand it is usually frowned upon by the judges to begin a new dating relationship while I am involved in a custody case and doing so could make me lose my case. I further understand that this includes bringing the children around the new romantic interest even in public places such as restaurants.

52. _____ I should assume that at all times I am being video and audio recorded and that everything I do or say will be scrutinized by the judge/jury and that everything I do or say will likely be twisted and taken out of context by the other side's lawyer to make me look bad.

53. _____ Due to the COVID pandemic, many things are changing and/or delayed and that this is out of the control of my attorney.

Date: _____

Sign

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