

DIVORCE MAGAZINE – FAQs AND ANSWERS

LEGAL ISSUES

? “What are Interrogatories and how might they apply in my divorce case?”

Interrogatories are questions that can be asked of a party in a civil action to obtain relevant information with minimal expense. In a divorce case, the judicial council has prepared a set of Form Interrogatories – Family Law which requests information specifically tailored to issues in a divorce such as any agreements between the parties, support provided to or received from others, the other party’s income, copies of tax returns, a list of assets and debts, retirement benefits, any separate property contentions, any claims for reimbursement or credits, children’s special needs, and information relating to attorney’s fees. This information is needed to resolve the issues in your divorce.

FINANCIAL ISSUES

? “How is it determined which of our property is marital and which is separate?”

Marital or community property is defined as all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property. (Family Code §760).

Separate property is defined as (1) All property owned by the person before marriage; (2) All property acquired by the person after marriage by gift, bequest, devise, or descent; and (3) The rents, issues, and profits of the property described in this section. (Family Code §770)