

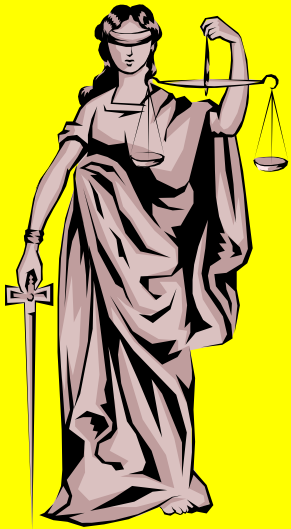
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**CONSULTATIONS
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NEXT ISSUE:

**HOW MUCH DOES A
DIVORCE OR
CUSTODY CASE
COST?**



AndradeLawGroup.com

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ANDRADE LAW_{LLC}



Deconstructing Discovery

By Maricar Andrade, Esq.

What is discovery in the context of family law?

Discovery is the process of gathering facts, financial information, and particular positions on the issues of a divorce, annulment, custody, or child support case.

During a divorce or custody action, am I required to disclose my financial information?

Yes, a party in a contested divorce, annulment, or separate maintenance action in Nevada must complete the court-approved Financial Disclosure Form (FDF). This form should also be filed and served within certain timeframes.

According to Nevada Rule of Civil Procedure 16.2, unmarried parties with custody disputes must also complete certain sections of the FDF.

What are Interrogatories?

In the litigation context, Interrogatories are a way for parties to ask each other questions about specific facts. A party responding to Interrogatories must answer the questions in writing, truthfully, under penalty of perjury. If a party formally objects to an interrogatory, the grounds for the objection must be stated with specificity.

What is a deposition?

A deposition is a discovery tool which is used on a party to the case, or to a third party, to obtain their anticipated testimony before trial. If a person is represented by an attorney, the attorney must attend the deposition. Depositions are recorded and transcribed. In some circumstances, depositions may be admitted as evidence during trial.

What recourse do I have if the other side refuses to turn over information or documents?

A subpoena is one way to obtain records which the other side will not or cannot produce. Subpoenas can be used to obtain information such as employment records, bank records, school records, etc.

If a non-custodial parent is hiding income, can I get copies of his tax returns?

Yes, the discovery process is about discovering information pertinent to your case. Past tax returns can reveal important information relevant to child support, spousal support, and/or asset and debt division. By properly drafting and serving a **Request for Production of Documents (RPD)**, an attorney can help you obtain the other party's tax returns. Such information is usually helpful with negotiation, trial preparation, and settlement. When done correctly, RPD's can also help you obtain other documents for your case.

What happens if a party refuses to comply with discovery?

An experienced attorney can file a Motion to compel an uncooperative party to comply with discovery. A judge can grant sanctions and/or attorney's fees for a party's non-compliance or refusal to disclose information.

At Andrade Law, LLC, our attorneys have experience with the discovery process. Trying to answer questions or get information on your own can be time-consuming and complicated. If you would like to schedule an appointment to meet with one of our attorneys, please call our office.

Family is our business. Let us take care of yours.