

[Home](#)[Calendar](#)[Committees](#)[Contact the
Division](#)[Sponsors](#)[Periodicals](#)[Publications](#)[Resources](#)

GP|Solo Law Trends & News

Family Law

February 2005

Volume 1, Number 2

Table of Contents

The Direct Examination of a Parent Let Your Client's Answers to These 100+ Questions Tell the Story

By Gary N. Skoloff and Jonathan W. Wolfe

Effective litigation of a custody case requires a client to answer certain standard questions. Although each case may raise unique issues and demand its own approach, the following questions provide a broad roadmap for guiding the direct examination of a parent in a custody case. The questions that follow are divided into two lists: (1) areas applicable to both parents, regardless of their working status; and (2) specific areas of focus for a working spouse. Both sets of questions apply, regardless of which party has custody at the time of trial.

Questions for any parent

Background

- Q: What is your date of birth?
- Q: What is your educational background?
- Q: What was the date of your marriage?
- Q: How many children were born during the marriage?
- Q: Did you and your spouse discuss having children?
- Q: What was his or her attitude in that regard?
- Q: What was your spouse's reaction to news of the first pregnancy?
- Q: After the birth of the children, who was principally charged with the care and rearing of the children?
- Q: Did your spouse contribute to the care and rearing of the children during infancy?
- Q: How much time did your spouse devote to the children during their preschool years?
- Q: What is the present state of your physical health?
- Q: What is the present state of your spouse's health?
- Q: Have you ever been arrested or convicted of a felony or misdemeanor other than traffic violations?
- Q: Do you drink alcohol on a regular basis or use any other type of drug or narcotic?
- Q: What is your religion?
- Q: What is the religion of each family member?
- Q: Describe the nature of your religious involvement, such as church or temple membership, frequency of attendance, and observance of religious holidays.
- Q: What is the religion of the children for which you seek custody?
- Q: What is the present state of your children's health?
- Q: Have any of your children suffered from any serious physical injuries or illnesses?
- Q: Could you describe the mental, emotional, and psychological condition of your children?

Previous care of the children

- Q: Describe a typical day in your life with the children.
- Q: Who prepares meals for the children?

- Q: How many meals a day do the children have at home?
 Q: What do the children have for breakfast?
 Q: Who makes it?
 Q: Do they serve themselves?
 Q: How about dinner?
 Q: Do you generally have dinner with your children?
 Q: At what time?
 Q: Does your spouse generally join you for dinner?
 Q: What kind of dinners are served?
 Q: Do the children like those kinds of foods?
 Q: Who does the food shopping?
 Q: Does your spouse ever shop for food?
 Q: Describe your children's table manners.
 Q: How would you describe the children as to cleanliness?
 Q: Who does the family's laundry and sewing?
 Q: Do the children have a pediatrician or a doctor?
 Q: Where is the doctor's office located?
 Q: Who takes the children to the doctor when they are ill?
 Q: How would you describe your relationship with the children's doctor?
 Q: Approximately how many times have you been to that doctor's office with the children over the years?
 Q: Has your spouse ever been to the doctor's office?
 Q: Do the children go for regular medical checkups?
 Q: How often?
 Q: Who takes them?
 Q: Are the children taking any prescription medicine at present?
 Q: Have they taken medicine over the past several years?
 Q: Who gives the children their medicine when they need it?
 Q: Can you tell me about the children's dental history?
 Q: Do they brush their teeth often?
 Q: How do you know?
 Q: Who takes the children to the dentist?
 Q: Who takes your children to the orthodontist?
 Q: Who purchases clothing for the children?
 Q: Can you tell me what clothing and shoe sizes each of your children wear at present?
 Q: How often do you visit the children's school?
 Q: Do you ever meet with the teachers?
 Q: Do the children have birthday parties?
 Q: Who sets them up?
 Q: Could you describe the last birthday party?

Current living environment

- Q: Where do you reside?
 Q: Do you own or rent the residence?
 Q: Describe the home in which you live.
 Q: How many rooms does the residence have?
 Q: Do you have a yard in which the children can play?
 Q: Describe the neighborhood in which you live.
 Q: How far is the closest school from your residence?
 Q: If you obtain custody, do you intend to send the children to that school?
 Q: How will the children get to school each day?
 Q: What play facilities are in the area?
 Q: Are there children the same age as your children in the neighborhood?
 Q: How are your children performing in school?
 Q: Do the children like their school?

- Q: Do they like their classmates?
 Q: How do you know?
 Q: Do the children like their teachers?
 Q: Do the older children have homework?
 Q: Do the older children ask you for help with homework?
 Q: Do you work with the children?
 Q: With reference to any other intellectual activities, do either you or your spouse ever read to them?
 Q: Do you take the children to museums, theaters, children's plays, anything like that?
 Q: How about listening to music?
 Q: How about watching television?
 Q: What is your spouse's position regarding television?
 Q: Are the children involved in religious training?
 Q: What have you done to further the children's religious upbringing?
 Q: Are there programs and activities in which the children participate?
 Q: What programs and activities do you participate in with the children?
 Q: Does your spouse participate in programs or activities with the children?
 Q: Who currently has custody of your children?
 Q: How long have you had sole custody of the children?
 Q: How frequently has your spouse visited the children since your separation?
 Q: Have there been any problems regarding visitation?
 Q: Do you have any relatives in the area?
 Q: Does your spouse?
 Q: Do the children love your spouse?
 Q: Do the children love you?
 Q: How do you know that?
 Q: What kind of relationship do you have with the children?
 Q: Do you want custody?
 Q: Why?
 Q: Do you believe the children would be better off in your custody than in the custody of your spouse and, if so, why?
 Q: If you were to be awarded custody, what amount of time during the day and week would you devote to personally caring for the children?
 Q: Have your children ever indicated with whom they would prefer to live?
 Q: If you are awarded custody, what would you consider agreeable visitation?
 Q: Would you encourage and foster the relationship between the children and your spouse?
 Q: How would you do that?

When a parent works outside the home

- Q: Are you employed at present?
 Q: By whom?
 Q: What do you do for them?
 Q: At what time do you leave for work in the morning?
 Q: At what time do you generally arrive home each evening?
 Q: Do you work weekends?
 Q: How frequently?
 Q: At what time do the children leave for school in the morning?
 Q: At what time do the children return home after school?
 Q: If the court grants you custody, who would care for the children after school before you arrive home from work?
 Q: Do you have flexibility at work in case the children become ill or you have to be home with one of them for any reason?
 Q: During the past several years, have any of the children been ill enough to stay home for several days?

Q: Who stayed home with them during that time?

Q: Did staying at home with a sick child in any way create a problem with your employment?

Q: Does your employment in any way detract from your ability to be a caring and attentive parent?

Gary N. Skoloff is a founding partner of Skoloff & Wolfe, P.C., in Livingston, N.J. Jonathan W. Wolfe is an associate with the firm.

[Back to Top](#)

< /