

HOW DO YOU GET THE INFORMATION YOU NEED FROM YOUR EX?

In your divorce, you may need certain information from your soon-to-be-ex-spouse so you can divide the marital estate. If your spouse isn't forthcoming with the information, how do you get it? You may need to see financial documents such as bank statements, credit cards statements, retirement accounts, stock accounts and savings accounts to find out what's in the marital estate or where assets have gone.

Once the divorce suit is filed, your attorney can send to your spouse's attorney a formal request for production of documents. This is usually a list of documents such as the financial documents listed above. You can request that the documents go back a certain length of time, such as three years. Your spouse will have a certain amount of time in which to provide you with copies of the requested documents.

Problem solved, you have your documents. Not so fast. If your spouse is less than forthcoming or downright withholding the information, it will be a long and costly fight to get it and you may never get it. Your spouse's attorney may first object to your requests on the grounds that your requests are irrelevant, overreaching, harassing and the like. You either accept their answers and decide it's not that important or you take your spouse to judge order the documents to be produced.

Problems solved again. The judge ordered production of the documents so that should settle it, right? Not necessarily. Your spouse may produce a pitiful stack of documents with the excuse of, "Sorry, that's all I have." But, he/she would *never* lie to the judge. Unfortunately, it happens every day. What do you do now?

You may have to go to the source of the documents via a subpoena. You can subpoena the documents directly from the bank, credit card company or other financial institution. That can get very expensive and difficult to do, especially when you want information from a huge corporation. It's at that point that you have to decide whether or not you want to spend the money chasing after the documents. If the marital estate is small, it's not cost effective to do so, however, if it's large, it may be worth it.

As for assets, your attorney probably subscribes to databases that can search for information about your spouse to find other assets such as real property, boats, cars, airplanes, etc. You can also look at your spouse's credit report to get an idea of what he/she has been doing with the marital assets and debts.

No matter what you do, you may never know all of the financial information from your marriage in order to settle the divorce fairly. Some spouses are very good at hiding assets and have no conscience whatsoever in hiding them from you. If you find asset later after the divorce, you can go back to the court to divide the asset post-divorce.