

JUDICIAL ADVOCATES

Legal Document Preparation Services

FAMILY LAW CLIENT INTAKE GUIDE

A Comprehensive Guide to Completing Your
Family Law Client Intake Questionnaire

Divorce • Post-Decree Modification • Custody • Support • Property Division

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INTRODUCTION

This Guide is designed to help you complete the Family Law Client Intake Questionnaire accurately and thoroughly. Whether you are filing for divorce, seeking to modify an existing court order, or navigating ongoing family court proceedings, the information you provide in the questionnaire directly impacts our ability to prepare effective legal documents on your behalf.

Family law matters are intensely personal and often emotionally difficult. The questions we ask may feel intrusive, but each one serves a specific legal purpose. Courts require detailed information to make decisions, and judges have limited patience for incomplete filings. This Guide explains not only what information we need, but why we need it and how it will be used.

How to Use This Guide

This Guide is organized to mirror the structure of the Family Law Client Intake Questionnaire. As you work through the questionnaire, use this Guide as a reference for each section and question. For each question, you will find:

- What the question is asking — a plain-language explanation of the information requested
- Why it matters — the legal significance of the question and how it affects your case
- How to answer — specific guidance on what information to include and how to present it
- Common mistakes to avoid — pitfalls that could weaken your case or cause delays

✓ **TIP: Read the Entire Section First**

Before answering any questions in a section, read through all the questions in that section first. This will help you understand what information you need to gather and how the questions relate to each other.

Understanding Document Preparation Services

Judicial Advocates provides legal document preparation services. We are not a law firm, and the individuals who assist you are not licensed attorneys. We do not provide legal advice or legal representation. What we do is prepare legal documents based on the information you provide, which you will then file with the court pro se (representing yourself).

This distinction matters for several reasons:

- You are responsible for the accuracy of the information you provide
- You make all decisions about your case — we prepare documents to implement your decisions
- We cannot tell you what legal strategy to pursue or predict how a judge will rule
- If you have questions about the law itself, you should consult with a licensed attorney

⚠ **WARNING: Accuracy Is Critical**

The information you provide in the questionnaire may be submitted to the court under oath. Providing false information can constitute perjury (a crime) and will almost certainly damage your credibility with the judge. Even innocent mistakes can derail your case. Take your time and verify information before submitting it.

Before You Begin

Before starting the questionnaire, gather the following:

- Your government-issued photo ID
- Your marriage certificate (if applicable)
- Any existing court orders (divorce decree, custody orders, support orders, protective orders)
- Recent pay stubs (last 3 months) for you and, if available, your spouse/opposing party
- Tax returns for the last 2-3 years
- Bank statements (last 3 months)
- Mortgage statements, vehicle titles, and loan documents
- Birth certificates for any minor children

Having these documents available will help you answer questions accurately and completely.

 **NOTE: Which Sections to Complete**

Not every client completes every section. Section 1 of the questionnaire tells you which sections apply to your situation. All clients complete Sections 1-5, then follow the instructions based on your matter type: New Divorce (Sections 6-15), Post-Decree Modification (Sections 16-22), or Ongoing Proceedings (Sections 23-26). All clients then complete Sections 27-31.

PART ONE: ALL CLIENTS — FOUNDATIONAL SECTIONS

Every client completes Sections 1 through 5, regardless of the type of family law matter. These sections establish the basic framework for your case: who you are, who the opposing party is, which court has jurisdiction, and what prior legal history exists between the parties.

SECTION 1: TYPE OF MATTER

This section determines the path your questionnaire will take. Your selection here controls which subsequent sections you must complete.

What type of family law matter are you seeking assistance with?

What This Question Is Asking

This question asks you to categorize your situation into one of four types:

NEW DIVORCE / DISSOLUTION: You are seeking to end a marriage that has not previously been the subject of divorce proceedings, or a previous filing was dismissed and you are starting fresh.

POST-DECREE MODIFICATION: You already have a final Decree of Divorce, and you want to change some aspect of it — custody, visitation, child support, alimony, or enforcement of property division terms.

ONGOING / PENDING PROCEEDINGS: You have an active case that has been filed but not yet finalized. This might be a divorce in progress, a modification that is pending, or any other matter currently before the court.

OTHER FAMILY LAW MATTER: This category covers situations that do not fit the above categories, such as paternity actions, guardianships, grandparent visitation, or standalone protective order proceedings.

Why This Question Matters

Family law encompasses many different types of proceedings, each with its own procedural requirements, legal standards, and necessary documents. A new divorce petition looks very different from a motion to modify custody. By identifying your matter type upfront, we ensure that the questionnaire directs you to the relevant sections and that we prepare the correct documents.

How to Answer

Select the single checkbox that best describes your current situation. If you are unsure, consider these questions:

- Have you ever been divorced from this person before? If yes and you have a final decree, you likely need Post-Decree Modification.
- Is there currently a case number assigned by the court for proceedings between you and this person? If yes and the case is not finished, you likely have Ongoing Proceedings.

- Are you married to this person and seeking to end the marriage for the first time? That's a New Divorce.

⚠ WARNING: Choosing the Wrong Category

If you select the wrong category, you may complete sections that do not apply to your situation, or worse, skip sections that are critical to your case. If you have any doubt, contact us before proceeding.

If Post-Decree Modification, check all that apply

What This Question Is Asking

If you selected Post-Decree Modification above, this follow-up question asks you to specify what aspect of your decree you want to change. You may check multiple boxes because people often seek to modify more than one thing at a time.

Why This Question Matters

Each type of modification has different legal standards. For example, modifying custody requires proving a substantial change in circumstances affecting the best interests of the child. Modifying child support in Oklahoma creates a presumption of modification if the recalculated amount differs by 10% or more from the current order (43 O.S. § 118I). Knowing what you seek to modify tells us which legal standards apply and what evidence you will need to present.

⚖ LEGAL STANDARD: Modification Standards

Oklahoma law generally requires a 'permanent, substantial, and material change in circumstances' to modify custody orders. For child support, the 10% rule under 43 O.S. § 118I creates a rebuttable presumption favoring modification. Alimony modification depends on the type of alimony originally ordered and whether there is a substantial change in the financial circumstances of either party.

How to Answer

Check every box that applies to what you are seeking. Common combinations include:

- Custody Modification + Child Support Modification (custody changes often affect support)
- Child Support Modification + Contempt/Non-Compliance (seeking increased support and enforcement of unpaid support)
- Relocation/Move-Away + Custody Modification + Visitation Modification (when a parent is moving)

SECTION 2: CLIENT / PETITIONER / MOVANT INFORMATION

This section collects your personal information. In family law, the person initiating the action is called the Petitioner (in a new filing) or Movant (in a modification). Throughout this section, we refer to you as the 'Client.'

Full Legal Name

What This Question Is Asking

Provide your complete legal name exactly as it appears on your government-issued identification and legal documents. This is not the place for nicknames or shortened versions of your name.

Why This Question Matters

Your legal name must match across all court documents, your identification, and any existing orders. Inconsistencies can cause delays, confusion, and in some cases, questions about your identity. If your name has changed since previous proceedings (through marriage, divorce, or legal name change), you need to ensure consistency or explain the change.

How to Answer



EXAMPLE: Correct Format

JOHNSON, Mary Elizabeth (not Mary Johnson, not Mary E. Johnson, not Mary Beth Johnson unless that is your legal name)

Maiden Name (if applicable)

What This Question Is Asking

If you changed your name upon marriage (most commonly a woman taking her husband's surname), provide your birth surname here.

Why This Question Matters

In divorce proceedings, you may request that the court restore your maiden name as part of the decree. This is a common and easily granted request, but it requires knowing your maiden name. Additionally, if you have documents, accounts, or property in your maiden name, this information helps track assets.

Current Mailing Address / Physical Address

What This Question Is Asking

Provide the address where you currently receive mail and, if different, the address where you physically reside.

Why This Question Matters

The court will mail notices, orders, and other documents to your mailing address. If you miss a notice because your address is wrong, you could default on hearings or deadlines. Your physical address is also relevant to jurisdiction (which county should hear your case) and, in custody matters, to determining the children's residence.

⚠ WARNING: Safety Concerns

If you have safety concerns about disclosing your address to the opposing party, Oklahoma has an Address Confidentiality Program for victims of domestic violence, stalking, or sexual assault. Contact the Oklahoma Attorney General's office. Additionally, in certain circumstances, the court may allow you to use an alternative address on filings. Discuss this with us if it applies to your situation.

Contact Information (Phones, Email)

Why This Question Matters

We need multiple ways to contact you. Court deadlines are often short, and we may need to reach you urgently. Provide all phone numbers where you can be reached and an email address you check regularly.

Preferred Method of Contact / May we leave detailed voicemail messages?

What This Question Is Asking

Tell us how you prefer to be contacted and whether it is safe for us to leave detailed messages. This is especially important if you share a phone with someone else, if you have privacy concerns, or if you are in a volatile domestic situation.

✓ TIP: Privacy Considerations

If you share an email account with your spouse or if your spouse has access to your phone, let us know. We can use alternative communication methods or be careful about what we say in messages.

Date of Birth / SSN (last 4)

Why This Question Matters

Your date of birth and partial Social Security Number are used to verify your identity and may be required for certain court filings, especially those involving child support (which is processed through the state's Child Support Enforcement division).

📄 NOTE: Social Security Numbers

We only ask for the last four digits of your SSN on this questionnaire. Full SSNs are handled separately and with additional security measures if required by the court. Never write your full SSN on documents that will become part of the public record.

Driver's License Number & State

Why This Question Matters

This provides additional identification verification and is sometimes required for child support orders. If you do not have a driver's license, note 'N/A' and provide an alternative form of ID.

Employment Information

What This Question Is Asking

Provide details about your current employment: employer name, address, job title, how long you have worked there, and your gross and net monthly income.

Why This Question Matters

Income is central to family law. Child support in Oklahoma is calculated using both parents' income under the Oklahoma Child Support Guidelines (43 O.S. § 118 et seq.). Spousal support (alimony) depends heavily on the relative incomes and earning capacities of both parties. Property division may also consider income and earning capacity.

LEGAL STANDARD: Oklahoma Child Support Guidelines

Oklahoma uses an income shares model for child support, meaning that both parents' incomes are combined to determine the total support obligation, which is then divided between the parents based on their relative incomes. Gross income includes wages, salaries, commissions, bonuses, self-employment income, and many other sources. 43 O.S. § 118B defines income broadly.

How to Answer

Be honest and precise. 'Gross income' means your income before taxes and deductions. 'Net income' means your take-home pay after taxes, health insurance, and mandatory deductions (but not voluntary deductions like 401(k) contributions or union dues). If your income varies (commission-based, seasonal work, self-employment), calculate an average based on the last 12 months.

EXAMPLE: Income Calculation for Variable Pay

If you earned \$48,000 in 2024 plus \$6,000 in bonuses, your gross annual income was \$54,000. Divide by 12 to get a gross monthly income of \$4,500. Do not understate bonuses, overtime, or irregular income — the court will likely discover it.

Emergency Contact

Why This Question Matters

We need someone we can contact if we cannot reach you. This is especially important if you have a hearing approaching and we cannot get in touch with you to discuss it.

SECTION 3: OPPOSING PARTY / RESPONDENT INFORMATION

The 'opposing party' is the other person in your case — typically your spouse (in a divorce) or your ex-spouse (in a modification). In court filings, this person is usually called the 'Respondent' (because they respond to your petition or motion).

Full Legal Name / Maiden Name

Why This Question Matters

The court needs the opposing party's correct legal name to ensure proper service of process and to ensure that any orders entered are enforceable against the correct person. Using a nickname or incorrect name can create problems.

✓ TIP: Finding Legal Name

If you are unsure of the opposing party's full legal name, check your marriage certificate, existing court orders, tax returns filed jointly, or other legal documents.

Current Address / Contact Information

Why This Question Matters

To initiate a legal proceeding, the opposing party must be served with the petition or motion. This requires knowing where they can be found. If you do not have the opposing party's current address, service may need to be accomplished through alternative means (such as service by publication), which adds time and expense.

⚠ WARNING: Avoid Bad Service

If you provide an old or incorrect address and the opposing party claims they were never properly served, any orders entered could be challenged and potentially overturned. Make every effort to provide the most current address you have.

Employment Information / Approximate Income

Why This Question Matters

The opposing party's income is just as important as yours for calculating child support and evaluating spousal support. If you do not know their exact income, provide your best estimate and explain how you arrived at it (e.g., 'Based on job title and industry, I estimate \$60,000-\$70,000 per year').

Is the opposing party represented by an attorney?

Why This Question Matters

If the opposing party has an attorney, we need to know this for several reasons. Ethically and legally, once someone is represented by counsel, communications about the case should generally go through their attorney. We also need to understand whether you will be negotiating with a lawyer or directly with the other party.

Has the opposing party's employment or income changed since the original decree?

Why This Question Matters

In modification proceedings, changes in either party's income are often the basis for modifying child support or alimony. If the opposing party got a raise, a new job, lost their job, or retired, this is highly relevant information.

SECTION 4: JURISDICTIONAL INFORMATION

Jurisdiction refers to a court's authority to hear and decide a case. Oklahoma has specific residency requirements that must be met before a court has jurisdiction over a divorce or family law matter. This section collects information to ensure the case is filed in the proper court.

⚖️ LEGAL STANDARD: Oklahoma Residency Requirements

Under 43 O.S. § 102, at least one party must have been an actual resident of Oklahoma for six months immediately preceding the filing of the divorce petition. Under 43 O.S. § 103, the petition must be filed in the county where the petitioner has been an actual resident for 30 days, or in the county where the respondent resides.

County Where Proceedings Are/Will Be Filed / State

What This Question Is Asking

Identify the Oklahoma county where you intend to file (for new matters) or where your case is already pending (for modifications or ongoing proceedings).

Why This Question Matters

Oklahoma has 77 counties, each with its own district court. Filing in the wrong county can result in your case being dismissed or transferred, causing delay and additional expense. Generally, you file in the county where you live. In modifications, you typically return to the court that issued the original decree.

Has the Client resided in this county for more than six (6) months? / Has the Client resided in this State for more than six (6) months?

Why This Question Matters

These questions address the residency requirements discussed above. If you have not met the residency requirements, you may not be able to file yet, or you may need to file in a different county.

⚠️ WARNING: Recent Moves

If you recently moved to Oklahoma or to a new county, you must wait until you meet the residency requirements before filing. Filing prematurely can result in dismissal. If you need action sooner (such as an emergency protective order), discuss this with us.

Has either party or any minor child relocated since the last court order?

Why This Question Matters

Relocation affects jurisdiction, custody, and visitation. Under Oklahoma law (43 O.S. § 112.3), a custodial parent must provide at least 60 days' advance written notice before relocating with a child. Relocation can be grounds for modifying custody. Additionally, relocation may affect which court has jurisdiction over child custody issues under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), codified in Oklahoma at 43 O.S. § 551-101 et seq.

✓ TIP: Child Custody Jurisdiction

Under the UCCJEA, the child's 'home state' (where the child has lived for the last 6 months) generally has exclusive jurisdiction over custody issues. If a child has moved to another state, jurisdiction issues can become complicated.

SECTION 5: CASE STATUS & PRIOR PROCEEDINGS

This section identifies any pending cases and the history of legal proceedings between the parties. Understanding this history is essential to preparing appropriate documents and avoiding procedural errors.

Is this matter currently pending before any court?

Why This Question Matters

If there is already a pending case, we cannot file a new case — we must work within the existing case. Filing a duplicate case is not only procedurally improper but can also result in sanctions. If there is a pending case, provide the case number, court, judge, and next hearing date.

Is there an existing Final Decree of Divorce or other final order?

Why This Question Matters

This determines whether you are seeking a new divorce or a modification of an existing decree. It also determines what documents we need — for modifications, we must have a copy of the decree to understand what is currently ordered.

⚠ WARNING: Provide Your Decree

If you are seeking a post-decree modification, we must have a copy of your Final Decree of Divorce. Without it, we cannot know what the current orders are, and we cannot prepare an appropriate motion. If you have lost your decree, you can obtain a copy from the court clerk's office where your divorce was granted.

Prior Legal Proceedings

What This Question Is Asking

This series of questions asks about the history of legal proceedings between you and the opposing party, including previous divorce filings, protective orders, modification proceedings, contempt proceedings, and other civil or criminal cases.

Why This Question Matters

Prior proceedings create a record that the court may consider. A prior protective order may be relevant to custody. A prior contempt finding establishes a pattern of non-compliance. Criminal history — especially convictions for domestic violence, child abuse, or drug offenses — can significantly affect custody determinations. Judges have access to court records, so honesty is essential; any attempt to hide relevant history will backfire.

📄 EXAMPLE: How to Report Prior Proceedings

If you filed for divorce in 2019 but dismissed it before trial, report: 'Case No. FD-2019-1234, Tulsa County, filed 06/15/2019, dismissed without prejudice 09/20/2019.' If there was a protective order: 'Case No. PO-2021-5678, Oklahoma County, VPO granted 03/12/2021, expired 03/12/2022.'

Has either party previously been married (other than to each other)?

Why This Question Matters

Prior marriages and divorces are relevant for several reasons. First, to marry legally, any prior marriage must have been legally terminated. Second, if either party pays or receives alimony from a prior marriage, this affects finances. Third, if either party has children from a prior marriage, this may affect custody arrangements and child support calculations.

NOTE: Section Completion

After completing Section 5, refer back to Section 1 to determine which additional sections you must complete. If you selected New Divorce, continue to Sections 6-15 (Part A). If you selected Post-Decree Modification, skip to Sections 16-22 (Part B). If you selected Ongoing Proceedings, skip to Sections 23-26 (Part C). All clients complete Sections 27-31.

PART TWO: NEW DIVORCE / DISSOLUTION (SECTIONS 6-15)

This part applies only if you selected 'New Divorce / Dissolution' in Section 1. These sections gather the specific information needed to file for divorce in Oklahoma, including information about your marriage, children, custody preferences, support issues, property and debts, and safety concerns.

⚖️ LEGAL STANDARD: Grounds for Divorce in Oklahoma

Oklahoma recognizes both no-fault and fault-based grounds for divorce under 43 O.S. § 101. The most common ground is 'incompatibility,' which is no-fault and does not require proof of wrongdoing by either party. Fault-based grounds include adultery, abandonment, extreme cruelty, habitual drunkenness, gross neglect of duty, imprisonment, fraudulent contract, impotency, and insanity.

SECTION 6: MARRIAGE INFORMATION

Date of Marriage

What This Question Is Asking

Provide the exact date you were legally married. This is the date of your wedding ceremony or, for common law marriages, the date you began holding yourselves out as married.

Why This Question Matters

The length of your marriage affects several aspects of your divorce. Longer marriages are more likely to result in alimony awards. Property accumulated during the marriage is generally marital property subject to division, while property owned before the marriage may be separate property. The date of marriage is also verified against your marriage certificate.

✓ TIP: Finding Your Marriage Date

Check your marriage certificate, wedding anniversary cards, or social media posts if you do not remember the exact date. The date on your petition must match the date on your marriage certificate.

County and State of Marriage

Why This Question Matters

This establishes where you were married and helps verify the validity of your marriage. If you were married in another state or country, your marriage is still recognized in Oklahoma, but we need to know where to look for records if questions arise.

Date of Separation

What This Question Is Asking

Provide the date you and your spouse stopped living together as a married couple. This does not necessarily mean the date one person physically moved out — you can be separated while still living in the same house if you are no longer functioning as a married couple.

Why This Question Matters

The separation date can affect property division. Property acquired after separation may be treated differently than property acquired during the marriage. It also establishes the timeline of your marriage's breakdown, which may be relevant if fault-based grounds are alleged.

Type of Marriage

What This Question Is Asking

Indicate whether you had a ceremonial marriage (a formal wedding with a marriage license and officiant) or a common law marriage.

Why This Question Matters

Oklahoma recognizes common law marriages entered into before November 1, 1998, and may recognize common law marriages from other states. A common law marriage requires: (1) an agreement to be married, (2) cohabitation, and (3) public recognition of the marriage. If you claim a common law marriage, you may need to prove its existence.

⚖️ LEGAL STANDARD: Common Law Marriage After November 1998

Oklahoma does not allow new common law marriages to be created within the state after November 1, 1998 (43 O.S. § 1). However, if you established a common law marriage in a state that still recognizes them (such as Texas, Colorado, or Kansas), Oklahoma will recognize that marriage.

Grounds for Divorce

What This Question Is Asking

Select all grounds that apply to your situation. You may check multiple boxes. The most common selection is 'Incompatibility,' which is a no-fault ground that simply means the marriage cannot be saved.

Why This Question Matters

The grounds you select must be proven to the court. While 'incompatibility' requires no specific proof beyond your testimony, fault-based grounds require evidence. Alleging fault can affect property division and alimony in some cases, but it also complicates and lengthens the proceeding.

⚠️ WARNING: Think Carefully About Fault Grounds

Alleging adultery, cruelty, or other fault-based grounds turns your divorce into a contested evidentiary battle. You must prove the allegation, which requires evidence and often witnesses. The other party will likely contest it. Unless you have strong evidence and a strategic reason to allege fault, incompatibility is usually the better choice.

Describe the circumstances leading to the decision to divorce

Why This Question Matters

This narrative helps us understand your situation. While it is not necessarily submitted to the court verbatim, it informs the documents we prepare. Be honest and specific, but also be aware that anything you write could potentially be used as evidence if the divorce becomes contested.

SECTION 7: MINOR CHILDREN

This section addresses children of the marriage who are under 18 years old (or still in high school). Children are often the most contentious and emotionally difficult aspect of divorce proceedings.

⚖️ LEGAL STANDARD: Oklahoma's Best Interests Standard

All custody decisions in Oklahoma are governed by the 'best interests of the child' standard (43 O.S. § 112). The court considers numerous factors including the physical and emotional needs of the child, each parent's ability to meet those needs, the child's relationship with each parent, the stability of each home environment, and, for children 12 and older, the child's own preferences.

Are there minor children of this marriage?

Why This Question Matters

If there are minor children, your divorce must address custody, visitation, child support, and health insurance. If there are no minor children, these sections do not apply, and the divorce is generally simpler.

Child Information Table

What This Question Is Asking

For each minor child, provide their full legal name, date of birth, age, who they currently reside with, and any special needs.

Why This Question Matters

The court needs to know exactly which children are affected by the divorce. Ages matter because the court's approach to custody and visitation differs for infants versus teenagers. Children 12 and older may express preferences to the court. Special needs affect both custody arrangements and child support calculations (special needs may justify deviation from standard support guidelines).

✓ TIP: Document Special Needs

If a child has special needs (physical, developmental, educational, medical, or behavioral), be prepared to provide documentation such as IEPs (Individualized Education Programs), medical diagnoses, therapy records, or treatment plans. Special needs significantly affect custody and support.

Is the wife currently pregnant?

Why This Question Matters

Oklahoma law has a waiting period before finalizing a divorce when the wife is pregnant. The court generally will not finalize the divorce until after the child is born because paternity must be established and custody/support must be addressed.

Are any children adopted?

Why This Question Matters

Adopted children have the same legal status as biological children for purposes of custody and support. However, we need to know if a child is adopted because it may be relevant to background information, and the adoption decree establishes the legal parent-child relationship.

Are any children from a previous relationship?

Why This Question Matters

Children from previous relationships are not children of this marriage and are not directly addressed in this divorce. However, they may affect the household composition, childcare responsibilities, and the financial calculations for child support (the Oklahoma Child Support Guidelines account for other children a parent is legally obligated to support).

SECTION 8: CHILD CUSTODY

Custody determinations are often the most contested aspect of divorce. Oklahoma law favors arrangements that allow children to maintain meaningful relationships with both parents, but the specific arrangement depends on the circumstances.

⚖️ LEGAL STANDARD: Types of Custody in Oklahoma

Legal custody refers to decision-making authority (education, healthcare, religious upbringing). Physical custody refers to where the child lives. Joint legal custody means both parents share decision-making. Joint physical custody means the child spends substantial time with both parents. Sole custody (legal or physical) means one parent has primary authority. Oklahoma presumes that joint custody is in the child's best interest unless proven otherwise.

Who currently has physical custody of the minor child(ren)?

Why This Question Matters

The current arrangement provides the baseline for what the court will consider. Courts are generally reluctant to disrupt stable arrangements, especially if children are thriving. If you currently have physical custody, you have an advantage in seeking primary custody. If the other parent has custody, you need to show why a change is warranted.

What custody arrangement are you seeking?

What This Question Is Asking

Select the custody arrangement you want the court to order. The options include sole custody (to you or the other parent) and various joint custody arrangements.

How to Answer

Consider what is realistically best for your children, not just what you want. Courts are skeptical of parents who seek sole custody without good reason. Joint legal custody is the norm in Oklahoma. Primary physical custody with standard visitation to the other parent is common. True 50/50 physical custody is less common but is ordered when circumstances permit.

⚠️ WARNING: Do Not Seek Sole Custody Without Good Reason

If you seek sole custody without evidence that joint custody would harm the child, you may appear unreasonable to the judge. Oklahoma law presumes joint custody is in the child's best interest. To rebut that presumption, you need evidence of unfitness, abuse, neglect, substance abuse, or other serious problems.

Describe the visitation/parenting time schedule you believe is appropriate

Why This Question Matters

Even if you have primary physical custody, the other parent is entitled to visitation (parenting time). Oklahoma's standard visitation schedule (often called 'standard visitation' or 'Tulsa County Guidelines') typically includes alternating weekends, one evening per week, alternating holidays, and extended summer time. You can propose a different schedule if circumstances warrant.

Are there any concerns regarding the opposing party's parenting ability?

Why This Question Matters

If you have legitimate concerns about the other parent's ability to care for the children — such as substance abuse, mental health issues, domestic violence, neglect, criminal history, or abusive behavior — you must document them. These concerns can justify restricting custody or requiring supervised visitation.

✓ TIP: Be Specific and Document Everything

Vague concerns ('he's a bad parent') carry no weight. Specific, documented incidents carry weight. 'On March 15, 2025, he picked up the children while visibly intoxicated and drove them home; the children called me crying and scared' is evidence. Keep records, save text messages, and note dates and details.

Should visitation be supervised?

Why This Question Matters

Supervised visitation means the other parent can only see the children when a third party is present. Courts order supervised visitation when there are serious safety concerns — documented abuse, domestic violence, substance abuse, or mental health crises. Requesting supervised visitation is a serious step that requires evidence.

SECTION 9: CHILD SUPPORT

Child support is calculated using the Oklahoma Child Support Guidelines, which are codified in statute (43 O.S. § 118 et seq.). The guidelines use both parents' incomes, the number of children, childcare costs, and health insurance costs to calculate the presumptive support amount.

⚖️ LEGAL STANDARD: Oklahoma Child Support Guidelines

Oklahoma uses an 'income shares' model. Both parents' gross incomes are combined to determine the total child support obligation, which is then divided between the parents based on their proportional share of combined income. The base child support obligation is determined from a statutory table based on combined income and number of children. Adjustments are made for childcare costs, health insurance premiums, and shared custody arrangements.

Is either party seeking child support?

Why This Question Matters

In most cases involving minor children, child support will be calculated and ordered. The question is which parent pays and how much. The parent with primary physical custody typically receives support from the non-custodial parent.

Is there a current child support order in effect?

Why This Question Matters

If this is a new divorce, there should not be an existing child support order between these parties. However, if there was a previous filing that was dismissed or if there was a paternity action, there may be an existing order that needs to be addressed.

Healthcare Coverage for Minor Children

What This Question Is Asking

The court must address health insurance for the children. This section asks who currently provides insurance, the cost of the premium, and who should provide insurance going forward.

Why This Question Matters

Health insurance is mandatory. The court will order one or both parents to provide coverage. The cost of the dependent coverage premium is factored into the child support calculation. Uncovered medical expenses (deductibles, copays, uninsured treatment) are typically divided between the parents, often 50/50 or proportionally based on income.

✓ TIP: Know Your Insurance Costs

Find out exactly what it costs to add the children to your health insurance. The relevant figure is the marginal cost of adding dependent coverage, not your total premium. This is the difference between single coverage and family coverage.

SECTION 10: SPOUSAL SUPPORT / ALIMONY

Alimony (also called spousal support or maintenance) is payment from one spouse to the other after divorce. Unlike child support, alimony is not calculated by a formula — it is within the court's discretion based on numerous factors.

⚠️ LEGAL STANDARD: Alimony Factors in Oklahoma

Oklahoma courts consider factors including: the length of the marriage; the age and health of each party; the earning capacity of each party; the standard of living during the marriage; whether one spouse sacrificed career advancement for the family; the division of property; and the needs of each party. There is no statutory formula; judges have broad discretion.

Is either party seeking spousal support/alimony?

How to Answer

Select the appropriate option. If you are seeking support, you will need to justify it. If you believe the other party may seek support, prepare to defend against it.

What type of alimony?

What This Question Is Asking

Oklahoma recognizes several types of alimony:

- Temporary alimony: Support during the divorce proceedings, before a final decree.
- Rehabilitative alimony: Support for a limited time to allow a spouse to gain education, training, or experience to become self-supporting.
- Permanent alimony: Ongoing support, typically reserved for long marriages where one spouse cannot become self-supporting due to age, health, or other factors.
- Lump sum alimony: A one-time payment instead of ongoing support.

Amount and Duration

How to Answer

If you are seeking alimony, propose a specific monthly amount and duration. Your proposal should be reasonable and supportable. An excessive request will not be taken seriously. Consider the factors the court will weigh and be prepared to justify your request with evidence of need and the other party's ability to pay.

⚠️ WARNING: Alimony Is Difficult to Obtain

Alimony is not automatic. In shorter marriages between two employed people with similar incomes, alimony is unlikely. The requesting party must demonstrate need, and the paying party must have the ability to pay. If you are seeking alimony, be prepared to present detailed financial information showing why you need it and why the other party can afford it.

Explain the basis for your spousal support request or defense

Why This Question Matters

This is your opportunity to explain why alimony is appropriate or inappropriate. If you are seeking support, explain your financial need, your limitations on earning, and what you sacrificed during the marriage. If you are opposing support, explain why the other party does not need it or why you cannot afford to pay it.

SECTION 11: PROPERTY DIVISION

Oklahoma is an 'equitable distribution' state, meaning marital property is divided fairly (not necessarily equally). Property owned before the marriage, inherited property, and gifts to one spouse may be considered separate property and not subject to division.

⚖️ LEGAL STANDARD: Marital vs. Separate Property

Marital property is property acquired during the marriage through the efforts of either spouse. Separate property is property owned before marriage, inherited property, and gifts to one spouse individually. However, separate property can become marital property through commingling (mixing it with marital funds) or transmutation (using it for the benefit of the marriage). The characterization of property can be complex and contested.

Real Property

What This Question Is Asking

List all real estate owned by either or both parties: houses, condos, land, rental properties, vacation homes, time-shares, etc. For each property, provide the address, approximate value, mortgage balance, whose name is on the title, and how you believe it should be divided.

Why This Question Matters

The marital home is often the largest asset. The court must decide who keeps the home (if either party), whether it is sold, how equity is divided, and who pays the mortgage during proceedings. Real property requires deed transfers and potentially refinancing mortgages.

✓ TIP: Determine Equity

Equity = Fair Market Value - Mortgage Balance. If your home is worth \$300,000 and you owe \$180,000, the equity is \$120,000. In an equitable division, each party might receive \$60,000 in equity (either by selling and splitting proceeds or by one party keeping the home and buying out the other's share).

Vehicles

What This Question Is Asking

List all vehicles: cars, trucks, motorcycles, boats, RVs, ATVs, trailers, etc. Provide the year, make, model, approximate value, any loan balance, whose name is on the title, and who you believe should receive each vehicle.

Other Assets

What This Question Is Asking

List bank accounts, retirement accounts (401(k), IRA, pension), investment accounts, personal property of significant value (jewelry, art, collectibles, tools, furniture), and any other assets.

⚠️ WARNING: Do Not Hide Assets

Both parties have a duty to disclose all assets. Hiding assets is a form of fraud. If discovered — and it often is — the consequences are severe. Judges do not look kindly on parties who lie about finances, and it can affect the entire case, including custody.

Digital Assets & Accounts

What This Question Is Asking

In today's economy, digital assets can have significant value. List cryptocurrency (Bitcoin, Ethereum, etc.), NFTs, PayPal/Venmo/Cash App balances, airline miles and reward points, domain names, and social media accounts with commercial value.

Business Interests

Why This Question Matters

If either party owns an interest in a business, it must be valued and divided. Business valuation is complex and often requires expert appraisal. The value includes not just physical assets but goodwill, client relationships, and future earning potential.

SECTION 12: MARITAL DEBTS

Just as assets are divided in divorce, so are debts. Marital debts include mortgages, car loans, credit card debt, student loans (in some cases), medical bills, and any other obligations incurred during the marriage.

List all marital debts

What This Question Is Asking

For each debt, provide the creditor name, type of debt, current balance, whose name is on the account, and who you believe should be responsible for paying it.

⚠ WARNING: Court Orders Do Not Bind Creditors

A critical point: even if the divorce decree orders your spouse to pay a debt, you remain legally liable to the creditor if your name is on the account. If your spouse fails to pay a joint credit card, the credit card company can still come after you. The decree gives you a remedy against your spouse, but it does not release you from the underlying debt. Where possible, joint debts should be paid off or refinanced into one party's name alone.

How to Answer

Be thorough. Include:

- Mortgages and home equity loans
- Car loans and leases
- Credit cards (all of them, even small balances)
- Student loans (note whose education they funded)
- Medical bills
- Personal loans
- Tax debts (federal, state, or local)
- Money owed to family members

SECTION 13: TEMPORARY ORDERS

Temporary orders govern the parties' conduct and obligations during the divorce proceedings, before a final decree is entered. These orders can address custody, support, use of property, and protection of assets.

What issues need addressed in a Temporary Order at filing?

What This Question Is Asking

Check all issues that need immediate resolution. The court can enter temporary orders at the beginning of the case to maintain stability during proceedings.

Why This Question Matters

Divorce proceedings can take months or even years. During that time, children need care, bills need to be paid, and assets need to be protected. Temporary orders create a structure while the case is pending. If the parties cannot agree, the court will hold a hearing and impose temporary orders.

✓ TIP: Common Temporary Order Provisions

Temporary custody and visitation schedule; temporary child support; temporary alimony; who lives in the marital home; who drives which vehicle; who pays which bills; restraining provisions preventing disposal of assets, harassment, or removing children from the jurisdiction.

Explain the urgency or necessity of temporary orders

Why This Question Matters

If you need temporary orders, explain why. Is the other party threatening to take the children? Are they spending marital funds recklessly? Is there a risk they will hide or sell assets? The court needs to understand why immediate action is necessary.

SECTION 14: SAFETY CONCERNS

Domestic violence is tragically common in family law cases. If you have safety concerns, this section is critical. Your safety — and your children's safety — is paramount.

⚠ WARNING: If You Are in Immediate Danger

If you are in immediate danger, call 911. The questionnaire process is not designed to address emergencies. If you need immediate protection, contact local law enforcement or a domestic violence hotline (National Domestic Violence Hotline: 1-800-799-7233).

Has there been any domestic violence in this relationship?

Why This Question Matters

Domestic violence affects every aspect of a divorce: custody, visitation (which may need to be supervised or denied), living arrangements, and protective orders. Courts take domestic violence very seriously under 22 O.S. § 60 et seq. (Protection from Domestic Abuse Act).

How to Answer

If there has been domestic violence, describe specific incidents with dates, what happened, any injuries, whether police were called, and whether you sought medical attention. General statements ('he was abusive') are not as helpful as specific incidents ('on June 1, 2024, he pushed me down the stairs during an argument about money; I went to the ER for a sprained wrist').

📄 NOTE: Evidence of Domestic Violence

Gather and preserve evidence: police reports, medical records, photographs of injuries, text messages with threats or admissions, emails, voicemails, and names of witnesses. If you have an existing protective order, provide a copy.

Does the opposing party have access to firearms?

Why This Question Matters

If there is domestic violence and firearms are present, the danger is significantly elevated. Federal law (18 U.S.C. § 922(g)) prohibits possession of firearms by persons subject to certain protective orders. The court may order surrender of firearms as part of a protective order.

Has either party engaged in stalking, harassment, or monitoring?

Why This Question Matters

Stalking, harassment, and electronic monitoring (tracking phones, reading emails, installing spyware) are forms of abuse. They are also crimes under Oklahoma law. Document any such behavior.

SECTION 15: MILITARY STATUS

Military service introduces special considerations into divorce proceedings. Federal law provides protections for service members and governs division of military retirement benefits.

⚖️ LEGAL STANDARD: Servicemembers Civil Relief Act (SCRA)

The SCRA (50 U.S.C. § 3901 et seq.) protects active-duty service members from default judgments. If the opposing party is on active duty, they may be entitled to a stay (postponement) of proceedings. Additionally, service must be accomplished in a manner consistent with the SCRA.

Is either party currently serving in the U.S. Armed Forces?

Why This Question Matters

If either party is active duty, special procedural rules apply. The SCRA may allow the service member to request a stay of proceedings during deployment or other military obligations.

Are there military retirement benefits to be divided?

Why This Question Matters

Military retirement can be a significant asset. The Uniformed Services Former Spouses' Protection Act (USFSPA), 10 U.S.C. § 1408, governs division of military retirement. The '10/10 rule' affects direct payment from DFAS: if the marriage overlapped with at least 10 years of creditable military service, DFAS can pay the former spouse's share directly. Division of military retirement requires specific language in the decree.

✓ TIP: Military Retirement Division

Dividing military retirement is complex. The decree must contain specific language required by DFAS. If military retirement is at issue, the decree must be carefully drafted to comply with federal requirements, or the division may not be honored.

This concludes Part Two. If you selected 'New Divorce' in Section 1, skip to Sections 27-31 (which all clients complete). If you also have ongoing or pending proceedings, complete the relevant sections in Part Three or Four as applicable.

PART THREE: POST-DECREE MODIFICATION (SECTIONS 16-22)

This part applies only if you selected 'Post-Decree Modification' in Section 1. You already have a Final Decree of Divorce, and you are seeking to change some aspect of that decree — custody, visitation, child support, alimony, or enforcement of its terms.

⚖️ LEGAL STANDARD: Modification Requires Changed Circumstances

Oklahoma law does not allow modifications simply because you are unhappy with the original decree or because time has passed. To modify custody, you must demonstrate a permanent, substantial, and material change in circumstances that was not contemplated at the time of the original decree. For child support, 43 O.S. § 118I creates a presumption favoring modification if the recalculated amount differs by 10% or more from the current order.

⚠️ WARNING: You Must Provide Your Decree

If you are seeking a modification, you must provide a copy of your Final Decree of Divorce and any prior modification orders. Without these documents, we cannot know what the current orders are and cannot prepare an appropriate motion. If you have lost your decree, obtain a certified copy from the court clerk where your divorce was granted.

SECTION 16: EXISTING DECREE INFORMATION

Date of Final Decree of Divorce

Why This Question Matters

The date of the decree establishes when the current orders went into effect. It also helps determine how much time has passed since the last order, which may be relevant to showing changed circumstances.

Case Number / Court / Judge

Why This Question Matters

Modification motions are generally filed in the same court that issued the original decree, under the same case number. The assigned judge may still be on the bench or may have been replaced. Knowing this information ensures we file in the correct court and reference the correct case.

Do you have a copy of the Final Decree of Divorce?

Why This Question Matters

This is critical. We cannot prepare a modification motion without knowing exactly what the current orders say. If you do not have a copy, you must obtain one before we can proceed.

✓ TIP: How to Obtain Your Decree

Contact the District Court Clerk's office in the county where your divorce was granted. Request a certified copy of the Decree of Divorce and any subsequent modification orders. There will be a small

fee (usually \$5-20). Some courts have online access to records through OSCN (Oklahoma State Courts Network) at www.oscn.net.

Have there been any prior modifications?

Why This Question Matters

If the decree has already been modified, the most recent modification order supersedes the original decree on the issues it addressed. We need all modification orders to understand the current state of affairs.

Were you/the opposing party represented by an attorney?

Why This Question Matters

Understanding the original representation helps us assess the original decree. A decree entered by agreement between two represented parties carries different weight than one entered by default because a party failed to appear.

SECTION 17: CHANGED CIRCUMSTANCES

This is the heart of your modification request. You must demonstrate that circumstances have changed significantly since the decree was entered, and that these changes justify modifying the court's orders.

LEGAL STANDARD: The Changed Circumstances Standard

Oklahoma requires proof of a 'permanent, substantial, and material change in circumstances' for custody modifications. The standard for child support is more lenient: 43 O.S. § 118I creates a rebuttable presumption that modification is warranted if the recalculated support differs by 10% or more from the current order. For alimony, modification typically requires a substantial change in the financial circumstances of either party.

Describe in detail what has changed since the decree was entered

What This Question Is Asking

Provide a detailed narrative of the changes that have occurred. Be specific about what changed, when it changed, and how it affects you, the children, or the other party.

How to Answer

Vague statements like 'things are different now' or 'the situation has changed' are legally insufficient. You must be specific:

- What exactly changed?
- When did it change? (Provide dates or timeframes)
- How does this change affect the children's best interests (for custody/visitation)?
- How does this change affect financial circumstances (for support)?

EXAMPLE: Specific Changed Circumstances

GOOD: 'In August 2025, the opposing party relocated from Tulsa to Houston for employment. This 250-mile distance makes the current every-other-weekend visitation schedule impractical. The children are struggling academically due to the long drives every two weeks, and transportation costs have tripled.' *BAD: 'She moved away and it's causing problems now.'*

When did this change occur?

Why This Question Matters

Timing matters. Changes that occurred before the decree was entered were already known or should have been anticipated — they are not 'changed circumstances.' Changes that just happened last week may not be permanent. The court wants to see changes that are both recent enough to matter but established enough to be permanent.

Why are you seeking a modification now?

Why This Question Matters

If circumstances changed a year ago, the court will wonder why you waited until now to seek modification. Explain the timing of your action. Perhaps you tried to work things out informally.

Perhaps the situation has finally reached a breaking point. Perhaps you only recently learned of certain facts.

Check all changes that apply

Why This Question Matters

This checklist helps identify the categories of changed circumstances. Most modifications involve one or more of these common changes:

- Income changes (job loss, promotion, new employment, retirement)
- Relocation of a party or the children
- Changes in a child's needs (medical, educational, behavioral)
- Health changes in a party or child
- Remarriage or new cohabitation
- Substance abuse or domestic violence issues arising or becoming known
- Child reaching an age where preferences are considered (12+)
- Failure to exercise visitation or interference with visitation
- Non-compliance with decree terms

Income Comparison

Why This Question Matters

For child support modifications, income is the primary factor. The questionnaire asks for both parties' income at the time of the decree and current income. This allows us to calculate whether the 10% threshold for presumptive modification has been met.

✓ TIP: Document Income Changes

Gather pay stubs, tax returns, and employment records that show the change in income. If the other party's income has changed and you do not have documentation, we may need to conduct discovery to obtain their financial records.

SECTION 18: NON-COMPLIANCE WITH DECREE

If the other party is not following the terms of the decree, you may seek enforcement through contempt proceedings. Contempt is a serious remedy — it can result in fines, attorney's fees, make-up time, and even incarceration.

LEGAL STANDARD: Contempt of Court

Contempt requires proof that the other party: (1) knew of the court order, (2) had the ability to comply, and (3) willfully failed to comply. The decree must be clear and specific about what was required. Violations must be proven by clear and convincing evidence. Contempt is quasi-criminal in nature, so the burden of proof is high.

Is the opposing party in compliance with the current Decree?

Why This Question Matters

If the other party is in full compliance, there is no basis for a contempt action. If they are in partial or no compliance, you need to document every violation.

Identify every term being violated

Why This Question Matters

You cannot bring a vague contempt action. You must identify the specific provisions of the decree being violated. Check all applicable boxes and be prepared to prove each violation.

Violation Documentation

What This Question Is Asking

For each violation, provide: what term is being violated, the dates of violation, what happened, and what evidence you have to prove it.

How to Answer

Be meticulous. Courts require specificity:

EXAMPLE: Documenting a Violation

TERM VIOLATED: Child support (failure to pay) DATE(S): No payment received since February 2026 WHAT HAPPENED: The decree orders \$800/month child support due on the 1st. No payments have been received for February, March, or April 2026. Total arrearage: \$2,400. EVIDENCE: DHS payment records showing no payments; bank statements showing no deposits; certified mail letters demanding payment.

Child Support Arrearage / Alimony Arrearage

Why This Question Matters

If the issue is unpaid support, calculate the exact arrearage. Add up all missed payments, partial payments, and late payments. If support is processed through DHS/OCSS (Office of Child Support Services), they will have records.

✓ TIP: DHS Records

If your child support goes through DHS, request a certified payment history. This is strong evidence of non-payment that is difficult to dispute.

Are you seeking to hold the opposing party in contempt?

Why This Question Matters

Contempt can result in various remedies. Check all that you are seeking:

- Payment of arrearage: Order them to pay what is owed
- Incarceration: Jail time for willful non-compliance (serious step)
- Attorney's fees: They pay your legal costs for enforcement
- Make-up visitation time: If they denied you visitation
- Wage assignment/garnishment: Support taken directly from paycheck
- Bond or security: They post a bond to ensure future compliance

⚠ WARNING: Incarceration Is a Last Resort

Seeking incarceration for contempt is a serious step. Courts are reluctant to jail people for non-payment if they genuinely cannot pay (you cannot squeeze blood from a stone). However, if the other party has the ability to pay and willfully refuses, incarceration is an option. Be prepared to show that they have the financial ability to comply.

SECTION 19: CUSTODY / VISITATION MODIFICATION

Modifying custody is one of the most difficult things to accomplish in family law. Oklahoma courts prioritize stability for children and will not change custody arrangements without compelling reasons.

LEGAL STANDARD: Custody Modification Standard

To modify custody in Oklahoma, you must demonstrate a permanent, substantial, and material change of circumstances that directly affects the best interests of the child. This standard is intentionally high. Courts recognize that shuttling children between homes based on changing parental preferences harms children. You must show something significant has changed AND that modification is in the child's best interests.

Current Custody Arrangement

Why This Question Matters

We need to know exactly what the current court order says. Describe the current custody arrangement as ordered by the court — not the informal arrangement you may have drifted into.

Requested Modification

What This Question Is Asking

What specific changes are you requesting? Be clear about exactly what you want the court to order.

How to Answer

Your request should be specific and realistic:

- 'Change primary physical custody from mother to father' — specific
- 'Modify the visitation schedule to alternate weeks instead of weekends' — specific
- 'Require supervised visitation due to mother's documented alcohol abuse' — specific
- 'Make things better for my kids' — not specific enough

How does the requested change serve the best interests of the child(ren)?

Why This Question Matters

This is the key question. It is not enough to show that circumstances changed — you must show that the change you request is in the children's best interests. Focus on the children, not your preferences or grievances against the other parent.

Has any child reached the age of 12 since the decree?

Why This Question Matters

Under Oklahoma law, children 12 and older may express preferences about custody. The court is not bound by the child's preference, but it is one factor considered. If a child has reached 12 and

expresses a strong preference for a different arrangement, this can support a modification request.

 **NOTE: Child's Preference**

A child's preference is just one factor. The court will consider whether the preference is genuine or coached, whether the child understands the implications, and whether the preference aligns with the child's best interests. Do not put your child in the middle by pressuring them to express a preference.

Have there been any DHS/CPS reports since the decree?

Why This Question Matters

Reports to the Department of Human Services / Child Protective Services are highly relevant to custody. If there are substantiated reports of abuse or neglect by the other parent, this is strong evidence supporting modification. Provide dates, case numbers, and outcomes.

SECTION 20: CHILD SUPPORT MODIFICATION

Child support modifications are generally more straightforward than custody modifications because they are driven primarily by income changes and can be calculated using the Oklahoma Child Support Guidelines.

LEGAL STANDARD: 10% Rule for Child Support

Under 43 O.S. § 118I, if the recalculated child support amount differs by 10% or more from the existing order, there is a rebuttable presumption that modification is warranted. This means the burden shifts to the party opposing modification to show why the guidelines should not apply.

Current child support amount / Who pays

Why This Question Matters

We need the baseline: what is the current order? This comes from your decree or most recent modification order.

Is the paying party current on child support?

Why This Question Matters

If the paying party is behind on support, enforcement may be more appropriate than modification. However, you can seek both modification going forward and enforcement of arrears.

What modification are you seeking?

What This Question Is Asking

Are you seeking an increase, decrease, or termination of support? Check the appropriate box.

- Increase: You believe the current support is too low (often because the paying party's income increased or the children's needs increased).
- Decrease: You are the paying party and believe the support is too high (often because your income decreased or the receiving party's income increased).
- Termination: Child has emancipated, reached majority, or other terminating event.

Income Comparison

Why This Question Matters

The Oklahoma Child Support Guidelines are based on both parents' incomes. Provide your income at the time of the decree and your current income. Do the same for the other party (to the extent you know their income).

✓ TIP: Calculate the Difference

The easiest way to support a modification is to show that recalculating support under current incomes produces a figure more than 10% different from the current order. If you earn \$4,000/month now versus \$5,000/month at the decree, and the other party's income has not changed, support should decrease. Oklahoma has online child support calculators that can help estimate the new figure.

Healthcare for Children

Why This Question Matters

Health insurance obligations are often part of the child support order. If circumstances have changed regarding who provides insurance or the cost of insurance, this can be addressed in a modification.

SECTION 21: ALIMONY / SPOUSAL SUPPORT MODIFICATION

Alimony modifications depend on the type of alimony originally ordered and whether there has been a substantial change in circumstances.

⚖️ LEGAL STANDARD: Alimony Modification and Termination

Rehabilitative alimony can be modified or extended if the receiving party needs more time to become self-supporting. Permanent alimony can be modified if either party's financial circumstances substantially change. Alimony typically terminates upon the remarriage of the receiving party. Oklahoma courts may also terminate or reduce alimony upon proof of cohabitation with a romantic partner.

Current alimony amount / Type / Duration

Why This Question Matters

Understand the current obligation: how much is paid, who pays, what type of alimony was ordered, and whether there is an end date.

What modification are you seeking?

What This Question Is Asking

Are you seeking to increase, decrease, terminate, extend, or enforce alimony? Check the appropriate box.

What has changed to justify this modification?

Why This Question Matters

Unlike child support, there is no '10% rule' for alimony. You must show a substantial change in circumstances. Common grounds include:

- Significant change in either party's income
- Retirement of the paying party
- Receiving party becoming self-supporting
- Change in health affecting ability to work or need for support
- Remarriage or cohabitation of receiving party

Has the receiving party remarried or begun cohabiting?

Why This Question Matters

Remarriage typically terminates alimony automatically under Oklahoma law. Cohabitation with a romantic partner may also be grounds for termination or reduction, especially if the cohabitation reduces the receiving party's financial need.

✓ TIP: Proving Cohabitation

Cohabitation can be difficult to prove. Evidence may include shared residence, shared expenses, testimony from neighbors or family, social media posts, or admissions by the parties.

SECTION 22: PROPERTY DIVISION & DEBT ENFORCEMENT

Property division terms in a final decree are generally not modifiable — they are final judgments. However, they are enforceable. If the other party has not complied with property division terms, you can seek enforcement.

⚖️ LEGAL STANDARD: Property Division Is Final

Unlike custody, visitation, and support, property division terms are typically final and cannot be modified after the decree is entered, except in cases of fraud or other extraordinary circumstances. However, if the other party has not complied with the division — failed to transfer property, failed to pay their share of debts, etc. — you can enforce the decree through contempt or other remedies.

Has the opposing party complied with all property division terms?

Why This Question Matters

If they have not complied, you have grounds for enforcement. Common violations include:

- Failed to sign over vehicle title
- Failed to deed real property
- Failed to divide retirement accounts (QDRO not executed)
- Took personal property awarded to you
- Failed to pay debts they were ordered to pay

Are there specific assets that have not been divided or transferred?

Why This Question Matters

List every asset that should have been transferred but was not. For each, describe what the decree ordered and what the current status is.

Are there debts the opposing party was ordered to pay but has not?

Why This Question Matters

If the decree ordered your ex to pay certain debts and they have not paid them, you may be suffering the consequences — collection calls, credit damage, garnishment. Document each unpaid debt.

⚠️ WARNING: Creditors Can Still Come After You

Remember: the divorce decree only binds you and your ex. It does not bind creditors. If your name is on a debt and your ex does not pay it, the creditor can still pursue you. The decree gives you recourse against your ex (through contempt or other remedies), but it does not release you from the underlying debt.

Have you been held financially responsible for debts the opposing party was ordered to pay?

Why This Question Matters

If you have suffered actual damages — paid debts your ex was supposed to pay, had wages garnished, had credit damaged — you may be entitled to reimbursement. Document every payment you made and every consequence you suffered.

This concludes Part Three. After completing Section 22 (if applicable), proceed to Sections 27-31, which all clients complete.

PART FOUR: ONGOING / PENDING PROCEEDINGS (SECTIONS 23-26)

This part applies only if you selected 'Ongoing / Pending Proceedings' in Section 1. You have an active case that has been filed but not yet finalized, and you are seeking assistance or new representation.

SECTION 23: CURRENT CASE STATUS

Case Number / Court / Judge

Why This Question Matters

We need to identify your pending case and understand its current posture. Provide the case number, the court (county and state), and the assigned judge.

Date Case Was Filed / Who Filed

Why This Question Matters

Knowing when the case was filed and who initiated it (the Petitioner) helps us understand the procedural history and timeline.

What stage is the case currently in?

What This Question Is Asking

Family law cases proceed through various stages. Identify where your case currently stands:

- Petition filed, not yet served: The case has been filed but the other party has not yet been officially notified.
- Petition served, awaiting response: The other party has been served and has time to file a response (typically 20-30 days).
- Response filed: The other party has answered, and the case is proceeding.
- Discovery phase: Parties are exchanging information through formal discovery.
- Temporary order in place: The court has entered interim orders while the case proceeds.
- Mediation scheduled/completed: The parties are attempting or have attempted to settle.
- Trial/hearing scheduled: A court date is set for a judge to decide contested issues.
- Post-trial motions pending: Trial has occurred, but motions are pending before final judgment.
- Appeal pending: A final judgment has been appealed to a higher court.

Next Hearing / Court Date

Why This Question Matters

This is critical. If you have an upcoming hearing, we need to know when it is and what it is about. Deadlines in court proceedings are strict, and missing a hearing can have serious consequences, including default judgments.

⚠ WARNING: Imminent Deadlines

If you have a hearing in the next 30 days, tell us immediately. We may need to expedite your intake, request a continuance, or take other urgent action. Do not wait until the last minute.

Are there any pending deadlines?

Why This Question Matters

Court cases have various deadlines: deadlines to file responses, deadlines to complete discovery, deadlines to file pretrial motions, deadlines to submit witness lists, and more. Missing a deadline can waive rights or result in sanctions. Tell us about any deadlines you are aware of.

SECTION 24: CURRENT & PRIOR REPRESENTATION

Are you currently represented by an attorney?

Why This Question Matters

If you currently have an attorney, that attorney is your representative in the case. We cannot substitute ourselves for your attorney or communicate with the court on your behalf while you have counsel. If you want to proceed with us, you must first terminate your attorney-client relationship with your current lawyer.

If you previously had an attorney, why did that representation end?

Why This Question Matters

Understanding why previous representation ended helps us assess the case. If the attorney withdrew, there may have been problems (non-payment, non-cooperation, or ethical concerns). If you terminated, we want to understand your concerns so we can address them.

NOTE: Transition of Representation

If you are transitioning from attorney representation to pro se (self-representation), be aware that there may be pending obligations from your prior representation: unpaid fees, liens on the case, or documents in your former attorney's possession that you need. Address these issues before proceeding.

Are you proceeding pro se (representing yourself)?

Why This Question Matters

If you are currently pro se, you are handling the case yourself. Our role is to help you prepare documents, not to represent you in court. You will continue to be responsible for appearing at hearings, making legal decisions, and following court rules.

Have you filed any pro se documents in this case?

Why This Question Matters

If you have filed documents yourself, we need to see them. What you have already filed sets the framework for the case and may limit or affect what can be done going forward. List all documents you have filed.

SECTION 25: CURRENT TEMPORARY ORDERS

Is there a temporary order currently in effect?

Why This Question Matters

Temporary orders govern the parties' conduct while the case is pending. They establish who has custody, who pays support, who lives in the house, and other interim arrangements. If there is a temporary order, provide a copy.

Is either party in violation of the temporary order?

Why This Question Matters

If the other party is violating the temporary order, you may seek enforcement through contempt or a motion to compel. Document the violations with dates and specifics.

Do you need a new or amended temporary order?

Why This Question Matters

Circumstances may have changed since the temporary order was entered, or the temporary order may be inadequate. If you need changes, explain what changes are needed and why.

SECTION 26: CONTESTED ISSUES & GOALS

What issues remain contested between the parties?

Why This Question Matters

Understanding what is still in dispute helps us focus our efforts. Some issues may be agreed upon, while others are hotly contested. Check all issues that remain unresolved.

For each contested issue, describe your position and the opposing party's position

Why This Question Matters

We need to understand both sides of each dispute. Knowing the other party's position helps us anticipate their arguments and prepare responses.

Has mediation been attempted?

Why This Question Matters

Many Oklahoma courts require mediation before trial in family law cases. If mediation has been attempted and failed, we know that a negotiated settlement may not be possible. If mediation has not been attempted, it may be required.

NOTE: Mediation

Mediation is a process where a neutral third party helps the parties try to reach agreement. It is confidential and voluntary (in the sense that you cannot be forced to agree). Many cases settle in mediation, avoiding the cost and uncertainty of trial.

Are you willing to negotiate or settle?

Why This Question Matters

Settlement is often in both parties' interests. It avoids the expense and uncertainty of trial. However, some issues may be non-negotiable for you. Tell us what you are willing to compromise on and what is essential.

PART FIVE: ALL CLIENTS — ADDITIONAL SECTIONS (27-31)

All clients complete these final sections regardless of the type of family law matter. These sections address estate planning, electronic evidence, your goals, fees, and the documents checklist.

SECTION 27: ESTATE PLANNING & BENEFICIARY DESIGNATIONS

During divorce and modification proceedings, estate planning matters require immediate attention to prevent unintended consequences.

Has either party executed a will or trust naming the other party as beneficiary?

Why This Question Matters

If your will leaves everything to your spouse, that designation may need to be changed. Oklahoma law provides some automatic revocation upon divorce (84 O.S. § 114), but you should not rely on automatic provisions. Update your estate planning documents.

Are there life insurance policies naming either party as beneficiary?

Why This Question Matters

Life insurance beneficiary designations are contractual and may not be automatically changed by divorce. If you have a policy naming your spouse as beneficiary and you do not change it, they will receive the proceeds even after divorce. Some decrees require maintaining life insurance for support obligations.

Are there retirement account beneficiary designations naming either party?

Why This Question Matters

Like life insurance, retirement account beneficiaries are contractual. Review and update 401(k), IRA, and pension beneficiary designations.

Does either party hold power of attorney for the other?

Why This Question Matters

A power of attorney gives someone authority to act on your behalf. If your spouse has power of attorney for you, you should revoke it immediately upon separation. You do not want your estranged spouse making financial or medical decisions for you.

⚠ WARNING: Revoke Powers of Attorney

If your spouse has any power of attorney for you — financial, healthcare, or otherwise — revoke it immediately. Provide written notice of revocation to your spouse and to any institutions (banks, doctors) that have the power of attorney on file.

SECTION 28: SOCIAL MEDIA & ELECTRONIC EVIDENCE

In contested family law matters, social media content and electronic communications are frequently used as evidence. What you post can be used against you.

⚠ WARNING: Assume Everything Is Being Watched

Once a divorce or custody dispute begins, assume the other party is watching your social media, saving your texts, and documenting everything. Do not post anything you would not want a judge to see. Do not send angry texts or emails. Do not vent on social media.

Does either party maintain social media accounts?

Why This Question Matters

We need to know what platforms are in use. Social media posts can be evidence of lifestyle, spending habits, relationships, parenting, or admissions.

Has either party posted content relevant to this proceeding?

Why This Question Matters

If the other party has posted evidence that supports your case — photos with new partners when they denied dating, evidence of lavish spending when they claim they cannot pay support, admissions of drug use, or anything else relevant — we may want to use it.

How to Preserve Social Media Evidence

Screenshots are essential. When you see relevant content:

- Take a screenshot that shows the post, the date, and the account name
- Save the screenshot with a descriptive filename
- Note the URL if possible
- Do this immediately — posts can be deleted at any time

Do you have text messages, emails, or other electronic communications?

Why This Question Matters

Text messages and emails are frequently the most important evidence in family law cases. They can show agreements, admissions, threats, harassment, or patterns of behavior.

✓ TIP: Preserve All Communications

Do not delete any text messages, emails, or voicemails related to your case. Back them up. Screenshot important texts. Print important emails. These communications may be crucial evidence.

SECTION 29: CLIENT NARRATIVE & GOALS

This is your opportunity to tell us your story in your own words and explain what you hope to achieve.

Describe your legal matter and how we can help

What This Question Is Asking

Write a narrative explaining your situation. Include any details you believe are important that were not captured in the specific questions above.

How to Answer

Be honest and thorough. Tell us:

- The background of your relationship and what led to this point
- What has happened since separation or since the last order
- What you are concerned about
- What outcome you are seeking

What is your primary goal in this proceeding?

Why This Question Matters

We need to understand your priorities. If we know what matters most to you, we can focus our efforts accordingly. Are you most concerned about custody? About the house? About protecting yourself from an abusive ex? About getting support you are owed?

Is there any time-sensitive urgency to your matter?

Why This Question Matters

Certain situations require expedited action:

- Upcoming hearing within 30 days
- Threat of relocation with children
- Immediate safety concerns
- Impending statute of limitations
- Risk of asset dissipation

If any of these apply, indicate the urgency so we can prioritize appropriately.

SECTION 30: FEES & COSTS

Who should be responsible for fees and court costs?

Why This Question Matters

In family law cases, one party can sometimes recover attorney's fees from the other party. This is more common when there is a significant disparity in income or when one party's conduct necessitates litigation. However, fee awards are discretionary.

⚖️ LEGAL STANDARD: Attorney's Fees in Family Law

Oklahoma courts may award attorney's fees in family law cases based on the relative financial positions of the parties and the conduct of the parties. If one party has significantly greater resources or has litigated in bad faith, the court may order them to contribute to the other party's fees.

How will you be paying for document preparation services?

Why This Question Matters

We need to understand your ability to pay for services. Our fees are separate from court costs (filing fees, service fees, etc.) that you will also need to pay.

SECTION 31: DOCUMENTS CHECKLIST

Gathering documents at the beginning of your case saves time and helps us prepare accurate documents. This checklist identifies the documents you should provide.

All Clients

These documents apply to every client:

- Government-issued photo ID (driver's license, passport, or state ID)
- Marriage certificate (if applicable)
- Prenuptial or postnuptial agreement (if any)
- Pay stubs (last 3 months for you, and for opposing party if available)
- Tax returns (last 3 years for you, and for opposing party if available)
- Bank statements (last 3 months for all accounts)
- Prior court orders (custody, support, protective orders, temporary orders)

New Divorce Filings

Additional documents for divorce:

- Retirement/pension account statements
- Mortgage statements and property deeds
- Vehicle titles and loan statements
- Credit card statements and debt documentation
- Life insurance policies
- Health insurance cards and documentation
- Business financial statements (if self-employed or business owner)
- Birth certificates for minor children
- Estate planning documents (wills, trusts, powers of attorney)

Post-Decree Modification

Additional documents for modifications:

- Final Decree of Divorce (REQUIRED – we cannot proceed without this)
- All prior modification orders
- Current child support payment records / DHS records
- Evidence of changed circumstances (medical records, termination letters, etc.)
- Evidence of non-compliance (texts, emails, bank records, payment logs)
- Current income documentation for both parties

- School records / medical records for children (if relevant)
- DHS / CPS reports (if applicable)

Ongoing Proceedings

Additional documents for pending cases:

- Complete case file (all filings and orders to date)
- Current temporary order
- Discovery requests and responses
- Mediation report or agreement (if applicable)
- Correspondence with prior attorney (if applicable)

✓ TIP: Organization Saves Time

Organize your documents before submitting them. Use folders or tabs to separate categories. Label documents clearly. The better organized you are, the faster and more accurately we can prepare your documents.

APPENDIX: OKLAHOMA FAMILY LAW QUICK REFERENCE

This appendix provides a quick reference to key Oklahoma statutes and legal standards frequently referenced in family law matters.

Residency Requirements

43 O.S. § 102: At least one party must have been an actual resident of Oklahoma for six months immediately preceding the filing of the divorce petition.

43 O.S. § 103: The petition must be filed in the county where the petitioner has been an actual resident for 30 days, or in the county where the respondent resides.

Grounds for Divorce

43 O.S. § 101: Oklahoma recognizes the following grounds for divorce:

- Incompatibility (no-fault)
- Adultery
- Abandonment for one year
- Extreme cruelty
- Habitual drunkenness
- Gross neglect of duty
- Imprisonment for felony at time of filing
- Fraudulent contract
- Impotency
- Insanity for five years

Child Custody

43 O.S. § 112: All custody decisions are governed by the best interests of the child. The court considers the physical, mental, and emotional needs of the child; the capability and desire of each parent to meet those needs; the child's preference (if of sufficient age and maturity); the child's relationships with parents and siblings; and the stability of each proposed home environment.

43 O.S. § 112.2: Oklahoma presumes that joint custody is in the best interest of the child unless proven otherwise.

43 O.S. § 112.3: A custodial parent must provide at least 60 days' written notice before relocating with a child.

Child Support

43 O.S. § 118 et seq.: Oklahoma uses the Income Shares Model for calculating child support. Both parents' gross incomes are combined to determine the total child support obligation, which is divided between parents based on their proportional share of combined income.

43 O.S. § 118I: If the recalculated child support amount differs by 10% or more from the existing order, there is a rebuttable presumption that modification is warranted.

Spousal Support (Alimony)

43 O.S. § 121: The court may grant alimony out of the property of either party or both as the court deems reasonable. Alimony is discretionary and based on factors including the length of the marriage, the parties' age and health, earning capacities, standard of living during the marriage, and the needs of each party.

Property Division

43 O.S. § 121: Oklahoma is an equitable distribution state. Marital property is divided fairly, which does not necessarily mean equally. Property owned before marriage, inherited property, and gifts to one spouse are generally separate property unless commingled or transmuted.

Protective Orders

22 O.S. § 60 et seq. (Protection from Domestic Abuse Act): Victims of domestic abuse, stalking, harassment, or rape can obtain a protective order. An emergency protective order (EPO) provides immediate protection. A victim protective order (VPO) provides longer-term protection after a hearing.

UCCJEA (Child Custody Jurisdiction)

43 O.S. § 551-101 et seq.: The Uniform Child Custody Jurisdiction and Enforcement Act determines which state has jurisdiction over child custody matters. Generally, the child's home state (where the child has lived for the last six months) has exclusive jurisdiction.

Servicemembers Civil Relief Act

50 U.S.C. § 3901 et seq.: Provides procedural protections for active-duty service members, including protection from default judgments and the right to request stays of proceedings.

Military Retirement Division

10 U.S.C. § 1408 (USFSPA): The Uniformed Services Former Spouses' Protection Act governs division of military retirement. For DFAS to make direct payments to a former spouse, the marriage must have overlapped with at least 10 years of creditable military service.

COMPLETING YOUR QUESTIONNAIRE

You have now reviewed the complete Family Law Client Intake Guide. With this information, you should be able to complete the Family Law Client Intake Questionnaire thoroughly and accurately.

Before You Submit

Review your questionnaire for the following:

- Have you answered every applicable question?
- Have you provided specific dates and details, not vague statements?
- Have you gathered and attached the required documents?
- Is the information accurate and truthful?
- Have you signed and dated the certification?

What Happens Next

After you submit your completed questionnaire:

1. We will review your responses and contact you if we need clarification.
2. We will prepare the appropriate legal documents based on the information you provided.
3. We will provide the documents to you for review.
4. After your approval, you will file the documents with the court.
5. You are responsible for serving the documents on the opposing party.
6. You are responsible for appearing at all hearings and court dates.

 **NOTE: We Are Document Preparation, Not Representation**

Remember: Judicial Advocates prepares legal documents based on the information you provide. We do not provide legal advice or represent you in court. You are filing these documents pro se (representing yourself). If you have questions about the law or legal strategy, you should consult with a licensed attorney.

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