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*DivorceInKentucky.com*

## CHILD CUSTODY, VISITATION AND SUPPORT DISPUTES CONCERNING CHILDREN BORN TO UNMARRIED PARENTS

Dear Prospective Client:

Although you and your child's other parent were never married, that fact does not minimize the highly charged emotions brought out when the unmarried parents cannot amicably resolve their differences concerning the custody, support and visitation of their child.

Child custody and visitation disputes are highly charged, volatile and extremely emotional situations. "Custody battles" are never simple and, much of the time, no one truly "wins". And, too often, the children become "collateral damage" in these cases.

Evaluation of your case will require an initial personal consultation so that we can understand the facts of your case and advise you about your rights and duties. We charge \$200 for an initial consultation, during which we expect to give you a really good idea of what you can expect to happen in your case.

**Before we can begin representing you**, we will require (1) a signed contract which explains our respective obligations and (2) receipt of an engagement fee, the size of which will be based on our estimation of the amount of time needed to resolve your case. *There is no guarantee, however, that all of your legal expenses will be covered by this Engagement Fee.*

Resolving visitation and child support issues takes a great deal of attorney and paralegal time. Anything you can do to complete the attached **CHILD VISITATION/SUPPORT DATAPACK for Non-Married Parents of Minor Children** and provide substantiating documentation will help to reduce the amount of attorney and paralegal time required in this action.

Any information you provide will, of course, be kept confidential and you are under no obligation until we each execute a written Engagement Agreement.

Very truly yours,

JAMES K. MURPHY  
RUTH J. WILKERSON  
WILLIAM L. HOGE, III  
*Attorneys at Law*

*THIS IS AN ADVERTISEMENT.*

## Attorneys at Law

Concentrating in Family Law Representation  
throughout Greater Metropolitan Louisville

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Email: [HogePartners@DivorceInKentucky.com](mailto:HogePartners@DivorceInKentucky.com)

Website: [DivorceInKentucky.com](http://DivorceInKentucky.com)

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*Hoge Partners, PLLC is the successor to Hoge & Associates, a law practice with a four-decade history of providing legal services throughout Metropolitan Louisville, including Jefferson, Oldham, Hardin and Bullitt Counties.*

### **JAMES K. MURPHY**

Jim Murphy is the Managing Partner of **Hoge Partners, PLLC**. He began practicing law in Kentucky in 1993. He graduated *magna cum laude* from Washington & Lee University and *cum laude* from the Lewis School of Law at Washington & Lee University.

Prior to joining Hoge & Associates in 2014, Jim's practice with another Louisville firm focused in commercial transactions, real estate and business. Since then, he has refocused his practice on Family Law matters with a special emphasis on associated business and real estate factors. Jim's caseload includes a variety of Family Law matters including domestic violence actions and criminal defense in child support matters as well as processing divorces, child support, child custody and post-divorce litigation. He also has significant appellate experience.

### **RUTH J. WILKERSON**

Ruth Wilkerson is a Partner of **Hoge Partners, PLLC**. She has been practicing law in Kentucky since 2010. A graduate of Transylvania University in Lexington, Kentucky and the Appalachian School of Law in Grundy, Virginia, Ruth has a varied legal background which included estate planning, workers compensation, personal injury litigation, employment law, civil rights discrimination and sexual harassment.

Ruth has focused on Family Law matters since joining the firm in 2014. She handles both contested and uncontested divorce actions, post-divorce litigation, modifications of child support and maintenance/alimony, disputed parenting matters such as visitation schedules and primary residence, adoption proceedings, child custody and domestic violence proceedings.

### **WILLIAM L. HOGE, III**

Bill Hoge has been practicing law in Louisville since 1972 and focused on Family Law for better than half of that period. He retired from active practice in 2017. Bill remains of counsel to the firm of **Hoge Partners, PLLC**, providing advice and guidance to attorneys Jim Murphy and Ruth Wilkerson and handling a limited number of cases. He is still a Fellow of the American Academy of Matrimonial Lawyers and formerly served as the Chair of the Family Law Sections for both the Kentucky Bar Association and the Louisville Bar Association. The majority of Mr. Hoge's legal career has been dedicated to Family Law and being of service to people going through the divorce process in Kentucky, individuals needing assistance with post-divorce matters (child support, custody, visitation, etc.), victims of domestic violence, international parental abductions and others situations relating to Domestic Relations law.

## BEFORE YOU ENGAGE IN A BATTLE OVER YOUR CHILDREN. . . .

### ***How much am I willing to risk to win this fight?***

Custody battles are nearly always no-win situations. Fighting with your spouse for custody or control the children does little more than to salt the earth.<sup>1</sup>

Nothing can grow in such an environment . . . not your post-divorce relationship with your former spouse and, more importantly, not your children's relationships with their parents.

The damage done by a full-blown, no-holds-barred, take-no-prisoners mentality can be long-term.

How you and the other parent conduct yourselves during the divorce process and thereafter will have an enormous impact on your greatest asset -- your children.

It will affect their self-esteem, their school work, their ability to create and maintain healthy peer relationships, their romantic lives, their academic accomplishments, their career choices and the rest of their lives.

Because of the potentially negative impact a custody battle may have on your kids, please weigh your decision to proceed with the utmost caution.

### ***But I believe my child is in danger!***

If you believe or even suspect your child or any other child is being abused, neglected or somehow "seriously endangered" by your spouse or any other person, you are required by Kentucky law to immediately report such situations to:

**Child Protective Services ("CPS")**

**CHILD ABUSE HOTLINE**

**In Louisville: 502-595-4550**

**Statewide: 800-451-3637**

If this is not done, the Court must assume no significant danger and certainly no state of "emergency" exists with respect to the children. *It is a crime to not report child abuse; the Court will not listen to your complaints if you have not reported suspected abuse, neglect or endangerment.* If you report it and CPS makes no finding of abuse or neglect existing, it can negatively affect your creditability.

### ***How much will winning this war cost me?***

Custody battles are very expensive. Attorney fees of \$15,000 to \$30,000 are not considered high for a true custody

battle. Are you prepared to make this kind of investment in this endeavor?

*"You can no more win a war than you can win an earthquake."<sup>2</sup>*

Before we "cry havoc and let slip the dogs of war" (to borrow a well-worn phrase from Shakespeare's play *Julius Caesar*), you need to make a carefully deliberated decision as to whether this is the right move for you to make at this point in time and whether you have the wherewithal to finish the fight. Once the battle is begun, there are few opportunities to turn back without surrendering altogether.

There are alternatives to full-out custody litigation, particularly mediation, which you need to strongly consider before setting about such a course of action.

***Okay! I've made my decision. I am not going to roll over and accept this situation. I am ready to fight for my rights as a parent!***

"Custody" is only one of many issues which present themselves in litigation involving children. Below is a short course on the nature and impact of custody actions in Family Court.

### ***Custody -- Joint, Sole or Shared?***

The word "custody" is defined as the right to make decisions about a child's education, medical treatment and religious upbringing. Further, as a "custodian", you should be involved in the child's "major life decisions" (e.g., getting a tattoo, changing schools, engaging in potentially dangerous activities, dropping out of school, etc.).

In the old days, the kids were "awarded" to the Mom; Dad got to see them from time to time, generally every other weekend. Or, worse yet, Mom won the kids and Dad got to see them only when she agreed to allow it to take place.

At one time, the term "best interest of the child" meant the party who *won* custody got to unilaterally decide what was in the child's "best interest", including seeing or not seeing the other parent and under what conditions. Our current no-fault process is much better and more equitable.

Children's extracurricular activities are becoming more and more joint decisions which must be made by both parents. Signing your child up for Little League, for instance, is going to impact on the other parent's time with the child and will require a commitment of time and involvement by both parents.

<sup>1</sup> "Salting the earth" refers to the practice of victors spreading salt on fields to make them incapable of being used for crop-growing. This was done in ancient times at the end of war as an extremely punitive "scorched earth" tactic.

<sup>2</sup> Jeannette Rankin, US politician (1880-1973).

### **Joint Custody:**

Parents start out with "joint custody" of their children. (KRS 405.020.) They each have their own voice in making decisions which affect their children.

The Kentucky statutes do not specifically define "joint custody"; however, Black's Law Dictionary tells us it means "both parents share the responsibility for and authority over the child at all times."<sup>3</sup>

Again, this joint decision-making authority includes the child's care, education, medical treatment, religion and general welfare. Joint custody may or may not include veto power over the other parent and the ability to micro-manage the child's life.

Courts almost never believe that major life decisions should be the sole domain of only one parent, even in high-conflict cases where the parents have trouble agreeing on the time of day.

A "Parenting Coordinator" may be the answer for learning to work *together* with your former spouse in making joint decisions that affect your children. There are also some excellent books on this subject so check out Amazon.com, local bookstores or library.

### **Sole Custody:**

While "winning sole custody" was fairly commonly before 1972, it is almost unheard of in this day and age, occurring in only the most severe circumstances.

Clients frequently come to me saying they want sole custody because their wife/husband is having an affair, he/she yelled at the kids, she/he is an alcoholic or uses drug, etc. The simple truth is that such circumstances alone do not justify taking away from a parent his or her joint decision-making authority.

A parent can have a girlfriend, boyfriend or even a same-sex partner without the Court paying much attention. The other parent can be downright belligerent to or in front of the children without losing his or her right to joint decision making (*i.e.*, joint custody). The other parent can be a drunk or an addict without necessarily losing custody. However, there are circumstances associated with the above behaviors and actions which **can** result in the loss of access.

If the other parent has sexually or physically abused one of the children, if the other parent is having sexual relations literally in the presence of a child, if a parent has threatened a child with physical harm, if a parent is an untreated, active alcoholic or can be proven to be using drugs in the presence of the child, and so forth, then he/she runs the genuine risk of losing access to the child or being limited to supervised visitation only.

The other parent must be proven to the Court to be literally unfit to make decisions with respect to a child. She/he must be proven to the Court to present a substantial risk to the child's health, welfare and/or safety, which may be the case in egregious domestic violence cases.

By winning sole custody of a child, one parent is granted ultimate decision-making power. If there is a decision or agreement to "jointly parent", the Court will expect you to share decisions on education, medical and religious issues as well as major life decisions. This is much harder to enforce than it is to say.

### **Shared Parenting Time:**

"Shared parenting time" means the children approach equal division of the amount of time they spend with each parent. For instance, one week with Mom and one week with Dad.

This sort of arrangement requires the children be developmentally appropriate. Further, the parents need to reside fairly close together so neither has a tremendous burden in getting the children to school, picking them up after school, etc. It obviously can't work if the parents are in distant cities or states.

Shared parenting time also requires a level of ability to communicate between the parents. Though it is rare, it is not impossible for divorcing spouses to be able to communicate between themselves to coordinate their children's daily lives.

You may not want to consider shared co-parenting time if there is even a remote possibility that one of you will be threatened by the entrance of a new boyfriend, girlfriend or spouse or some other upheaval will damage your ability to effectively share parenting responsibilities.

### **Primary Residential Custodian Status:**

Often, the real issue is not "joint custody" versus "sole custody", but rather who will be designated as the child's Primary Residential Custodian ("PRC") and what the parties' physical possession routine ("Parenting Schedule") will be. This issue is particularly important if future relocation is even a remote possibility.

Courts give great emphasis to who performed the primary parenting acts before the parties broke up. This can be determined by answering questions such as the following:

1. Who helped the children with their homework?
2. Who handled disciplining the children?
3. Who read bedtime stories to the children?
4. Who was responsible for getting the children in bed on time?
5. Who changed the baby's diapers in the middle of the night?
6. Who got the children dressed and ready for school?
7. Who took the children to worship services?
8. Who took the children to extracurricular events (dance class, gymnastics, soccer games, Little League, etc.)
9. Who communicated with the children's teachers?
10. Who prepared the children's meals?
11. Who did the grocery shopping for the family?
12. Which parent traditionally took the children to doctor's appointments?
13. Who took the children shopping for clothes, toys, school supplies, etc.?
14. To whom did the children turn when they were frightened, angry or hurt?

The answers to questions such as these is often used as the basis for determining who was the primary caregiver for the children in happier times.

Under current Kentucky law, the Primary Residential Custodian designation decides where the child will live if the PRC relocates. If he or she decides to move to California or Europe for a new career opportunity, the other parent will have little hope of stopping such an event, damaging as it might be to his/her relationship with the children.

### **Working Together as Parents:**

One way to potentially avoid future parenting conflicts is to create a *Co-Parenting Agreement* as part of the divorce process

*"Pick battles big enough to matter, small enough to win."*  
Jonathan Kozol,  
*On Being a Teacher*, 1981

<sup>3</sup> Black's Law Dictionary, Seventh Edition, West Group, 1999.

which establishes the parties' basic agreements as to medical treatment, education, religious training and participation, etc.

Such a document can eliminate future disputes about where the child is going to school (public v. private), who will be the child's primary healthcare providers (pediatrician, dentist, optician, etc.), in what religion the child will participate, and so forth.

### ***Co-Parenting Time***

The schedule under which the parents share time with the children is called many things -- visitation, parenting time, time-sharing, etc. We refer to this practice as "Co-Parenting Time".

When the kids are with their father, they aren't "visiting" him; it's his time to parent them. "Time-sharing" is a good name for this process too, but we still prefer "Co-Parenting Schedule".

In my three and a half decades of experience, I have learned that it is very important to establish very clearly exactly when and how a child is going to spend time with a parent, unless you really do get along well, at least as concerns the children.

Nowadays, the courts prefer for the parties to create a schedule that works for them as well as the children and which specifically spells out exactly who is going to have the kids and when, who will pick them up, who will drop them off, who will be responsible for getting them to school on time, etc. If the parenting schedule is too vague ("with Father having liberal visitation rights"), it is nearly impossible to enforceable.

We recommend that our clients create a simple repeating schedule that spells out when Mom has the kids, when they are going to be with Dad and so forth. Kids (and the Court) prefer structure.

At a minimum, you can expect for the parent with whom the children do not reside the majority of the time to have them at least every other weekend (Friday evening until Sunday evening) and again mid-week (*i.e.*, Wednesday evening through Thursday morning). We never settle for less and generally demand more.

Also, the parents will be expected to devise a schedule whereby the children's time on major holidays is either alternated with the parents or divided between them. For instance, the kids can be with Mom on Memorial Day weekend in odd-numbered years and with Dad in even-numbered years; they will be with Dad for Christmas Eve in even-numbered years and with Mom in odd-numbered years and then reversing the following year.

Generally, the parents are encouraged to make adjustments to their parenting time schedule to permit the children to spend at least part of Mother's Day with Mom and likewise to spend Father's Day with Day.

Now is also the time and place to address how the children will spend their summers and what sort of extra-curricular activities the two of you are agreeable for them to participate in (and who is responsible for the cost of those activities).

Striving to be fair and equitable in dividing their time with the children will go a long way toward preserving a cooperative post-divorce relationship between the parents. A horribly hostile parent can sabotage the other's parenting in many, many ways.

### ***Modifications to Custody***

KRS 403.340 and 403.350 permit parents to modify their prior custodial arrangements.

If a child's present environment may endanger seriously his or her physical, mental, moral, or emotional health or the custodial parent has placed the child with a *de facto* custodian such as a grandparent, a parent can bring a custody matter back to the attention of the court at any time for modification.

If, however, such endangerment or custodial reassignment has not taken place, you will have to wait at least two (2) years after a custody decree is put into place before trying to change the arrangement.

A ***substantial and continuing change in circumstances*** must exist in order to justify the making of a motion for modification (*i.e.*, changes in child support obligations). A parent getting an unusual amount of overtime would not qualify, but if he/she got a significant raise or decrease in pay (15% or more), that could justify revisiting the child support obligation issue, as could winning the lottery or suffering a significant health-related set-back which permanently interfered with one's ability to support a child.

I feel it prudent to make application to the court for modification on the basis of at least two affidavits -- one from you and one from another individual with first-hand knowledge as to why making the requested change is in the best interest of your child or children. This is absolutely required on motions made during the first two years.

Beware: Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment. [KRS 403.340(5).]

### ***Court's Demand***

All parenting matters (except Emergency Custody Orders and Emergency Protective Orders) required mediation before the Court will intervene.

The Courts hate custody fights, viewing them as bad for kids and frankly bad for the Court. The wisdom of Solomon comes at a high emotional cost for the decision maker. Courts want you to parent -- not them.

Federal law and all Kentucky courts absolutely required parents to exchange all pertinent school and medical information concerning your children. Refusal to do so will invoke the Court's great displeasure.

### ***Psychologist's Role***

If mediation fails and the parties demand that the Court make a decision, it will generally require a custody evaluation by a licensed and qualified psychologist or psychiatrist who are qualified to submit such reports.

This process is time-consuming and very expensive (costing, on average, about \$3,000 and taking many weeks to complete).

### ***Do Grandparents Have Rights?***

Yes, but not a lot! Generally, the parents have the right to share their respective time periods with the children with their own parents (the grandparents). If Dad has the kids for the weekend, for instance, he has the right to allow his own parents to take the kids for all or part of his weekend. Dad does not, however, have the right to assign part of Mom's time with the children over to his own parents or to dictate that the children will spend X-amount of time with Grandma and Grandpa aside from sharing his own allotment of time with them.

### ***Siblings***

Courts do not like to split up children as far as Primary Residential Custodian designations, but will allow each parent to have quality one-on-one time separately with the children. Mom, for instance, can be given a period of time to spend alone with one child while Dad has the other one.

### ***Work Schedules***

Work schedules often have a huge impact on parenting time allocations. Courts generally do not ever prefer a third-party

childcare provider over a natural parent. Even so, the Court will not generally utilize any theory of "right of first refusal" for short periods of time (less than a day).

Some parents believe that, unless they first refuse to take care of the children while another parent works or is away from home for short periods, they have some sort of automatic *right* to take the kids. That simply is not the case -- unless it is written into the parties' agreement.

So, if Mom is working or out of town or just going out for the evening, Dad does not have a superior right to take the children during Mom's parenting time over Mom's right to choose a babysitter or daycare provider in her absence . . . unless the parties have agreed to such an act.

### ***Child Support***

The calculation of child support in Kentucky is primarily a mathematical calculation based on the parties' respective and combined gross monthly incomes and the application of the Kentucky Child Support Guidelines.

An important aspect of determining the parents' respective child support obligations is documenting their true incomes. If both parties are salaried workers whose paychecks are roughly the same from week to week, this process can be fairly simple and straightforward. On the other hand, if one or both parties are self-employed, documentation of actual income becomes quite a bit more complicated.

In addition to the parties' recent paycheck stubs, documentation of their incomes may be found in tax returns, employment contracts, credit applications, etc.

The Father's Gross Monthly Income and the Mother's Gross Monthly Income are added together to arrive at a Combined Gross Monthly Income. This figure is applied to the Kentucky Child Support Guidelines. If, for instance, the non-custodial father earns \$7,500 per month and the custodial mother earns \$2,500 per month, their combined income is \$10,000 per month, 75% of which is attributable to the father and 25% to the mother. If they have three children, the current Guidelines says the combined obligation is \$1,899.

Next, we have to factor in the cost of work-related child care and health insurance for the children. Let's assume for this example that the child care cost is only \$400 per month and the insurance costs the father only \$100 per month.

For the purposes of our example, the combined statutory child support owed by the parents is \$1,899. Add in another \$500 for child care and insurance and we have a total of \$2,399.

Based on the above income ratio, 75% of this amount is the father's responsibility (\$1,799.25 per month) and 25% is the mother's responsibility (\$599.75 per month). If the mother is the "custodial parent", then the father owes her \$1,799.25 per month in child support.

If you want to run rough calculations to learn what your child support obligation or award might be, we suggest you visit:

<http://www.ag.ky.gov/childsupport/support.htm>

The on-going battle over whether equal parenting time will reduce child support is faced at every session of the Kentucky Legislature and then avoided by the General Assembly.

If this issue is important to you, please advise us. Be careful, however, that you are not accused of trading dollars for days (*i.e.*, wanting parenting time to reduce your child support obligation).

### ***Discovery***<sup>4</sup>

Some custody matters require special discovery rules (especially mental health records), but if those records are material to a case, such discovery is generally granted by the Court.

Invasion of the other parties' mental health records requires a demonstration of justification ("just cause") but ultimately custody fights will give sufficient "cause".

### ***CONCLUSION***

One of the main reasons custody cases get economically out of control is because it is very hard to know if you have done everything possible in order to prevail.

If you do not have Child Protective Services on your side, you do not have a situation which merits being handled as an "emergency" as far as the Courts are concerned.

Courts and right-thinking parents consider custody fights to be a last alternative.

You must mediate parenting issues before the Courts will intervene.

The Court will almost always require a mental health professional perform a complete custody evaluation and make a recommendation to the Court.

"Custody" relates only to decision-making authority.

Appointment of a Primary Residential Custodian is dicey and generally problematic.

Timesharing is not generally 50/50 for very young children.

Custody fights are expensive on many, many fronts, not the least of which is attorney fees.

And, finally, remember that children want a couple of things, no matter what they may tell you:

- First, they want to be left out of their parents' marital problems. They do not want to have to choose.
- Second, they would generally choose to have their parents together and they often have (some unrealistic) hopes it might happen.
- Third, they want their security maintained. Think about it: Children are the big losers in any divorce.

There are tons of helpful resources available to you. Some are listed on the "Links" pages of our website at [www.DivorceInKentucky.com](http://www.DivorceInKentucky.com). Others are available on the website of the American Academy of Matrimonial Lawyers at [www.aaml.org](http://www.aaml.org)

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Provided courtesy of:  
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<sup>4</sup> Discovery is the "compulsory disclosure of pertinent facts or documents to the opposing party in a civil action, usually before a trial begins." American Heritage® Dictionary of the English Language, Fourth Edition, 2000, Houghton Mifflin Company.

CHILD VISITATION/SUPPORT DATAPACK  
 [Non-Married Parents of Minor Children]

Please Print

Today's Date: \_\_\_\_\_

YOUR FULL NAME: \_\_\_\_\_

PRESENT ADDRESS: \_\_\_\_\_  
{Street Address or P. O. Box}

\_\_\_\_\_  
{City}                      {County}                      {State}                      {Zip}

YOUR SOCIAL SEC. NO.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

TELEPHONE: Home -- \_\_\_\_\_ Work -- \_\_\_\_\_

Mobile Phone: \_\_\_\_\_

YOUR E-MAIL ADDRESS: \_\_\_\_\_

How did you learn about us?  Referral from another attorney: \_\_\_\_\_  
 Personal referral from: \_\_\_\_\_  
 Our website at [www.DivorceInKentucky.com](http://www.DivorceInKentucky.com)  
 Other: \_\_\_\_\_

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**THE SPACE BELOW IS FOR OFFICE USE ONLY**  
*Please complete the remaining pages of this form*

Date of Initial Interview: \_\_\_\_\_ Interviewed by: \_\_\_\_\_

Engagement Agreement signed? \_\_\_\_\_ Date signed: \_\_\_\_\_ Engagement Fee Paid: \$ \_\_\_\_\_

Initial Pleadings Required: \_\_\_\_\_ Paternity Petition  
 \_\_\_\_\_ Petition/Motion for Child Custody and Affidavit  
 \_\_\_\_\_ Petition/Motion for **Temporary Custody** of Children  
 \_\_\_\_\_ Petition/Motion for Child Visitation and Affidavit  
 \_\_\_\_\_ Petition/Motion for Child Support  
 \_\_\_\_\_ Motion to Prohibit Removal of Children from Jurisdiction of Court  
 \_\_\_\_\_ Motion for Parenting Schedule  
 \_\_\_\_\_ Motion for Restraining Order

MARKED PLEADINGS \_\_\_\_\_ DISCOVERY:  Interrogatories  Request for Admission  Request for Production  
 REQUIRED BY: \_\_\_\_\_  Deposition of  
 \_\_\_\_\_ (Date) \_\_\_\_\_ OTHER: \_\_\_\_\_ When? \_\_\_\_\_  Court reporter needed?

**PERSONAL INFORMATION ON CLIENT**

YOUR AGE ON LAST BIRTHDAY: \_\_\_\_\_

YOUR DATE OF BIRTH: \_\_\_\_\_ RACE: \_\_\_\_\_

YOUR PLACE OF BIRTH: \_\_\_\_\_

YOUR SOCIAL SECURITY NUMBER: \_\_\_\_\_

YOUR OCCUPATION: \_\_\_\_\_

YOUR EMPLOYER: \_\_\_\_\_

YOUR OCCUPATION: \_\_\_\_\_

**ADDITIONAL PERSONAL INFORMATION ON CLIENT**

RESIDENT OF KENTUCKY SINCE: \_\_\_\_\_

PREVIOUS ADDRESS: \_\_\_\_\_

How long at that address? \_\_\_\_\_

NUMBER OF TIMES YOU HAVE BEEN MARRIED: \_\_\_\_\_

ARE YOU PRESENTLY MARRIED? \_\_\_\_\_ To whom? \_\_\_\_\_

**PERSONAL INFORMATION ON OTHER PARENT**

OTHER PARENT'S FULL NAME: \_\_\_\_\_

OTHER PARENT'S PRESENT AGE: \_\_\_\_\_

OTHER PARENT'S DATE OF BIRTH: \_\_\_\_\_ RACE: \_\_\_\_\_

OTHER PARENT'S SOCIAL SECURITY NO.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

OTHER PARENT'S PLACE OF BIRTH: \_\_\_\_\_

OTHER PARENT'S PRESENT ADDRESS: \_\_\_\_\_

How long at that address? \_\_\_\_\_

OTHER PARENT'S PREVIOUS ADDRESS: \_\_\_\_\_

How long at that address? \_\_\_\_\_

OTHER PARENT'S OCCUPATION: \_\_\_\_\_



OTHER PARENT'S EMPLOYER: \_\_\_\_\_

RESIDENT OF KENTUCKY SINCE: \_\_\_\_\_

NUMBER OF TIMES  
OTHER PARENT MARRIED: \_\_\_\_\_

IS OTHER PARENT  
PRESENTLY MARRIED? \_\_\_\_\_ To whom? \_\_\_\_\_

**YOUR RELATIONSHIP WITH OTHER PARENT**

DATE RELATIONSHIP BEGAN: \_\_\_\_\_

DATE RELATIONSHIP ENDED: \_\_\_\_\_

CIRCUMSTANCES OF BREAK-UP: \_\_\_\_\_  
\_\_\_\_\_

**CHILDREN OF THE RELATIONSHIP**

*Please provide the following information concerning any children were born as a result of this relationship (including any child now over 18):*

(1) Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Present Age: \_\_\_\_\_ Race: \_\_\_\_\_

Child's Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Place of residence: \_\_\_\_\_

Child lives there with: \_\_\_\_\_

Child has lived there since: \_\_\_\_\_

\* Previous residence: \_\_\_\_\_

Child lived there with: \_\_\_\_\_

Dates child lived at that address: \_\_\_\_\_

Child's present school: \_\_\_\_\_ Grade: \_\_\_\_\_

With which parent does child wish to live? \_\_\_\_\_

(2) Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Present Age: \_\_\_\_\_ Race: \_\_\_\_\_

Child's Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Place of residence: \_\_\_\_\_

Child lives there with: \_\_\_\_\_

Child has lived there since: \_\_\_\_\_

\* Previous residence: \_\_\_\_\_

Child lived there with: \_\_\_\_\_

Dates child lived at that address: \_\_\_\_\_

Child's present school: \_\_\_\_\_ Grade: \_\_\_\_\_

With which parent does child wish to live? \_\_\_\_\_

(3) Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Present Age: \_\_\_\_\_ Race: \_\_\_\_\_

Child's Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Place of residence: \_\_\_\_\_

Child lives there with: \_\_\_\_\_

Child has lived there since: \_\_\_\_\_

\* Previous residence: \_\_\_\_\_

Child lived there with: \_\_\_\_\_

Dates child lived at that address: \_\_\_\_\_

Child's present school: \_\_\_\_\_ Grade: \_\_\_\_\_

With which parent does child wish to live? \_\_\_\_\_

\* The Court requires that we list all residences and individuals with whom each minor child has lived for the past FIVE (5) years. If more space is needed, please use the back of this page.

**IF YOU HAVE MORE THAN THREE CHILDREN FROM THIS RELATIONSHIP, PLEASE PROVIDE THE ABOVE INFORMATION FOR EACH ADDITIONAL CHILD ON A SEPARATE SHEET OF PAPER.**

**IF YOUR CHILD OR CHILDREN OF THIS RELATIONSHIP HAVE ANY SPECIAL PROBLEMS (medical problems, learning disorders, etc.), please explain here.**

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## CHILD CUSTODY

Has any minor child of this relationship ever been involved in a custody dispute? If so, please give details.

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Does anyone besides yourself and the other parent have any custody claim on any minor child of this relationship? If so, please identify.

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Please state who (IN YOUR OPINION) is best suited to have custody of the children and briefly explain your position.

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## CHILD VISITATION

What are your present visitation arrangements with the other parent?

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What do you wish to **change** about your present visitation arrangements?

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Why do you wish to change this visitation arrangement?

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Does the other parent object to this change in your visitation arrangement? If so, why?

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## CHILD SUPPORT

Have you and the other parent made any arrangements or agreements concerning custody, visitation or support of the child or children of this relationship? If so, please describe.

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Have either of you taken any legal action in the past concerning the paternity or support of the child or children of this relationship? If so, please describe.

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**ATTACH COPIES OF ANY DOCUMENTS CONCERNING ANY PREVIOUS LEGAL ACTION CONCERNING THE CHILD OR CHILDREN OF THIS RELATIONSHIP.**

Do you wish to seek child support from the other parent? \_\_\_\_\_

Does the other parent wish to seek child support from you? \_\_\_\_\_

Why do you wish to change the child support arrangement you have previously had with the other parent?  
\_\_\_\_\_

## FINANCES OF THE PARTIES

Any documentation of the facts or figures which you can provide to substantiate your statements about your assets or the assets of the other parent will reduce the time necessary for the Attorney or paralegal to prepare your case.

The **Kentucky Child Support Guidelines** were enacted by the Legislature provide the courts with a state-wide formula for determining the amount of child support the non-custodial parent will be required to pay to the parent having custody of the child of this relationship.

Please fill in the following blanks to permit us to calculate the amount of child support we anticipate the Court to grant to the custodial parent.

Number of minor children of this relationship: \_\_\_\_\_

Who is custodial parent?       Mother       Father

Mother's GROSS monthly income (before taxes): \_\_\_\_\_

Father's GROSS monthly income (before taxes): \_\_\_\_\_

Child's health insurance cost: \_\_\_\_\_ per month

Child's health insurance paid by: \_\_\_\_\_

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Do you pay child support for other children born before the oldest child of this relationship?  YES  NO

How much? \_\_\_\_\_

To whom? \_\_\_\_\_

Number of children: \_\_\_\_\_

Birthdates of children: \_\_\_\_\_

Daycare expense for children of this relationship under 12: \_\_\_\_\_ per month

Daycare expenses paid by:  Mother  Father

### YOUR GOALS

Briefly state your **goals** and **motivation** in pursuing this matter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What do you expect your attorney to **accomplish** in pursuing this matter?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return completed Datapack to:

### **HOGUE PARTNERS, PLLC**

**Suite 400 SOUTH, First Trust Centre**

**200 South Fifth Street**

**Louisville, Kentucky 40202**

**Fax: (502) 583-1223**

**Phone: (502) 583-2005**

**Website: [DivorceInKentucky.com](http://DivorceInKentucky.com)**

If you have questions, please call Lois at (502) 583-2005, Ext. 104.

# ATTORNEY'S NOTES

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