

Which Experts Should Be on Your Divorce Team?

Divorce attorneys employ a wide range of experts in order to accomplish various purposes in a divorce action. The most common experts who may be used are described herein.

Real Estate Appraiser Generally, a party may testify regarding his/her opinion of the value of the parties' real estate. However, an appraisal of a home, farmland or acreage can be obtained through a certified real estate appraiser who estimates the fair market value of property, which is in dispute in a divorce action. This valuation is especially important where there is equity in the property and one of the parties wants the property. As is true with any opinion of value, if the opinion adopted by the court is significantly inaccurate, the spouse who receives the property is either going to have a windfall or a lower percentage of marital property than he/she should have.

Personal Property Appraiser This expert's job is similar to that of the real estate appraiser. Frequently, parties are able to divide their personal property and are satisfied that the distribution is approximately even. On other occasions, one party may believe that there is significant value to personal property and wish to have it appraised, especially if the other party will receive a disproportionately large share of the personal property. Personal property appraisals are recommended where the parties have accumulated lots of other property, which is not easily valued.

Actuary An actuary may be used to determine the present value of a person's interest in annuities and certain retirement or pension plans. Unknown to many clients, a lump sum value can be determined by an actuary for pension plans which will pay the employee's spouse a fixed amount per month beginning sometime in the future. Again, failure to obtain a valuation of these assets could result in an uneven distribution of marital property.

Accountant Accountants are very important experts to employ when one party to a divorce is self-employed or a partner in a business venture. An accountant who is qualified to perform business appraisals can advise the attorney and the client of the value of a business owned by one of the parties. The value of a party's business is usually included in the marital pot and the value is subject to distribution at the time of dissolution. An accountant may also be helpful in determining the true gross income of a self-employed person for purposes of determining child support, which, in Indiana, is based on gross weekly income.

Child Psychologist In child custody disputes, it is often crucial to have a child psychologist evaluate the parties and the child and make a report or testify to the court regarding his or her findings regarding custody. An evaluation of this nature can provide insight into certain aspects of the parent/child relationship that are not determinable by an attorney or a judge. Indeed, we occasionally obtain such evaluations to help our clients determine whether or not they should pursue obtaining custody or oppose efforts to obtain custody by the other parent.

Other experts, though employed less often, include doctors concerning various custody or spousal maintenance issues; vocational experts may be important for spousal maintenance and property distribution issues; and gemologists may be used for valuation of jewels. Usually, the spouse employing the expert pays his or her fees. However, the court in divorce and post-divorce cases has the discretion to order the opposing spouse to pay all or some of the other's expert witness fees.