



**Resource Center for Self-Represented Litigants
110 N. Grand Ave., Room 426, Los Angeles, CA 90012**

DISCOVERY OVERVIEW – FAMILY LAW

This information is not intended to provide legal advice. For legal advice or strategy, please consult with an attorney. For more information about discovery, you go to <http://www.lasuperiorcourt.org> or visit the Los Angeles Law Library, located at 301 West 1st Street, Los Angeles, CA 90012.

Discovery is the process by which one party requests documents and information from the other party. Discovery can be formal or informal. Family law discovery can be conducted through a voluntary, informal exchange of documents and information. For example, you can write a letter or request to meet with the opposing attorney, or party, if self-represented, to gather specific information and/or documents. Informal discovery is far less expensive and time-consuming than the formal discovery. However, you are limited to what the other party is willing to provide you with and there is no formal method to sanction them, should he/she fail to cooperate with your requests.

There is also a formal discovery process which involves more complex and costly procedures designed to obtain information and documents. See below for a list of common formal discovery methods. Should the other party fail to comply with your formal requests, you may seek sanctions in court.

Types of Formal Discovery	Description
Interrogatories	<ul style="list-style-type: none">Written questions that one party sends to the other party. Two types: Form and Special.Form Interrogatories: Prepared by the state Court system and may be found at: http://www.courtinfo.ca.gov/forms/.Special Interrogatories: Questions that are not included in the state forms.Must be answered, under penalty of perjury, within 30 days of service.
Requests for Admission	<ul style="list-style-type: none">Questions that ask for the other party to admit or deny certain facts.Statements that are not denied or objected to within 30 days are considered to be admitted.Used to resolve those issues that do not need to be argued at trial.
Requests for Production of Documents or Things	<ul style="list-style-type: none">Used by one party to ask the other party to turn over particular documents.May only be made between parties.Common requests: bank statements, pay stubs, tax returns, credit card statements, etc.
Subpoenas	<ul style="list-style-type: none">Official document ordering a witness to appear in court on a specific date and time, with or without certain documents, or to appear at a deposition.Requires court approval.Failure to comply with terms of subpoena may result in civil or criminal penalties such as fines and/or jail time.
Depositions	<ul style="list-style-type: none">Proceeding in which a witness or party is asked to answer questions orally under oath.Not taken in front of a judge, but in a less formal setting, like an attorney's office.Court reporter will record/videotape the deposition and create a deposition transcript.Person deposed (deponent) may be asked to bring documents to the deposition and answer questions about them.Testimony may indicate what a witness knows and can be used as evidence at trial.
Other	Inspection Demands, Physical and Mental Examinations, Vocational Exams, Expert Witness Disclosures, and Preliminary/ Final Declarations of Disclosures. Note: Preliminary Declarations of Disclosure are <u>mandatory</u> in all divorce cases.