

What Is A CIS?

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Dear Ask the Attorney:

I am leaving my husband, but really confused about what the whole divorce proceedings entail. So, I asked a friend who got divorced recently what the whole thing was about and she mentioned that I would have to fill out a CIS. What is a CIS?

P.J.

Our guest blogger, Jennifer Fortunato, Esq., Jennifer Fortunato is counsel at Einhorn, Harris, where she devotes her career exclusively to family law and related matters. She has broad experience in all areas of family law and related matters, including divorce litigation, custody and visitation, alimony and child support, business and other asset valuation, equitable distribution, domestic violence, separation and property settlement agreements, prenuptial agreements, post-divorce issues and litigation, grandparent rights, adoptions, guardianship, palimony, appeals, and civil unions.

Dear P.J.:

CIS is an abbreviation for Case Information Statement.

The CIS is a document that sets forth your income, expenses (marital lifestyle expenses and your current expenses), assets and liabilities. This document is extremely important. It provides your attorney, your spouse's attorney and the Court with information required in determining support (i.e. alimony and child support), equitable distribution and counsel fees. Both you and your spouse must fill out this document to the best of your abilities and exchange them with each other. In fact you will not receive an award of support from the Court unless you have filed a CIS. When the divorce is finalized, you should retain your CIS, as well as your now-ex-spouse's CIS. In the event support is addressed

after you are divorced, you need to provide the court with the CIS documents that were filed at the time of your divorce and an updated CIS so that the Court can review an application seeking to modify or terminate support filed by either you or your then ex-spouse.

Before completing your CIS, you should review same with your attorney to make sure you understand how to complete it. After you complete your CIS, you should review your CIS again with your attorney to make sure it was properly completed to the best of your ability. For example, on the statement of assets page, you need to list every asset you and/or your spouse has an interest in regardless of how title is held. This includes the assets which you are named as the custodian or trustee.

Often a party does not know what their expenses are since their spouse maintained their expenses during the marriage. In this case, you should review bank statements, credit card statements and any other documents from which your expenses were paid to determine your expenses. If necessary, you could contact the various creditors to obtain this information. Your CIS can and should be updated and amended as the circumstances of your case dictate.

If you and/or your spouse, have unreported income, you need to discuss this with your attorney. You are obligated to disclose all income, earned and unearned, in your CIS.

If you are seeking alimony, the Court will carefully review your marital lifestyle expenses, as well as your current expenses, in determining the marital lifestyle and your needs; these are two factors that the Court must consider when determining if an alimony award is appropriate and if so, the amount. Judges determine what they believe are your “reasonable” expenses. As a result, you should discuss your expenses with your attorney. If your expenses (or a particular expense) are particularly high, you may want to attach proof of said expense to your CIS to show the Court it is an actual expense.

Simply stated, your CIS is an extremely important document, not only in your divorce proceedings but in proceedings that may occur after your divorce. As a result, you need to carefully complete your CIS and review your CIS with your attorney both prior to completing it, after completing it and before submitting it to the Court.