

# **Florida Family Law Rules: 7 Things You Need to Know About Depositions**

When it comes to Florida family law rules, there is a lot to take in and when it's all presented to you in legal speak...well, it can be overwhelming, to say the least. Today we're going to tackle just one area of Florida family law rules to try and answer your questions in language that is a little more understandable - depositions.

## **Florida Family Law Rules: 7 Things You Need to Know About Depositions**

### **1. What is a Deposition**

First and most importantly, we need to clarify what a deposition is.

A deposition is when an attorney asks questions designed to discover more information about a case. Unlike court questioning, deposition does not take place in a courtroom - it usually takes place in the offices of one of the attorneys involved with the case. Any witness in a case can be deposed.

During a deposition, the attorney asks questions of a witness to gather information that can help them to make their case in court. During a deposition, there will also be a court reporter present who will record the entire process. The attorneys involved with the case will be provided with a copy of the deposition transcripts. You should also know that all parties involved with a case also have a right to request a copy of a deposition transcript.

### **2. You Will Be “Sworn In” Before Your Deposition**

Before your deposition, you will be “sworn in” by the court reporter. By being sworn in you are declaring that the statements that you are about to make are the truth and if they are found not to be the truth, you face the penalty of perjury. In Florida, perjury in an official proceeding is a third-degree felony and is punishable by up to five years in prison, five years of probation, and

\$5,000 in fines.

### **3. A Deposition is a “Sworn Statement”**

When giving a deposition, your statement is a “sworn statement” meaning that it is a legal document that is factual and consists of statements that are relevant to a legal proceeding or court case. Your deposition can be referenced in court during your hearing.

### **4. Your Attorney Can Object to Deposition Questions**

During a deposition, you should always have your attorney present to provide legal advice. Your attorney will also be able to object to questions before you answer them as well as to object to certain types of behavior by the opposing attorney. Objections can be made for a number of reasons some of these include:

- When the attorney who is asking you questions is harassing you
- When questions require you to refer to privileged information
- When the attorney who is asking you questions simply rephrases questions that have already been asked and answered in an attempt to get you to contradict yourself
- When questions require legal knowledge to be answered and you do not have that knowledge

### **5. There Are Limitations on How Long a Deposition Can Last**

By law, a deposition can last up to four hours but when it comes to family law, depositions usually do not require nearly as long as this. It is possible for a deposition to extend beyond four hours but ONLY if the parties involved agree to continue or if it is determined that there is good legal cause to continue.

### **6. You Have to Show Up to Your Deposition**

If you have been provided with proper notice of your deposition and you do not show up for that deposition, you will be issued an “Affidavit of Non-Appearance” which means that you will be responsible for the cost involved with the deposition that you did not show up to. If you do not

show up to your deposition this also gives the opposing side of your case reason to seek a continuance on the trial so that they can hold another deposition before the trial takes place.

## **7. There Are Limitations on What Can Be Asked During a Deposition**

During your deposition, there are some limitations on what you can be asked. During your deposition, you may **ONLY** be asked about information that is relevant to your case. As long as a question is relevant, asked in good faith, and asked professionally, though, you can be asked just about anything that will have influence over the case in court. Your attorney can object to questions that are asked, however, so it's always important to keep them near and not to answer any questions without your attorney present.

## **Do You Need Help Understanding Florida Family Law Rules?**

If you're facing a court appearance or dealing with a family legal case and need help from a reputable family law attorney, Weidner Law can help. Just pick up the phone and dial 727-954-8752 today! Practicing since 1999, attorney Matt Weidner has the experience to help you traverse the Florida legal system in terms that you understand.