

Will I Need an Expert Witness for My Divorce?

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One of the most important things to remember during the divorce is process is that every divorce is different. The process your friend or family member described to you may not be the same for you. Accordingly, although your colleague may have needed an expert for their divorce, you may not. Generally, in cases which involve businesses, high net-worth issues, or contentious custody situations, it could be appropriate or even necessary to have an expert witness.

New Jersey Rule of Evidence 702 governs expert testimony and states “[i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise.”

There are a wide variety of qualified individuals who may have specialized knowledge required and who may be necessary to testify during your case.

Perhaps the most common expert needed in a divorce matter is a child custody expert. Custody experts are often used in contentious custody matters to offer the court a recommendation as to what is best for the child. A child custody expert is often a mental health expert who meets with the child, parents, and may also speak to other close family members.

Another common expert is a forensic accountant, who can assist in matters such as alleged dissipation of assets or valuing a business. Forensic accountants review

financial information and provide often necessary insight into disputed financial circumstances.

These are just a few examples of expert witnesses that may be necessary in a divorce case. However, there are many different types of experts, which may be needed for a variety of reasons. Another important consideration is the cost of using an expert.

Oftentimes, experts can be costly and you will need to discuss the pros and cons of using an expert with your attorney. For example, if you and your spouse disagree as to the value of an asset but the asset has very little value, it may not be wise to retain an expert to resolve this dispute.

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