Why Vocational Evaluations Can Be a Game Changer in Divorce Cases

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When divorcing couples disagree about their spouse's employability and earning capacity, emotions often cloud facts. This is particularly important when one spouse claims an inability to pay support or when a spouse is voluntarily unemployed or underemployed.

A vocational evaluation introduces clarity. It's a professional, evidence-based assessment of a spouse's education, experience, transferable skills, salary history, earnings capacity, and labor market conditions. Courts and attorneys rely on these evaluations to bring objectivity, fairness, and data-driven insight into financial decisions involving spousal or child support.

Some key benefits include:

- Establishing a clear picture of what each spouse can earn.
- Assisting the courts in determining maintenance in a fair, defensible, and sustainable way.
- Providing an invaluable negotiation and litigation tool for family law attorneys.
- Preventing inflated claims of financial need by establishing genuine earning potential and ensuring that support awards are based on fact, not assumption.
- Offering a career roadmap to the supported spouse to reenter the workplace or elevate their earnings potential.
- Providing relevant labor market data (e.g., salary survey data, job postings, interviews with recruiters and hiring managers etc.) to support and strengthen conclusions.

What a Vocational Evaluation Provides

A vocational evaluation conducted by a qualified expert answers these essential questions:

- What can this person realistically earn based on their education, experience, and current market demand?
- What training, education and job search resources are available to the person being evaluated?
- What career paths are available to the person based on their education and experience?
- How long will it take to return to work or reach a specific earning level?
- Do they have any documented medical conditions that interfere with their ability to work and, if so, what is the impact of that condition on their ability to work?

How Does the Process Work?

The evaluation process typically includes the following steps:

- Document review. The expert works with the attorney to gather all relevant documents including tax returns, resumes, job search documentation, copies of licenses and certifications, and any relevant medical records.

- Client interview. The expert reviews and discusses education, work experience, career goals, job search documents, volunteer or professional activities, barriers to employment etc.

  If they will not agree to be interviewed and the court will not compel them to participate in the assessment process, the expert can provide the attorney with a list of questions to ask at deposition or in interrogatories.

- Labor market analysis. The expert may research industry trends and hiring practices, salary surveys, and job postings, and conduct interviews with recruiters and hiring managers.

- Assess transferable skills and identify viable career paths. This may include identifying resources (e.g. licenses, certificates, job search tools) and providing timelines for reentry or career development progression.

- Prepare a report. The information is then compiled into a written report that evaluates the individual's employability and earnings capacity. This report is submitted to the attorney and usually tendered to opposing counsel to be used at trial or as a negotiating tool.

- Testimony. The expert may be asked to testify in court to discuss their methodology and conclusions.

Benefits for Attorneys

Family law attorneys can benefit from vocational evaluations in the following ways:

- Establish objective evidence of employability and income potential, strengthening arguments in court.
- Clarify disputes over voluntary unemployment or underemployment.
- Support settlement by aligning both parties on realistic financial expectations.
- Provide credible testimony from a professional whose findings are grounded in data.

When to Recommend a Vocational Evaluation to Your Client

Engaging a vocational expert early often streamlines negotiations, anchors expectations, and saves both time and money. Attorneys should consider engaging a vocational expert in the following circumstances:

- A spouse is voluntarily unemployed or underemployed.

- One party alleges limited employability due to health, age, or childcare duties.
- There's a dispute about earning potential or "imputed income."
- Changes in the working spouse's employment situation requires a reassessment of a spouse's earning capacity.
- Career changes or retraining are central to the case.

How Much Does a Vocational Evaluation Cost?

Vocational experts typically charge an hourly rate and require a retainer covering 10 to 12 hours for the evaluation and preparation of the report. If the case does not settle and proceeds to trial, the expert will bill their standard hourly rate for testimony, as well as reimbursement for "portal-to-portal" travel time and related expenses.

Bringing Objectivity to an Emotional Process

Divorce is deeply personal and can be messy, but financial determinations must be objective. A vocational evaluation bridges that gap. It is grounded in evidence rather than emotion, and offers the court, the attorneys, and both parties a realistic picture of a person's employability and earnings capacity. In the end, vocational evaluations don't just inform financial outcomes, they also promote fairness and clarity and bring dignity to both parties in the process.

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She has written over 65 articles for the Society for Human Resource Management. She is also the author of *Love Your Work and Success Will Follow: A Practical Guide to Achieving Total Career Satisfaction (Wiley)* and *The Wall Street Journal Premier Guide to Interviewing (Wiley).*

Julie Jansen is a vocational expert who provides employability and earning-capacity evaluations in divorce, employment discrimination, and financial fraud cases. In addition to her expert witness work, she is an executive and career coach who advises individuals on career planning, workplace success, and job transition strategy.

Julie is the author of I *Don't Know What I Want, But I Know It's Not This: A Step-by-Step Guide to Finding Gratifying Work* and *You Want Me to Work With Who? Eleven Keys to a Stress Free, Satisfying, and Successful Work Life…No Matter Who You Work With (Penguin Books).*