

Information and instructions for completing the “Disclosure Statement”

GENERAL INFORMATION

Arizona Rule of Family Law Procedure 49 (Rule 49) requires both parties to share information in family law cases. It requires each party send to the other party a detailed statement with the specific positions the party proposes to resolve all issues. It also requires parties to exchange detailed facts and documents concerning issues of child support, legal decision-making, parenting time, spousal maintenance, witnesses, attorney fees, property, and debt.

Rule 49 allows full discovery of important facts to avoid “litigation by ambush.” The Rule promotes greater professionalism among counsel, with the ultimate goal of increasing voluntary cooperation and exchange of information. The Rule is also meant to help the parties focus on the problems that are truly in dispute by resolving (by the free exchange of information) issues where they unexpectedly agree. Disclosure rules also encourage the trial courts to deal with discovery abuse in a strong and forthright fashion. Ultimately, obedience to the discovery rules enables a more efficient, less expensive, and more accessible Arizona judicial system.

DISCLOSURE

1. What is a “Disclosure Statement?” A Rule 49 Disclosure Statement is a detailed description of the information required by Rule 49 of the Arizona Rules of Family Law Procedure: including detailed facts concerning issues of child support, legal decision-making, parenting time, spousal maintenance, witnesses, attorneys’ fees, property, and debt. The Disclosure Statement is one part of the fact sharing process.
2. Do I file the “Disclosure Statement?” No. You *do not* file the Disclosure Statement with the Clerk of Superior Court. Instead, you must mail or hand-deliver the disclosure statement and accompanying documents directly to all other party(s) or their attorney. However, you must file your “Affidavit of Financial Information” with the Clerk of Superior Court.
3. When do I send the “Disclosure Statement” to the other parties? You mail or hand-deliver the Disclosure Statement with the other parties within 40 days after the filing of the Response to the initial Petition.
4. How do I send the “Disclosure Statement?” You share your Disclosure materials including the “Disclosure Statement” with the other parties by serving them or their attorney, either by mail or hand-delivery.
5. Who must send a “Disclosure Statement?” Every party involved in a divorce, or any non-divorce case involving paternity, legal decision-making, parenting time or child support must send a “Disclosure Statement,” unless the Court permits otherwise. This includes Party A and Party B or their attorneys. (The only exceptions include a court order or agreement by the parties.)
6. What is the difference between a “Resolution Statement” and a “Disclosure Statement?” The Resolution Statement requests different information than the Disclosure Statement. Also, the Resolution Statement ***is filed*** with the Clerk of Superior Court, whereas the Disclosure Statement ***is not filed*** with the Clerk of Superior Court.

INSTRUCTIONS

How to fill out the "Disclosure Statement."

- **HEADING:**

1. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
2. Fill in the space that says "Party A" and "Party B."
3. Write in your case number, and place one check mark in the box appropriate, Party A - or - Party B.

- **ITEM NUMBERS:**

- Item A. Legal Decision-Making (legal custody) or Parenting Time: Gather together the information listed in Item B if your case involves legal decision-making or parenting time. Place a coversheet on top of the information and label the coversheet "EXHIBIT A."
- Item B. Child Support: If Child Support is an issue in your case, gather together the documents listed. Place a coversheet on top of the documents and label the coversheet "EXHIBIT B."
- Item C. Spousal Maintenance and Attorney's Fees and Costs: If either party has requested an award of spousal maintenance or attorney's fees and costs, gather together the listed documents. Place a coversheet on top of the documents and label the coversheet "EXHIBIT C."
- Item D. Property: Gather together the information listed in Item E, unless the parties have entered into a written agreement disposing of all property issues in the case; or no property is at issue. Place a coversheet on top of the information and label the coversheet "EXHIBIT D."
- Item E. Debts: Gather together the information listed in Item F, unless the parties have entered into a written agreement disposing of all debt issues in the case; or no debt is at issue. Place a coversheet on top of the information and label the coversheet "EXHIBIT E."
- Item F. Disclosure of Witnesses: Write in the names, addresses, telephone numbers and a statement fairly describing the substance of witness's expected testimony is as follows on attached *EXHIBIT F*. (NOTE: you will not be allowed to call a witness who has not been disclosed at least sixty (60) days before trial or such time as may be ordered by the Court.)
- Item G. Disclosure of Expert Witnesses: Write in the name, address and subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the witness, and the name and address of the custodian of copies of any reports prepared by the expert is as follows on attached *EXHIBIT G*. (NOTE: A party shall not be allowed to call an expert witness who has not been disclosed at least sixty (60) days before trial or such time as may be ordered by the Court.)

Item H. Continuing Duty to Disclose: The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed.

Such additional or amended disclosures shall be made not more than thirty (30) days after the information is revealed to or discovered by the disclosing party.

Additional Discovery: Nothing in the minimum requirements of this rule shall preclude relevant additional discovery on request by a party in a family law case, in which case further discovery may proceed as set forth in Rule 51.

SIGNATURE: Read the statement, date and sign the statement only if it is true.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY

Name of Petitioner / Party A

Case Number: _____

DISCLOSURE STATEMENT OF

- PARTY A
- PARTY B

Name of Respondent / Party B

Litigants: Please black out any account numbers or Social Security Numbers on required documents that you attach. All documents and information required in paragraphs A, B, C, D, E, F, and G shall not be filed with the Clerk of Superior Court but shall be served upon all parties.

Party A Party B, pursuant to Rule 49 of the Arizona Rules of Family Law Procedure, (ARFLP), makes the following Disclosures:

- A. **Legal Decision-Making (legal custody) or Parenting Time.** In a case in which legal decision-making (legal custody) or parenting time is an issue, unless good cause is shown, the following documents and information have been previously provided or accompany this Disclosure Statement as **EXHIBIT A**.
 1. A copy of any past or current protective order and underlying petition involving a party or member of the party's household.
 2. The name and address of each treatment provider and period of treatment involving any party for psychiatric or psychological issues, anger management, substance abuse or domestic violence, for the period beginning five years prior to the filing of the petition.
 3. The date, description, location and documentation of any criminal charge against or conviction of any party or member of the party's household occurring within ten years of the filing of the petition.
 4. The date, description, location and documentation of any Department of Child Safety investigation or proceeding involving any party or member of the party's household occurring within ten years of the filing of the petition.

B. **Child Support.** In a case in which child support is an issue, unless good cause is stated for not doing so, the following documents have been previously provided or accompany this Disclosure Statement as **EXHIBIT B.**

1. A fully completed Affidavit of Financial Information (DROSC13f) is available on the website, or at the Law Library Resource Center.
2. Proof of income of the party from all sources, specifically including complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past two (2) completed calendar years, and year-to-date income information for the current calendar year, including, but not limited to, year-to-date pay stub, salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance;
3. Proof of court-ordered child support and spousal maintenance actually paid by the party in any case other than the one in which disclosure is being provided;
4. Proof of all medical, dental, and vision insurance premiums paid by the party for any child listed or referenced in the petition;
5. Proof of any child care expenses paid by the party for any child referenced in the petition;
6. Proof of any expenses paid by the party for private or special schools or other particular education needs of a child listed or referenced in the petition; and
7. Proof of any expenses paid by the party for the special needs of a gifted or handicapped child listed or referenced in the petition.

C. **Spousal Maintenance and Attorneys' Fees and Costs.** If either party has requested an award of spousal maintenance or an award of attorneys' fees and costs, the following documents have been previously provided or accompany this Disclosure Statement as **EXHIBIT C.**

1. A fully completed Affidavit of Financial Information; An Affidavit of Financial Information form is available at the Law Library Resource Center counter;

and

2. Proof of income of the party from all sources, specifically including complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past two (2) completed calendar years, and year-to-date income information for the current calendar year, including, but not limited to, year-to-date pay stub, salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance.

D. **Property.** Unless the parties have entered into a written agreement disposing of all property issues in the case, or no property is at issue in the case, the following have been previously provided or accompany this Disclosure Statement as **EXHIBIT D.**

1. Copies of all deeds, deeds of trust, purchase agreements, escrow documents, settlement sheets, and all other documents that disclose the ownership, legal description, purchase price, and encumbrances of all real property owned by any party;
 2. Copies of all monthly or periodic bank, checking, savings, brokerage and security account statements and all electronically stored information concerning such accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the Disclosure Statement;
 3. Copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option (reflecting grant date, vesting, exercise price and prior exercises), and annuity balances, including Individual Retirement Accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, and, if a claim for premarital accumulation is made as to a defined contribution plan, copies of all monthly or periodic statements and documents showing values, contributions, withdrawals, loans, earnings and losses from the date of marriage to the date of disclosure, or if no monthly or quarterly statements are available during these time periods, the most recent statements or documents that disclose the information;
 4. Copies of all monthly or periodic statements and documents showing the cash surrender value, face value, and premiums charged for all life insurance policies in which any party has an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements are available for this time period, the most recent statements or documents that disclose the information;
 5. Copies of all documents and all electronically stored information that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition, including any documents that the party may rely upon in placing a value on any item of real or personal property;
 6. Copies of all business tax returns, balance sheets, profit and loss statements, and all documents and all electronically stored information that may assist in identifying or valuing any business or business interest for the last two (2) completed calendar or fiscal years and through the latest available date prior to disclosure with respect to any business or entity in which any party has an interest or had an interest for the period commencing twenty-four (24) months prior to the filing of the petition; and
 7. A list of all items of personal property, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry and similar items in which any party has an interest, together with the party's estimate of current fair market value (not replacement value) for each item.
- E. **Debts.** Unless the parties have entered into a written agreement disposing of all debt issues in the case, the following have been previously provided or accompany this Disclosure Statement as ***EXHIBIT E.***

1. Copies of all monthly or periodic statements and documents and all electronically stored information showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements or electronically stored information are available during this time period, the most recent statements or documents or electronically stored information that disclose the information; and
2. Copies of credit card statements and debt statements for all months for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure.

F. **Disclosure of Expected Witnesses.** Write in the names, addresses, telephone numbers and a statement fairly describing the substance of witness’s expected testimony on attached **EXHIBIT F**. (NOTE: you will not be allowed to call a witness who has not been disclosed at least sixty (60) days before trial or such time as may be ordered by the court.)

G. **Disclosure of Expert Witnesses.** Write in the name, address and subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the expert, and the name and address of the custodian of copies of any reports prepared by the expert, on attached **EXHIBIT G**. (NOTE: A party shall not be allowed to call an expert witness who has not been disclosed at least sixty (60) days before trial, or such time as may be ordered by the court.)

H. **Continuing Duty to Disclose.** The duty described in this rule shall be a **continuing** duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures shall be made not more than thirty (30) days after the information is revealed to or discovered by the disclosing party.

I have read the above information and statements and know of my own knowledge that the information stated is true and correct, and that any false information may constitute perjury by me. I also understand that, if I fail to provide the required information or give misinformation, the Judge may order sanctions against me, including assessment of fees under Rule 26 ARFLP.

DATED this _____ day of _____, 20_____.

Signature of Party A / Party B

EXHIBIT F: EXPECTED WITNESSES

Witness Name _____
Address _____
Telephone No. _____
Day Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Witness Name _____
Address _____
Telephone No. _____
Day Evening

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Witness Name _____
Address _____
Telephone No. _____
Day Evening

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Witness Name _____
Address _____
Telephone No. _____
Day Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

EXHIBIT G: EXPERT WITNESSES

Witness Name _____
Address _____
Telephone No. _____

Day

Evening

Summary of Expected Testimony: **NOTE:** The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Witness Name _____
Address _____
Telephone No. _____

Day

Evening

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Day Evening

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**This page must be completed and attached
to the LAST page of your Document**

- I mailed/delivered a COPY of the attached document(s) to the Office of the Attorney General (the State of Arizona) on this date (if applicable):

Month Date Year Address

- I mailed/delivered a COPY of the attached document(s) to the Opposing Party and/or his/her Attorney on:

Month Date Year

Name of Other Side Name of Other Side's Lawyer

Address Lawyer's Address

City, State, Zip City, State, Zip

(You must mail a copy of all documents to the other side and his/her lawyer)

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have mailed/delivered the attached document(s) as shown above.

Your signature