



GFL

Ginter Family Law & Mediation

(916) 419-1160

GinterFamilyLaw.com

Bryan Ginter,
Attorney & Mediator

GUIDE SHEET: DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION (FL-141)

Documentation. Enclosed with this Guide Sheet is a PDF-fillable *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (“DRS”).

Caption. The information at the top of the form is called the “caption.” In the caption, provide your name, address, phone number, email address and (if applicable) fax number where indicated. Where it says “Attorney For,” assuming you have not retained an attorney, write “IN PRO PER.” Provide the name of the county where your legal proceeding is pending, followed by the full name of the Petitioner and the full name of the Respondent in the designated areas. If there is a claimant or other party in your case, provide the name(s) in the designated area. Typically, this section does not apply unless another person or entity has been “joined” to the case. Provide the case number, which is given to you by the Court once the Petition has been filed.

Check the “Petitioner’s” box if you are the Petitioner, or the “Respondent’s” box if you are the Respondent. If you are serving your Preliminary Disclosures, check the “Preliminary” box; if you are serving your Final Disclosures, check the “Final” box. If these are revised or updated disclosures, I suggest indicating the revision or update number, such as “First Revised” somewhere in the box labeled “*Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration.*”

INSTRUCTIONS

Serving Your Disclosures. The first step is to serve (i.e., provide) your *Schedule of Assets and Debts* (“SAD”), *Income and Expense* (“IE”) and *Declaration and Declaration of Disclosure* (“DOD”). Unlike most other documents where someone else over the age of eighteen (18) must serve the documents, you may serve the disclosure documents yourself.

Typically, disclosures are served by mail or by email. To serve the disclosures by email, you may need to obtain the other party’s written consent for electronic service (beyond the scope of this Guide Sheet).

These documents are not filed with the Court.

Section 1: If you are the Petitioner, check the “petitioner” box; if you are the Respondent, check the “respondent” box.

Section 2 (for Preliminary Disclosures only): If you are serving your Final Disclosures, skip this section. If you are serving your Preliminary Disclosures and you are the Petitioner, check

the “Petitioner’s” box; if you are the Respondent, check the “Respondent’s” box. Check off the boxes that apply to how you served your **Preliminary** Disclosures and on whom you served them. If you served them by a method other than mail or personal delivery, check the “Other” box and indicate how you served the documents, such as providing an email address. Remember, you must have received the proper notice and consent from the other party to electronically serve (again, beyond the scope of this Guide Sheet). Remember to write the date your disclosures were served where indicated.

Section 3 (for Final Disclosures only): If you are serving your Preliminary Disclosures, skip this section. If you are serving your **Final** Disclosures and you are the Petitioner, check the “Petitioner’s” box; if you are the Respondent, check the “Respondent’s” box. Check off the boxes that apply to how you served your Preliminary Disclosures and on whom you served them. If you served them by a method other than mail or personal delivery, check the “Other” box and indicate how you served the documents, such as providing an email address. Remember, you must have received the proper notice and consent from the other party to electronically serve (again, beyond the scope of this Guide Sheet). Remember to write the date your disclosures were served where indicated.

Section 4: This section only applies if you are waiving certain disclosures. This Guide Sheet will only cover the most common waiver, which is when both parties waive their Final Disclosures:

- Check the box “Service of.”
- Check both “Petitioner’s” and “Respondent’s.”
- Check the box for “final.”
- Check box 4.a that indicates that final disclosures have been agreed to be waived and that the box that the waiver “is being filed at the same time as this form.”
- Complete the *Stipulation and Waiver of Final Declaration of Disclosure* (FL-144) (see more below).

Remember to date the form, print your name and sign where indicated at the bottom.

Waiver of Final Declaration of Disclosure. Both parties can agree to waive the Final Disclosures. If this has occurred in your case, both you and the other party will need to sign and date a *Stipulation and Waiver of Final Declaration of Disclosure* (FL-144). A PDF-fillable FL-144 is attached hereto as **Exhibit A**. The information at the top of the form is called the “caption.” In the caption, provide your name, address, phone number, email address and, if applicable, fax number where indicated. Where it says “Attorney For,” assuming you have not retained an attorney, write “IN PRO PER.” Provide the name of the county where your legal proceeding is pending as well as the court address and information. Provide the full name of the Petitioner and the full name of the Respondent in the designated areas. If there is a claimant or other party in your case, provide the name(s) in the designated area. Typically, this section does not apply unless another person or entity has been “joined” to the case. Provide the case number, which is given to you by the Court once the Petition has been filed.

Filing the DRS with the Court. The DRS is the only disclosure document that is filed with the Court, as it relates to the disclosure process. Once you have served your disclosures

(i.e., the SAD, IE and DOD), then next and final step is to file the DRS with the Court. The DRS tells the Court which disclosures you served, who you served them on, how they were served and when they were served. If this form is not on file with the Court when you file a, for example, stipulated judgment for divorce, your proposed judgment will be rejected.

Every jurisdiction is different...some allow electronic filing, some require electronic filing, some allow filing by mail, etc. Check with the Court to see what your options are. Most of the time this information is available online at the Court's website. Regardless of how you submit your DRS to the Court, you want to receive a court-filed copy of this document for your records in case you run into a problem, such as the court clerk being unable to locate the court-filed DRS. If you file in person, make sure you have an extra copy with you that the clerk can stamp that you can take home with you. The clerk will keep the original, which typically needs to be two-hole punched at the top. If you submit the DRS by mail, include the two-hole punched original, a copy of the DRS and a postage prepaid preaddressed envelope (addressed to you) for return of the court-filed copy to you, as well as a cover letter that explains what you are providing and requesting that the clerk mail you the court-filed copy in the envelope you are providing.

Once you receive the court-filed copy of the DRS, you are done with the Preliminary Disclosure or Final Disclosure (as the case may be) process. Congratulations! Remember, however, that , each party has a “continuing duty to immediately, fully, and accurately **update and augment** [disclosures] to the extent there have been any material changes so that at the time the parties enter into an agreement for the resolution of any of these issues, or at the time of trial on these issues, each party will have a full and complete knowledge of the relevant underlying facts.” FC § 2100(c).

DISCLAIMERS

The forms stated herein are for use in California only. Each Judicial Council Form has a form number and a revision date located in its footer. The form number for the DRS is FL-141. You can view the revision dates for enclosed forms by looking at their footers. You should check to see what the most current revision is by going to your Court's website and searching for local forms to ensure no substantive changes have taken place.

Each county courthouse has its own local rules. You should check the local rules applicable to the county where your proceeding is pending to see whether there are local rules of court applicable to Disclosures to ensure that you are complying with those rules.

There may be other local practices and procedures that apply to Disclosures. Additionally, it is possible that your situation is not completely addressed by these Guide Sheets. You are strongly advised to consult with an attorney to ensure that you are following local practices and procedures and that documentation is completed correctly for your situation. If you would like to schedule a consultation with California family law attorney and mediator, Bryan Ginter, call us at **(916) 419-1160** or submit an online request for a consultation by clicking [here](#).

There may be other instances where the IE is utilized. This Guide Sheet is solely focused on using the stated documentation with the disclosure process in California.

Information in the Guide Sheets are current as of the dates shown in the footers.

If you feel that any of the Guide Sheets are inaccurate or could be improved, please let us know. We want to ensure that you are completely satisfied and that we are effectively helping the public. We would also like to hear your suggestions for other products or services that you feel would help you or others. Positive comments are appreciated, too. Your feedback is invaluable and we invite you to share your thoughts.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
TELEPHONE NO.: _____ FAX NO.: () - _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE AND INCOME AND EXPENSE DECLARATION <input type="checkbox"/> Petitioner's <input type="checkbox"/> Preliminary <input type="checkbox"/> Respondent's <input type="checkbox"/> Final	CASE NUMBER: _____

1. I am the attorney for petitioner respondent in this matter.
2. Petitioner's Respondent's *Preliminary Declaration of Disclosure* (form FL-140), current* *Income and Expense Declaration* (form FL-150), completed *Schedule of Assets and Debts* (form FL-142) or *Community and Separate Property Declarations* (form FL-160) with appropriate attachments, all tax returns filed by the party in the two years before service of the preliminary disclosures, and all other required information under Family Code section 2104 were served on:
 - the other party the other party's attorney by personal service mail
 - Other (specify): _____
 on (date): _____
3. Petitioner's Respondent's *Final Declaration of Disclosure* (form FL-140), current* *Income and Expense Declaration* (form FL-150), completed *Schedule of Assets and Debts* (form FL-142) or *Community or Separate Property Declarations* (form FL-160) with attachments, and the material facts and information required by Family Code section 2105 were served on:
 - the other party other party's attorney by personal service mail
 - Other (specify): _____
 on (date): _____
4. Service of Petitioner's Respondent's preliminary final declaration of disclosure current income and expense declaration has been waived as follows:
 - a. The parties agreed to waive final declaration of disclosure requirements under Family Code section 2105(d.) (Form FL-144 may be used for this purpose.) The waiver was filed on (date): _____
 is being filed at the same time as this form.
 - b. The party has failed to comply with disclosure requirements, and the court has granted the request for voluntary waiver of receipt under Family Code section 2107 on (date): _____
 - c. This is a default proceeding that does not include a stipulated judgment or settlement agreement. Petitioner waives final disclosure requirements under Family Code section 2110.

*Current is defined as completed within the past three months providing no facts have changed. (Cal. Rules of Court, rule 5.260.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ _____

(TYPE OR PRINT NAME) SIGNATURE

NOTE: File this document with the court.
Do not file a copy of the Preliminary or Final Declaration of Disclosure or any attachments to either declaration of disclosure with this document.



EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT: OTHER:	
STIPULATION AND WAIVER OF FINAL DECLARATION OF DISCLOSURE	

1. Under Family Code section 2105(d), the parties agree to waive the requirements of Family Code section 2105(a) concerning the final declaration of disclosure.
2. The parties agree as follows:
 - a. We have complied with Family Code section 2104, and the preliminary declarations of disclosure have been completed and exchanged.
 - b. We have completed and exchanged a current *Income and Expense Declaration* (form FL-150) that includes all material facts and information on each party's earnings, accumulations, and expenses.
 - c. We have fully complied with Family Law section 2102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information on
 - (1) the characterization of all assets and liabilities,
 - (2) the valuation of all assets that are community property or in which the community has an interest, and
 - (3) the amounts of all community debts and obligations.
 - d. Each of the parties enters into this waiver knowingly, intelligently, and voluntarily.
 - e. Each party understands that this waiver does not limit the legal disclosure obligations of the parties but rather is a statement under penalty of perjury that those obligations have been fulfilled.
 - f. The parties also understand that if they do not comply with these obligations, the court will set aside the judgment.

The petitioner and respondent declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF PETITIONER)
_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF RESPONDENT)