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GUIDE SHEET: OVERVIEW TO DISCLOSURES IN A CALIFORNIA DIVORCE, LEGAL SEPARATION OR NULLITY

INTRODUCTION

In a California divorce, legal separation or nullity, you must provide financial disclosures to the other party. “Disclosures” consist of four (4) documents:

1. Schedule of Assets and Debts (“SAD”)
2. Income and Expense Declaration (“IE”)
3. Declaration of Disclosure (“DOD”)
4. Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration (“DRS”)

The reason why California requires Disclosures is, in part, so parties can make informed decisions, whether in settlement negotiations or for trial preparation.

The first three documents (i.e., the SAD, IE and DOD) are served on the other party, while the fourth document (i.e., the DRS) is filed with the Court. In this Guide Sheet, the term “Disclosures,” unless otherwise indicated, will refer collectively only to the SAD, IE and DOD. The DRS is a form of a “proof of service,” which tells the Court who served what on who and when.

Each party must serve (i.e., provide) their Disclosures to the other party within sixty (60) days from the filing of their initial pleadings (i.e., the Petition documents or the Response documents). This first instance of Disclosures is called the “Preliminary Disclosures.” Final Disclosures, unless waived, must be provided to the other party either (i) forty-five (45) days before the date set for the initial trial or (ii) at or before you “enter into an agreement for the resolution of property or support issues other than pendente lite support.” FC § 2105(a). Preliminary Disclosures cannot be waived, but the Final Disclosures can be waived.

In addition to the Preliminary and Final Disclosures, 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).

INFORMATION VS. DOCUMENTATION

The Disclosure forms indicate what documents you need to provide, which can be called “supporting documents.” The supporting documents should match the *information* you list on the Disclosure forms. For example, if you state that Bank Account ABC has \$500 in it, then the supporting bank statement you provide for Bank Account ABC should reflect a balance of \$500. You are encouraged to provide any suggested additional information and documentation stated in any Guide Sheet since it may streamline your family law case.

PROCEDURE OVERVIEW

The steps to prepare, serve and file your Disclosures is, in the order stated, as follows:

1. Prepare the SAD, IE and DOD. Separate Guide Sheets are available for these forms.
2. “Serve” (i.e., provide) your SAD, IE and DOD on the other party. Typically, this is done in one of two ways...either emailing them or mailing them. To email the documents, you must first have received written permission from the other party that you may serve legal process electronically. While emailing is convenient, there are rules to follow regarding the written permission, which are beyond the scope of the Guide Sheets. Mailing may be the easiest method.
3. After you serve your Disclosures, complete the DRS. There is a separate Guide Sheet for this form. .
4. Submit the DRS to the Court for filing. Depending on your Court’s rules, it may be possible to file documents electronically. Look at your Court’s website and see what your options are for filing documents. If you file in person or by mail, be sure to include a copy of the DRS so you can receive a court-filed copy for your records. If you are submitting by mail, including a postage prepaid preaddressed envelope to you with the appropriate postage for the return of your court-filed copy, along with a cover letter indicating that you are providing the DRS for either the Preliminary or Final Disclosures (as the case may be), and that you are including a postage prepaid pre-addressed envelope for the return of your court-filed copy.

DISCLAIMERS

The Disclosure forms are California Judicial Council forms, and is for use only in California. Each Judicial Council Form has a form number and a revision date located in its footer. You can view the revision dates for the enclosed forms by looking at their footers. You should check to see what the most current revisions are 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 some of the Disclosure materials are utilized. This packet is solely focused on using the stated documentation with the disclosure process as stated herein.

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.