



HOW TO COMPLETE THE DECLARATIONS OF DISCLOSURE

Purpose of Packet

This packet is designed to help you complete the financial disclosure forms that are necessary to finish your marital/partnership action. This packet covers how and when to complete your Declaration of Disclosure, Schedule of Assets and Debts, and Declaration Regarding Service of Declaration of Disclosure forms.

Failure to disclose an asset, even if you believe it to be your separate property, may result in the loss of the entire asset.

You will need an Income and Expense Declaration

In addition to this packet, you will need to include with your Declaration of Disclosure and Income and Expense Declaration. A sample **Income and Expense Declaration** is attached.

You will learn about:

- The Purpose of the Financial Disclosure Forms
- When to Use the Forms
- Completing the Forms
- Serving and Filing the Forms

The Purpose of the Declaration of Disclosure Forms

Now that you have started your dissolution, legal separation or annulment case, there are certain requirements that must be met before you can get a judgment to finish your case. One of these requirements is that you disclose to your spouse/partner the nature and extent of all marital/partnership assets and debts. This is done by completing and serving the Declaration of Disclosure, Schedule of Assets and Debts and Income and Expense Declaration on your spouse/partner. In order to show the court that you have satisfied this requirement, you must also file a Declaration Regarding Service of Declaration of Disclosure.

If your spouse/partner is involved in the case in any way, he or she will have to provide you with the same information. Even if you have no assets, debts or income, you still have to complete the forms. Everyone who is actively involved in a marital/partnership action must complete these forms.



The purpose of exchanging this information is to ensure that you and your spouse/partner are honest and open with each other about important financial matters that can affect how your case is resolved. Also, these forms can be important later if missing or wrong information results in an unfair judgment.

When to Use the Forms

The financial disclosure forms should be completed in two stages.

The “Preliminary Disclosure” consists of a simple list of all the community and separate assets and debts that exist, and a declaration regarding your income and expenses. The preliminary disclosure can be served at the same time as the Summons and Petition, or sometime after. However, it should be served as soon as possible and must be completed before a judgment can be granted

The “Final Disclosure” consists of the Income and Expense Declaration and a full statement of your assets and debts, including the value, date acquired and debt owing on each item, as well as whether each item is community or separate property. The final disclosure is due no later than 45 days before the first assigned trial date, or before a judgment can be granted without a trial.

There are exceptions to the final disclosure requirement, though. There is an exception to the final disclosure requirement, if both parties agree to waive the final disclosures and include special waiver language in a settlement agreement, then the final disclosures are not required. Only the final disclosures can be waived; the preliminary disclosures must be completed.

If you and your spouse/partner are considering waiving the final disclosure requirement, it is wise to get legal advice about the effects of the waiver on your rights. By waiving the final disclosures you may never be able to have the judgment corrected if you discover an error or fraud later.

If in doubt, complete the disclosure fully so there is no question whether you have done enough. By completing the forms fully the first time, you simultaneously complete your preliminary and final disclosures. This way you will not be required to do a second set of disclosures later.

Getting Started

There are four forms to complete:

- Declaration of Disclosure, form FL-140
- Schedule of Assets and Debts (4 sides), form FL-142
- Income and Expense Declaration (4 sides), form FL-150
- Declaration Regarding Service of Declaration of Disclosure, form FL-141



Completing the Declaration of Disclosure, form FL-140

In the top left box print your full name, mailing address, telephone number and email address.

In the second box down, the court's name and address may already be printed. If not, print the following information:

**Amador Superior Court
500 Argonaut Lane
Jackson, CA 95642**

In the third box down, print the full name of the parties next to the words "Petitioner" and "Respondent."

In the fourth box from the top, you will see the title of the document. Below the title, check the box indicating whether you are the Petitioner or the Respondent. Also, check the box or boxes to indicate whether these forms will be your preliminary and/or final disclosures.

In the box to the right, print your case number.

Check the boxes at *Items 1* and *2*. These indicate you will be attaching **your Schedule of Assets and Debts** and your **Income and Expense Declaration**.

You may also check boxes at *Items 3, 4* or *5* if you have community investment or debt information. For instance, you are required to inform the other party when a community stock option, purchase plan or other investment decision needs to be made to properly manage the joint financial affairs while the marital/partnership action is in progress. You should attach an extra sheet to this form explaining any important information about joint assets and debts, and how you determined the value.

At the bottom of the form, print today's date next to the word "date." Print your name on the line to the left and sign your name on the line to the right.

Completing the Schedule of Assets and Debts, form FL-142

Complete the top part of this form, or "caption," just like you did on the previous form. In other words, print your name, mailing address and telephone number in the top box, the court's (County) name in the second box, the parties' names in the third box, and the case number in the box to the right.

In the fourth box from the top, you will find the title of the form, followed by some check boxes. Check a box to indicate whether you are the Petitioner or Respondent.



Below the caption, you will see a table that requests information about your assets and debts, including the following columns:

- Column 1: Description of Assets (pages 1-3) or Debts (page 4)
- Column 2: Whether Items Are Separate Property (“Sep. Prop”)
- Column 3: Date Acquired
- Column 4: Current Gross Fair Market Value
- Column 5: Amount of Money Owed or Encumbrance

Column 1: Description of Assets or Debts

To learn what should be listed and how, it may help to answer frequently asked questions about this form.

1. *What do I have to list?*

There are 24 categories of assets and debts on this form. Some items you will probably have, others you will not. The idea is to fill in information about assets and debts in your possession or control -- meaning what you know about. If you know information about what your spouse/partner has, then you should list it too. When you have nothing to declare in a certain category, write in “none” or “N/A” for not applicable – do not leave it blank.

2. *How much detail do I have to give in the description?*

You should be specific enough that a judge could understand what real estate, vehicle, account, jewelry, etc. you are referring to. However, you do not have to list every pot, pan and other household item individually unless you and your spouse/partner plan to make an issue of such things. Be prepared to provide the legal description and Assessor’s Parcel Number (found in the deed) for any real property and the license number and Vehicle Identification Number for any vehicle. These are required for your judgment.

3. *Do I list what exists now or what we had when we split up?*

Either is fine, but the form assumes you are listing what exists at the time you sign it. So, if you want to give information about assets and debts at the time of separation, state that on your form.

4. *Everything I have is mine. Do I have to provide all of this personal information to someone I no longer trust?*

Yes, your spouse/partner is entitled to know what you have and earn because you are obtaining orders affecting his or her rights to property and support.

If you are concerned about misuse of your credit information, you can limit the amount of information you provide by writing “account number ending ...” (write the last 4 numbers of



your account instead of the whole number). This also is a good way to refer to credit card numbers in your judgment, which is available for public view.

Column 2: Whether Items are Separate Property (“Sep Prop”)

Column 2 is labeled “Sep. Prop.,” which is short for “separate property.” In this column you should state whether the items you list are separate property. Use the letter “**P**” for Petitioner’s separate property, and “**R**” for Respondent’s separate property. Leave it blank for community property.

Remember that community assets and debts are ones acquired between the date you married/registered and the date you separated, except for things acquired by gift or inheritance. Separate property is everything else. So, if you used your earnings during marriage/registration to buy something, accumulate retirement or pay principal owing on a mortgage, then those items, or a small part of those items, may be community property. You should seek legal advice about whether particular things, or what part of those particular things, are community property. Community property law is very complex. Advice about your situation may be helpful because what you put on your forms now can affect what you can pursue later.

Column 3: Date Acquired

In the third column, labeled “Date Acquired,” insert the date each item was purchased, received or accumulated. For something accumulated over time, give the period of time this occurred. If you are not sure of the exact date you acquired something, you can put “before marriage/registration,” “during marriage/registration” or “after separation” in this column.

Column 4: Current Gross Fair Market Value

In the fourth column, which is labeled “Current Gross Fair Market Value,” you must provide the current value of each item you list. “Gross fair market value” means what an item would sell for now if you listed it for sale in the newspaper or other appropriate place. For real estate, fine art, pension plans, businesses and other major items, you may need to show that you obtained an expert opinion or professional appraisal to arrive at your figures.

Be aware that if you have a pension or other retirement plan based on years of service with an employer, determining the value is not easy. Pensions and other plans based on years of service should be determined by an expert called an actuary to ensure that you have an accurate figure. Your employer can also give an estimate of the value, but it may not be exact.

Column 5: Amount of Money Owed or Encumbrance

In the fifth column, labeled “Amount of Debt,” print the current balance of any debt owing on items you have listed on the form. If you list a debt in this way, do not repeat the same debt on the last page of the form. The last page is only for debts that are not listed already.



Take the time to complete all columns carefully. To do a good job completing the forms you may need to refer to, and attach, certain documents and statements. As discussed earlier, if you are doing only “preliminary disclosures” now, you can fill in the description column and skip the rest. But, if you fill in the whole form now, then you will not have to do the rest later. Completing the whole form now makes it your “final disclosure.”

At the bottom of the last page, print the date and your name where indicated and sign on the signature line to the right.

Income & Expense Declaration

If you have completed one of these forms in the past six months and the information is still current, you can simply make a copy of the one you have. If you need help filling out a new one, please see the attached sample **Income and Expense Declaration**.

Serving and Filing the Forms

Once you finish completing the disclosure forms, including the Income and Expense Declaration, you will be ready to serve your spouse/partner with a copy of these forms. Make one copy of all the forms and any attachments. Mail or deliver to your spouse/partner the copy of the disclosure forms you have completed. Keep the original forms for your records.

Completing the Declaration Regarding Service of Declaration of Disclosure, form FL-141

This form is the only one of the financial disclosures that must be filed with the court as part of the disclosure process, although you may want to file your Income and Expense Declaration, too. The other forms only have to be served on your spouse/partner. The Declaration Regarding Service of Declaration of Disclosure tells the court when and how your spouse/partner was served with your financial disclosures.

The caption on this form is completed the same as on the other forms, with your name, mailing address and telephone number in the top box, the court’s information in the second box, the parties’ names in the third box, and the case number in the box to the right.

In the fourth box from the top, you will find the title of the form, followed by some check boxes. Check the box to indicate whether you are the Petitioner or Respondent. Then check another box or boxes to indicate whether this is your preliminary and/or final disclosure. Remember that “preliminary” means you are only providing a description of the assets & debts, not the value of the items; “final” means you are providing a description and the values of your assets and debts.

At Item 1, check the box to indicate whether you are the Petitioner or Respondent.

Item 2. Complete this section only if you served your preliminary disclosures and current Income and Expense Declaration (FL -150); “current” is defined as completed within the past three months providing no facts have changed. Check the box to indicate whether you are the



Petitioner or the Respondent. On the next line in *Item 2*, check the box to indicate that you served the other party. Check both boxes if the other party has an attorney and the attorney was served. In line 3 of *Item 2*, check the box to indicate whether these forms were served on your spouse/partner by hand-delivery (called personal service) or by mail. Print the date the forms were mailed or given to your spouse/partner in the space provided.

Item 3. If these forms are your final disclosures, check the box to indicate whether you are the Petitioner or the Respondent. Complete the rest of *Item 3* with the same type of information as you filled in at *Item 2*.

Item 4. If you or your spouse waive service and/or receipt of either the Preliminary or Final Financial Disclosure, check the box indicating “service of” and check the appropriate box indicating which party (Petitioner or Respondent) and which disclosure (Preliminary and/or Final Financial Disclosure) has been waived. Then indicate the reason it is waived by checking *a.*, *b.*, or *c.* Check *a* to indicate that you and your spouse/partner have agreed in writing with the special language required by the Family Code to waive the final disclosure requirement and you have filed a separate form for the waiver (FL-144); you will need to write in the date you filed the separate waiver (FL-144). Check *b* to indicate that a party has failed to comply with the disclosure requirement and the court granted the request for voluntary waiver of receipt of disclosures under the Family Code (in other words, you have already gone to Court and obtained the Courts permission for voluntary waiver) and write in the date the Court granted your request. Check *c* if this is a default proceeding and you are the Petitioner and you are waiving the final financial disclosure requirements under the Family Code. ***NOTE: Before you waive receipt of the financial disclosure documents, we strongly suggest that you consult with a private attorney so that you are aware of your rights and the important legal issues regarding waiver of disclosures.***

At the bottom of the page print today’s date and your name on the appropriate line and sign your name on the line to the right. Be sure that the date that you sign the form is on or after the date(s) that you serve your financial disclosure documents.

Make one copy of the Declaration Regarding Declaration of Disclosure and file the original and copy in the Room 100. By filing your Declaration Regarding Service of Declaration of Disclosure, you inform the court that you have met the requirement of providing financial disclosures to your spouse/partner.

Remember that if your spouse/partner has filed a Response or enters into a Stipulated Judgment or Marital/Partnership Settlement Agreement with you, the court will require his or her proof of meeting this requirement as well. Once both of you have met the disclosure requirement, you will be free to finish your marital/partnership action.