

INFORMATION re DECLARATION OF DISCLOSURE

What is it?

The law requires that in all dissolution, legal separation and nullity cases, both parties must give information to the other about their income, assets, debts and any investment opportunity available since the date of separation. This is required even if you have nothing and are asking for nothing.

How is it done?

Prepare any applicable attachments listed in items 1 through 5 of the *Declaration of Disclosure*. These are attached to the form *Declaration of Disclosure* and the completed *Declaration* with attachments is “served” on the other party. “Service” can be done either personally or by mail. You must have someone else other than you “serve” the other party with these. (Mail them and hand them to the other party). **THE FORMS ARE NOT FILED WITH THE COURT, ONLY SERVED ON THE OTHER PARTY.**

Who has to do it?

The PETITIONER must always complete a *Preliminary Declaration of Disclosure* and have it served on the other party. The only exception is when service of the Summons and Petition is by “publication”.

The RESPONDENT must complete a *Preliminary Declaration of Disclosure* if:

- the Respondent files a “Response” in the action **or**
- if the Respondent signs a “Marital Settlement Agreement” **or**
- the action is a Summary Judgment

Both parties must serve a *Final Declaration of Disclosure* unless your Marital Settlement Agreement waives receipt of a *Final Declaration of Disclosure*. If the Petitioner has filed a *Request for Entry of Default*, because the Respondent failed to file a Response, then the Petition does not have to file a *Final Declaration of Disclosure*.

Can it be waived?

The *Preliminary Declaration of Disclosure* **CANNOT** be waived. It must be done before the Judgment can be granted. The *Final Declaration of Disclosure* can be waived if the *Preliminary Declaration of Disclosure* has been done.

How do I show I did the Preliminary Declaration of Disclosure?

You must complete the form *Declaration Regarding Service of Declaration of Disclosure* and file it with the Court. You must also file a *Proof of Service* form signed by the person who served the disclosure documents on the other party. You cannot get a Judgment of Dissolution until this form is filed.