

Costantino & D'Agostino, P.A.

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RE: **Mandatory Disclosure**

Dear Client,

Following is a list of items required by the court in a Family Law Action. If you are commencing an action, or if you have been instructed to provide Mandatory Disclosure by this office, we ask that you begin to gather the below listed items that are in your possession.

Florida Family Law Rules of Procedure § 12.285 shall apply to all actions concerning "family matters"<sup>1</sup> except proceedings involving adoption, simplified dissolution, enforcement, contempt, injunctions for domestic, repeat, dating, or sexual violence, and uncontested dissolutions when the respondent is served by publication and does not file an answer. Please note, as implied by the name, compliance with this requirement is **mandatory**. The documents required under Mandatory Disclosure are due 45 days after the service of a petition in your family matter.

Failure to comply with mandatory disclosure may result in actions against you, including but not limited to, sanctions, and/or you may be held in Contempt of Court. Additionally, please provide this office with a list, preferably via e-mail, as to what documents you are providing. This will expedite the process, as I must complete a Certificate of Service of Mandatory Disclosure which must be signed/notarized by you.

Additionally, you are required to complete a financial affidavit. The following is a link to download a Financial Affidavit in Portable Document File (PDF). After downloading the proper document you may do one the following:

- Fill out the document to the best of your ability, print it, sign/notarize and send the document to my office so that we can review and file it with the court.
- Print the document, then using pen, fill out the document to the best of your ability, sign/notarize and send the document to my office so that we can review and file it with the court.

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<sup>1</sup> "Family matters," "family law matters," or "family law cases" as used within these rules include, but are not limited to, matters arising from dissolution or marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, an action involving a parenting plan for a minor child or children (except as otherwise provided by the Florida Rules of Juvenile Procedure), adoption, proceedings for emancipation of a minor, declaratory judgment actions related to premarital, marital, or post-marital agreements (except as otherwise provided, when applicable, by the Florida Probate Rules), injunctions for domestic, repeat, dating, and sexual violence, and all proceedings for modification, enforcement, and civil contempt of these actions.

<http://www.sofladvorceinfo.com/Downloads.html>

We can notarize the document here if you choose to bring it in to the office instead of mailing it. Should you have any questions concerning the foregoing, please do not hesitate to contact our offices.

Sincerely,

Costantino & D'Agostino, P.A.

#### **MANDATORY DISCLOSURE, GENERALLY**

(1) A financial affidavit in substantial conformity with Florida Family Law Rules]of Procedure Form 12.902(b) if the party's gross annual income is less than \$ 50,000, or Florida]Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than \$ 50,000, which requirement cannot be waived by the parties. The financial affidavits must also be filed with the court. A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than \$ 50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c).

(2) All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the past 3 years.

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared.

(4) Pay stubs or other evidence of earned income for the 3 months prior to service of the financial affidavit.

(5) A statement by the producing party identifying the amount and source of all income received from any source during the 3 months preceding the service of the financial affidavit required by this rule if not reflected on the pay stubs produced.

(6) All loan applications and financial statements prepared or used within the 12 months preceding service of that party's financial affidavit required by this rule, whether for the purpose of obtaining or attempting to obtain credit or for any other purpose.

(7) All deeds within the last 3 years, all promissory notes within the last 12 months, and all present leases, in which the party owns or owned an interest, whether held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(8) All periodic statements from the last 3 months for all checking accounts, and from the last 12 months for all other accounts (for example, savings accounts, money market funds, certificates of deposit, etc.), regardless of whether or not the account has been closed, including those held in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(9) All brokerage account statements in which either party to this action held within the last 12 months or holds an interest including those held in the party's name individually, in the party's name jointly with any person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(10) The most recent statement for any profit sharing, retirement, deferred compensation, or pension plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, or other similar account) in which the party is a participant or alternate payee and the summary plan description for any retirement, profit sharing, or pension plan in which the party is a participant or an alternate payee. (The summary plan description must be furnished to the party on request by the plan administrator as required by 29 U.S.C. § 1024(b)(4).)

(11) The declarations page, the last periodic statement, and the certificate for all life insurance policies insuring the party's life or the life of the party's spouse, whether group insurance or otherwise, and all current health and dental insurance cards covering either of the parties and/or their dependent children.

(12) Corporate, partnership, and trust tax returns for the last 3 tax years if the party has an ownership or interest in a corporation, partnership, or trust greater than or equal to 30%.

(13) All promissory notes for the last 12 months, all credit card and charge account statements and other records showing the party's indebtedness as of the date of the filing of this action and for the last 3 months, and all present lease agreements, whether owed in the party's name individually, in the party's name jointly with any other person or entity, in the party's name as trustee or guardian for any other person, or in someone else's name on the party's behalf.

(14) All written premarital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage. Additionally, in any modification proceeding, each party shall serve on the opposing party all written agreements entered into between them at any time since the order to be modified was entered.

(15) All documents and tangible evidence supporting the producing party's claim that an asset or liability is nonmarital, for enhancement or appreciation of nonmarital property, or for an unequal distribution of marital property. The documents and tangible evidence produced shall be for the time period from the date of acquisition of the asset or debt to the date of production or from the date of marriage, if based on premarital acquisition.

(16) Any court orders directing a party to pay or receive spousal or child support

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