

DISCLOSURE

**DISSOLUTION OF
MARRIAGE WITH
CHILD/CHILDREN**

**PROPOSED RESOLUTION
STATEMENT**

**AFFIDAVIT OF FINANCIAL
INFORMATION**

INFORMATION for COMPLETING the RESOLUTION STATEMENT, DISCLOSURE STATEMENT and AFFIDAVIT OF FINANCIAL INFORMATION

1. INFORMATION

Arizona Rule of Family Law Procedure 49 (Rule 49) sets out minimum disclosure requirements for family law cases. It requires each party to file with the court a Resolution Statement detailing the specific position the party proposes to resolve all issues. It also requires parties in cases with child custody at issue to exchange at the same time detailed facts concerning issues of child support, legal decision-making, parenting time, spousal maintenance, witnesses, attorney fees, property, and debt.

Rule 49 requires cooperation between the parties, including their attorneys, during all parts of the litigation process. The Rule sets forth items of information and evidence which should be promptly exchanged between the parties early in the case to avoid unnecessary and lengthy discovery, and to encourage early evaluation, assessment, and possible settlement.

The intent of the Rules Committee was to have newly discovered information exchanged with reasonable promptness and to prevent those attorneys and parties who intentionally withhold such information from offering it later in the course of litigation.

A. RESOLUTION STATEMENT

1. **What is a RESOLUTION STATEMENT?** A Resolution Statement is a detailed description of the position a party proposes to resolve all the issues in a Family Law case. The Resolution Statement is one part of the fact sharing process required by Rule 49 of the Arizona Rules of Family Law Procedure.

B. DISCLOSURE (pursuant to Rule 49 Ariz. R. Fam. Law Procedure)

1. **What is DISCLOSURE?** Rule 49 Disclosure is a combination of detailed statements and documents required by Rule 49 (B) through (G) of the Arizona Rules of family Law Procedure. Depending on the type of family law case, the disclosure can relate to issues such as legal decision-making, parenting time, spousal maintenance, witnesses, attorney fees, marital property, or debt.
2. **What is a DISCLOSURE STATEMENT?** A Rule 49 Disclosure Statement is a detailed description of the information required by paragraphs B, through G of Rule 49 of the Arizona Rules of Family Law Procedure: including **detailed facts concerning issues of child support, decision making, parenting time, spousal maintenance, witnesses, attorneys' fees, property, and debt.** The Disclosure Statement is one part of the fact sharing process.

C. AFFIDAVIT OF FINANCIAL INFORMATION

- 1. What is an AFFIDAVIT OF FINANCIAL INFORMATION?** An Affidavit of Financial Information ("AFI") is a family court-approved form that is utilized in domestic cases for a number of purposes primarily where child support, spousal maintenance and/or attorney fees are at issue.

The AFI is provided under oath and is intended to inform the family court of a party's overall financial situation including both income and expenses in order to provide the family court insight into whether an award of spousal maintenance is justified and/or whether one of the parties should contribute to the attorney fees incurred by the other.

2. Filing

- 1. When do I file the DISCLOSURE/RESOLUTION STATEMENT/AFFIDAVIT OF FINANCIAL INFORMATION?** You file the Resolution Statement within 40 days after the filing of the Response to the initial Petition or as directed by the Court, whichever comes first.
- 2. Where do I file the DISCLOSURE/RESOLUTION STATEMENT/AFFIDAVIT OF FINANCIAL INFORMATION?** You file the Resolution Statement with the Clerk of Court, Family Court Filing Counter.
- 3. Who must file a DISCLOSURE/RESOLUTION STATEMENT/AFFIDAVIT OF FINANCIAL INFORMATION?** Every party involved in a marital dissolution, or any non- divorce case involving paternity, legal decision-making, parenting time or child support must file a resolution statement, unless the court specifically orders otherwise.
- 4. Do I have to mail the DISCLOSURE/RESOLUTION STATEMENT/ AFFIDAVIT OF FINANCIAL INFORMATION on the other party?** Yes. A Resolution Statement must be mailed to all parties, or their attorneys. In addition to filing the original statement with the Clerk of Court, a party must provide a file-stamped copy to the assigned judge and mail another copy on all other parties or their attorneys.

**IN THE SUPERIOR COURT
OF
GRAHAM COUNTY, STATE OF ARIZONA**

Case No. DO-_____

**DISCLOSURE IN DISSOLUTION OF
MARRIAGE CASE WITH MINOR
CHILD(REN)**

**PROPOSED RESOLUTION STATEMENT
INVENTORY OF PROPERTY AND DEBTS
AFFIDAVIT OF FINANCIAL INFORMATION**

<p>_____,</p>	
Petitioner,	
and	
_____,	
Respondent.	

I, _____ (fill in your name) wish to resolve each of the pending issues in the above-captioned matter in the following manner:

1. IV-D case (also known as a State-enforced child support case) (check all that are true):

I receive or have received public assistance which may include AFDC (also known as “cash assistance”).

I have a case with the Division of Child Support Services.

2. Legal Decision-Making and Parenting Time

Legal Decision-Making means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care and religious training.

I believe that it is in my child(ren)’s best interest that:

Mother or Father should be awarded sole legal decision-making authority.

Mother and Father should be awarded joint legal decision-making authority.

Parenting time means the schedule of time during which each parent has access to a child. I believe that it is in my child(ren)'s best interest that the following parenting time schedule should be ordered by the Court:

During the school year as follows (be specific):

Holidays should be divided as follows (be specific):

Summer Break should be divided as follows (be specific):

Pick-up and Drop-off should be shared as follows (be specific):

Other parenting time that you wish to be part of the Court Order (be specific):

3. Separate Property: I believe that the following property is my sole and separate property:

Community Property: I want to divide all of the community property as follows (be sure to include **all** of your real property, financial assets/accounts, pension/401(k)/IRAs, vehicles, personal property, household goods, furniture, personal effects, antiques, furnishings, jewelry, guns, property worth more than \$100). Please use additional paper if necessary:

Description of Property	Fair Market Value	Proposed to Husband	Proposed to Wife

4. Community Debt: I want to divide all of the community debt as follows:

Creditor	Total Owed	Amount to be paid by Husband	Amount to be paid by Wife

5. Affidavit of Financial Information:

IMPORTANT INFORMATION ABOUT THIS DOCUMENT

WARNING TO PARTIES: This Affidavit is an important document. You must fill out this Affidavit completely and provide accurate information. You must provide copies of this Affidavit and all other required documents to the other party and to the Clerk.

I have read the following document and know of my own knowledge that the facts and financial information stated below are true and correct, and that any false information may constitute perjury by me. I also understand that, if I fail to provide the required information or give misinformation, the judge may order sanctions against me, including assessment of fees and expenses under Rule 26.

A. Completely list ALL Sources of Income:

I am employed at: _____

Check all that apply:

I have attached copies of my last two (2) paystubs.

I have not attached copies of my last two (2) paystubs because I am not employed and I have NO sources of any income of any kind.

I have income that is not reflected in a paystub. I have attached the following documentation that accurately reflects all of my income, including W-2's _____

List all income you receive from any and all sources, including but not limited to non-wage income, automobile allowance, expenses paid by others, lodging, commissions, bonuses, tips, self-employment income, social security benefits, worker's compensation, disability income, unemployment income, gifts, prizes, rental income, contributions to household living expenses, dividends, pensions, interest, trust income, annuities, royalties, etc.:

How many children (naturally born or adopted, but **not** stepchildren) do you have that live with you that are under the age of 18 years of age? _____

How many children (naturally born or adopted, but **not** stepchildren) does the other parent live with that are under the age of 18 years of age? _____

How much court-ordered child support do you pay each month for any child(ren) that is/are not part of this case? \$ _____

How much court-ordered child support does the other parent pay each month for any child(ren) not part of this case? \$ _____

Costs associated with health insurance \$ _____ per month.

Costs associated with dental insurance \$ _____ per month.

Costs associated with vision insurance \$ _____ per month.

Costs associated with daycare \$ _____ per month. Please attach proof of payment of daycare expenses.

SCHEDULE OF ALL MONTHLY EXPENSES

Do NOT list any expenses for the other party, or children who live with the other party unless you are paying those expenses.

- Use a monthly average for items that vary from month to month.
- If you are listing anticipated expenses, indicate this by putting an asterisk (*) next to the estimated amount.

A. HOUSING EXPENSES:

1. House payment:
- a. First mortgage \$ _____
 - b. Second mortgage \$ _____
 - c. Homeowners' association fee \$ _____
 - d. Rent \$ _____
2. Repair & upkeep \$ _____
3. Yard work/pool/pest control \$ _____
4. Insurance & taxes not included in house payment \$ _____
5. Other (explain) \$ _____

SUB-TOTAL: \$ _____

B. UTILITIES:

- 1. Water, sewer, and garbage \$ _____
- 2. Electricity \$ _____
- 3. Gas \$ _____
- 4. Telephone \$ _____
- 5. Mobile phone \$ _____
- 6. Internet provider \$ _____
- 7. Cable/satellite television \$ _____
- 8. Other (explain:) \$ _____

SUB-TOTAL: \$ _____

C. FOOD:

- 1. Food and household supplies \$ _____
- 2. School lunches \$ _____
- 3. Meals outside home

SUB-TOTAL: \$ _____

D. CLOTHING:

- 1. Clothing for you \$ _____
- 2. Uniforms or work clothes \$ _____

- 3. Clothing for children living with you \$ _____
- 4. Laundry and dry-cleaning \$ _____

SUB-TOTAL: \$ _____

E. TRANSPORTATION/AUTOMOBILE EXPENSES:

- 1. Car insurance \$ _____
- 2. List all cars and individuals covered:

- 3. Car payment \$ _____
- 4. Car repair and maintenance \$ _____
- 5. Gas and oil \$ _____
- 6. Bus fare/parking fees \$ _____
- 7. Other (explain): \$ _____

SUB-TOTAL: \$ _____

F. MISCELLANEOUS:

- 1. School tuition \$ _____
- 2. School supplies \$ _____
- 3. School activities or fees \$ _____
- 4. Extracurricular activities of child(ren) \$ _____
- 5. Church/contributions \$ _____
- 6. Newspapers, magazines and books \$ _____
- 7. Barber and beauty shop \$ _____
- 8. Life insurance \$ _____ (Beneficiary: _____)
- 9. Disability insurance \$ _____
- 10. Recreation/entertainment \$ _____
- 11. Child(ren)'s allowance(s) \$ _____
- 12. Union/professional dues \$ _____
- 13. Retirement contributions and savings deductions \$ _____
- 14. Family gifts \$ _____
- 15. Pet expenses \$ _____
- 16. Cigarettes \$ _____
- 17. Alcohol \$ _____
- 18. Other (explain): \$ _____

SUB-TOTAL: \$ _____

