

WAIVER OF MANDATORY DISCLOSURE INSTRUCTIONS FOR USE

Rule 12.285, Florida Family Court Rules of Procedure, requires that each party to any Dissolution of Marriage action which may involve some financial/asset issues (except those cases specially filed as a Simplified Dissolution of Marriage) provide certain documentation to the other party so that each will be fully informed about the financial circumstances of the opposition for settlement discussions and so that sufficient evidence may be presented to the Court for a proper decision on the financial issues if the case is not settled before trial. The Rule specifically lists the documents to be provided (known in general as “discovery”, at what stage of the proceeding disclosure must be made, and the extent of the disclosure necessary based upon the income and expenses of each party.

In many cases, however, it is not necessary to provide all the documents listed in the Rule. This is usually when the parties have agreed by written Martial Settlement Agreement to a resolution of all of the potentially contested issues and are satisfied that the Agreement is fair to each and that each fully understood the financial circumstances of the opposing party at the time of making the Agreement. In those cases, the parties can agree to waive most of the disclosure requirements of Rule 12.285 (the requirement that each party file a completed Financial Affidavit **cannot** be waived and the Affidavit **must** be filed).

If both you and your spouse fit into the above category of litigants you may file a Waiver of Mandatory Disclosure with the Court. If you agree to waive everything (except the Financial Affidavit), check every line on the form. If you agree to waive only part of the “mandatory” disclosure, check only those items that each of you agree do not need to be reviewed before you appear in Court. The form needs to be signed by **both** you and your spouse.

Signing and filing the Waiver of Mandatory Disclosure form, however does not guarantee that the documents will not be needed. The Judge or General Master who hears your case may want additional information before he/she can find that the Martial Settlement Agreement is, in fact, legally fair and equitable to both you and your spouse or is otherwise acceptable to the Court. Although this will not be known until the hearing, filing the Waiver of Mandatory Disclosure, if you are satisfied with your level of understanding, will be beneficial to the Court and will possibly avoid unnecessary delay in the proceedings.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

Petitioner,

Case #: _____

VS.

Section: _____

Respondent,

WAIVER OF MANDATORY DISCLOSURE

The undersigned parties to this action, pro se or through counsel, hereby waive the mandatory disclosure required by Rule 12.285, Fla. Fam. L.R.P., as follows, acknowledging that the requirement to file a financial affidavit **cannot** be waived:

I. FOR TEMPORARY RELIEF:

- all that apply
- a. All personal (1040) federal tax, gift tax, and tangible personal property tax returns for the preceding year; or
- Transcript of tax return as provided by IRS form 4506; or
- IRS forms W-2, 1099, and K-1 for past year because the income tax return for the past year has not been prepared;
- b. Pay stubs or other evidence of earned income for the 3 months before the service of the financial affidavit.

II. FOR INITIAL, SUPPLEMENTAL, AND PERMANENT FINANCIAL RELIEF:

- a. All personal (1040) federal and state income tax returns, gift tax returns, and intangible personal property tax returns for the preceding 3 years;
- IRS forms W-2, 1099, and K-1 for past year because the income tax return for the past year has not been prepared;
- b. Pay stubs or other evidence of earned income for the 3 months before the service of the financial affidavit.
- c. A statement identifying the source and amount of all income for the 3 months before the service of the financial affidavit, if not reflected on the pay stubs produced.
- d. All loan applications and financial statements prepared for any purpose or used for any purpose within the 12 months preceding the service of the financial affidavit.
- e. All deeds to real estate in which the other party presently owns or owned an interest within the past 3 months. All promissory notes in which the other party presently owns or owned an interest within the last 3 months. All present leases in which the other party owns an interest.
- f. All periodic statements for the last 3 months for all checking accounts and for the last year for all savings accounts, money market funds, certificates of deposit, etc.
- g. All brokerage account statements for the past 12 months.
- h. Most recent statement for any pension, profit sharing, deferred compensation, or retirement plan (for example, IRA, 401(k), 403(b), SEP, KEOGH, etc.) and summary plan description for any such plan in which the other party is a participant or alternate payee.
- i. The declarations page, the last periodic statement, and the certificate for any group insurance for all life insurance policies insuring my life or the life of my spouse.

- j. All health and dental insurance cards covering either me or my spouse and/or our dependant child(ren).
- k. Corporate, partnership, and trust tax returns for last 3 tax years, in which the other party has an ownership or interest greater than or equal to 30%.
- l. All credit card and charge account statements and other records showing my (our) indebtedness as of the date of the filing of this action and for the prior 3 months. All promissory notes on which the other party presently owes or owed with the past year. All lease agreements the other party presently owes.
- m. All premarital and martial agreements between the parties to this case;
- n. If a modification proceeding, all written agreements entered into between the parties at any time since the order to be modified was entered.
- o. All documents and tangible evidence relating to claims for special equity or nonmarital status of an asset or debt.
- p. Any court order directing that either party pay or receive spousal support (alimony) or child support.

Petitioner

Respondent

Date

Date

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, THE NONLAWYER WHO HELPED YOU MUST FILL IN THE BLANKS BELOW:

I, *{name of nonlawyer}* _____, a nonlawyer, located at *{street}* _____ *{city}* _____ *{state}* _____ *{phone}* _____ helped *{name}* _____ who is the [check only one] petitioner **OR** respondent, fill out this form.