

INFORMATION and INSTRUCTIONS for COMPLETING the RESOLUTION STATEMENT and DISCLOSURE STATEMENT

I. 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.
- 2. When do I file the RESOLUTION STATEMENT?** You file the Resolution Statement within 40 days after the filing of the Response to the initial Petition.
- 3. Where do I file the RESOLUTION STATEMENT?** You file the Resolution Statement with the Clerk of Court, Family Court Filing Counter.
- 4. Who must file a RESOLUTION STATEMENT?** 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 permits otherwise.
- 5. Do I have to serve the RESOLUTION STATEMENT on the other party?** Yes. A Resolution Statement must be served upon 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 serve another copy on all other parties or their attorneys.

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.

3. **Do I file the DISCLOSURE STATEMENT? No.** You **do not** file the Disclosure Statement with the Clerk of Court. Rather, you must share the disclosure statement and accompanying documents directly with all other party(s) or their attorney. [However, you must file your Financial Affidavit with the Clerk of Court]. Please see # 3, 4, and 5 below.
4. **When do I share DISCLOSURE STATEMENT with the other parties?** You share Disclosure and the Disclosure Statement with the other parties within 40 days after the filing of the Response to the initial Petition.
5. **How do I share the DISCLOSURE STATEMENT?** You share your Disclosure materials including the Disclosure Statement with the other parties by serving them or their attorney.
6. **Do I have to serve the DISCLOSURE STATEMENT on the other party?** Yes. A Disclosure Statement must be served upon all parties or their attorneys within 40 days after the filing of the Response to the initial Petition Please see the Family Court Service packet to learn the different ways you may serve the other party or their attorney.
7. **Who must share DISCLOSURE and a DISCLOSURE STATEMENT?** Every party involved in a marital dissolution, or any non-divorce case involving paternity, legal decision-making, parenting time or child support must share Disclosure, including a Disclosure Statement, unless the Court permits otherwise. This includes the Petitioner and Respondent or their attorneys must disclosure to the other party, or their attorney. (The only exceptions include a court order, agreement by the parties, proceedings filed pursuant to A.R.S. § 25-409 or A.R.S. § 25-415 or unless Rule 49 Ariz. R. Fam. Law P. states otherwise in your situation.)
8. **What is the difference between a RESOLUTION STATEMENT and a DISCLOSURE STATEMENT?** The Resolution Statement requests different information than the Disclosure Statement. Also, the Resolution Statement **is filed** with the Clerk of Court, whereas the Disclosure Statement is **not filed** with the Clerk.
Also, A Resolution Statement is only one small part of the entire process of disclosure.
9. **How are the Resolution and Disclosure Statements similar?** These documents are similar because both documents **must be served upon the other party within 40 days** after the filing of the Response to the initial Petition.
10. **Must I serve other forms of Disclosure to the other party within 40 days after the Response to the initial Petition is filed?** Yes. Other forms of disclosure must also be served on the other party **within 40 days** after the filing of the Response to the initial Petition. All of the disclosure documents fit together to give each party and the Court, a clear picture of what is going on with your family.

C. INFORMATION SUMMARY

Rule 49 allows full discovery of important facts to avoid “litigation by ambush.” The Rule promotes greater professionalism among counsel, with the ultimate goal of increasing voluntary cooperation and exchange of information. The Rule is also meant to help the parties focus on the problems that are truly in dispute by resolving (by the free exchange of information) issues where they unexpectedly agree. Disclosure rules also encourage the trial courts to deal with discovery abuse in a strong and forthright fashion. Ultimately, obedience to the discovery rules enables a more efficient, less expensive, and more accessible Arizona judicial system.

II. INSTRUCTIONS

A. HOW TO FILL OUT THE RESOLUTION STATEMENT.

- **HEADING:**

1. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
2. Fill in the space that says "Petitioner" and "Respondent."
3. Place one check mark in the box appropriate, husband –or- wife.

- **ITEM NUMBERS:**

Item 1: IV-D Case: Place a check mark in the box or boxes that best describe(s) your situation regarding the listed forms of public assistance, or the state Division of Child Support Enforcement.

Item 2: Legal Decision Making (Custody): List the names, birthdates, and ages of minor children in common with your spouse. Then check the appropriate boxes and fill in the blanks describing how you want to manage the Legal Decision Making (Custody). If there are no minor or disabled children common to the parties – and – if there were no minor or disabled children from the date the parties separated, skip to Item number 5.

Item 3: Child Support: If there are no minor or disabled children common to the parties – and – if there were no minor or disabled children from the date the parties separated, skip to Item number 5. Otherwise, on the space provided state your monthly income and that of your spouse. Then check the appropriate boxes regarding your position on the financial factors necessary to calculate child support.

Item 4 Past Support: check the appropriate boxes and then complete the sentence regarding your position concerning past support.

Item 5: Spousal Maintenance: Check the box that best describes your position on spousal maintenance.

Items 6 and 7: Separate Property and Community Liens on Separate Property: Describe what you believe is your separate property, as well as your community interest on your spouse's separate property.

Item 8: Community Property: Complete the table stating your position on division of your real and personal property, pensions, vehicles and other investments.

Item 9: Tangible Personal Property: Complete the table stating your position on the value of your personal property. Then use a number to indicate the most to least important item to you.

Item 10: Debts: Check the appropriate box and fill in the number you believe to represent appropriate division of debt. Then complete the table regarding amounts and to whom debt is owed.

Item 11: Attorney's Fees: Check the box that represents your position about attorney's fees in your case.

Item 12: Name Change: If you want your name changed, state the full name you want to be called when the dissolution becomes final.

Item 13: Other Issues: If there are other issues you want decided by the judicial officer, state what the issue is and your position about a solution of the issue.

Item 14: Settlement and Signature: If you intend to settle and resolve the case based on the information you provided, you may sign and date the document.

B. HOW TO FILL OUT THE DISCLOSURE STATEMENT.

- **HEADING:**

1. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
2. Fill in the space that says "Petitioner" and "Respondent."
3. Write in your case number, and place one check mark in the box appropriate, husband - or - wife.

- **ITEM NUMBERS:**

Item A. Resolution Statement: A completed Resolution Statement is to be submitted to the other party in conjunction with the Disclosure Statement. The Resolution Statement must be submitted to the other party within 40 days after the filing of the Response to the initial Petition.

Item B. Child Custody or Parenting Time: Gather together the information listed in Item B if your case involves Child Custody or Parenting Time. Place a coversheet on top of the information and label the coversheet "EXHIBIT A."

Item C. Child Support: If Child Support is an issue in your case, gather together the documents listed. Place a coversheet on top of the documents and label the coversheet "**EXHIBIT B.**"

Item D. Spousal Maintenance and Attorney's Fees and Costs: If either party has requested an award of spousal maintenance or attorney's fees and costs, gather together the listed documents. Place a coversheet on top of the documents and label the coversheet "**EXHIBIT C.**"

Item E. Property: Gather together the information listed in Item E, unless the parties have entered into a written agreement disposing of all property issues in the case; or no property is at issue. Place a coversheet on top of the information and label the coversheet "**EXHIBIT D.**"

Item F. Debts: Gather together the information listed in Item F, unless the parties have entered into a written agreement disposing of all debt issues in the case; or no debt is at issue. Place a coversheet on top of the information and label the coversheet "**EXHIBIT E.**"

Item G. Disclosure of Witnesses: Write in the names, addresses, telephone numbers and a statement fairly describing the substance of witness's expected testimony is as follows on attached **EXHIBIT F.** (NOTE: you will not be allowed to call a witness who has not been disclosed at least sixty (60) days before trial or such time as my be ordered by the court.)

Item H. Disclosure of Expert Witnesses: Write in the name, address and subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the witness, and the name and address of the custodian of copies of any reports prepared by the expert is as follows on attached **EXHIBIT G.** (NOTE: A party shall not be allowed to call an expert witness who has not been disclosed at least sixty (60) days before trial or such time as may be ordered by the court.)

Item I. Continuing Duty to Disclose: The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed.

Such additional or amended disclosures shall be made not more than thirty (30) days after the information is revealed to or discovered by the disclosing party.

Item J. Additional Discovery: Nothing in the minimum requirements of this rule shall preclude relevant additional discovery on request by a party in a family law case, in which case further discovery may proceed as set forth in Rule 51.

SIGNATURE: Read the statement, date and sign the statement only if it is true.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(Name of Petitioner)

Case Number: _____

DISCLOSURE STATEMENT of

HUSBAND/FATHER

WIFE/MOTHER

(Name of Respondent)

Litigants: Please black out any account numbers or Social Security Numbers on required documents that you attach. The Resolution Statement shall be filed with the clerk and served upon all parties. All documents and information required in paragraphs B, C, D, E, F, and G shall not be filed with the clerk but shall be served upon all parties.

The Petitioner Respondent, pursuant to Rule 49 of the Arizona Rules of Family Law Procedure, (ARFLP), makes the following Disclosures:

A. Resolution Statement. A Proposed Resolution Statement accompanies this Disclosure Statement. (A Resolution Statement is available at the Self Service Center counter or on the Maricopa County Superior Court web site:

B. Child Legal Decision Making (Custody) or Parenting Time. In a case in which child Legal decision Making (custody) or parenting time is an issue, unless good cause is shown, the following documents and information have been previously provided or accompany this Disclosure Statement as **EXHIBIT A**.

1. A copy of any past or current protective order and underlying petition involving a party or member of the party's household.
2. The name and address of each treatment provider and period of treatment involving any party for psychiatric or psychological issues, anger management, substance abuse or domestic violence, for the period beginning five years prior to the filing of the petition.
3. The date, description, location and documentation of any criminal charge against or conviction of any party or member of the party's household occurring within ten years of the filing of the petition.

4. The date, description, location and documentation of any Child Protective Services investigation or proceeding involving any party or member of the party's household occurring within ten years of the filing of the petition.

C. Child Support. In a case in which child support is an issue, unless good cause is stated for not doing so, the following documents have been previously provided or accompany this Disclosure Statement as **EXHIBIT B**.

1. A fully completed Affidavit of Financial Information (DROSC13f) is available on the website or at the Self Service Center counter.
2. Proof of income of the party from all sources, specifically including complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past two (2) completed calendar years, and year-to-date income information for the current calendar year, including, but not limited to, year-to-date pay stub, salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance;
3. Proof of court-ordered child support and spousal maintenance actually paid by the party in any case other than the one in which disclosure is being provided;
4. Proof of all medical, dental, and vision insurance premiums paid by the party for any child listed or referenced in the petition;
5. Proof of any child care expenses paid by the party for any child referenced in the petition;
6. Proof of any expenses paid by the party for private or special schools or other particular education needs of a child listed or referenced in the petition; and
7. Proof of any expenses paid by the party for the special needs of a gifted or handicapped child listed or referenced in the petition.

D. Spousal Maintenance and Attorneys' Fees and Costs. If either party has requested an award of spousal maintenance or an award of attorneys' fees and costs, the following documents have been previously provided or accompany this Disclosure Statement as **EXHIBIT C**.

1. A fully completed Affidavit of Financial Information; (An Affidavit of Financial Information form is available at the Self-Service Center counter or on the Maricopa County Superior Court web site:

and

2. Proof of income of the party from all sources, specifically including complete tax returns, W-2 forms, 1099 forms, and K-1 forms, for the past two (2) completed calendar years, and year-to-date income information for the current calendar year, including, but not limited to, year-to-date pay stub, salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal maintenance;

E. Property. Unless the parties have entered into a written agreement disposing of all property issues in the case, or no property is at issue in the case, the following have been previously provided or accompany this Disclosure Statement as **EXHIBIT D**.

1. Copies of all deeds, deeds of trust, purchase agreements, escrow documents, settlement sheets, and all other documents that disclose the ownership, legal description, purchase price, and encumbrances of all real property owned by any party;
2. Copies of all monthly or periodic bank, checking, savings, brokerage and security account statements and all electronically stored information concerning such accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the Disclosure Statement;
3. Copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option (reflecting grant date, vesting, exercise price and prior exercises), and annuity balances, including Individual Retirement Accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, and, if a claim for premarital accumulation is made as to a defined contribution plan, copies of all monthly or periodic statements and documents showing values, contributions, withdrawals, loans, earnings and losses from the date of marriage to the date of disclosure, or if no monthly or quarterly statements are available during these time periods, the most recent statements or documents that disclose the information;
4. Copies of all monthly or periodic statements and documents showing the cash surrender value, face value, and premiums charged for all life insurance policies in which any party has an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements are available for this time period, the most recent statements or documents that disclose the information;
5. Copies of all documents and all electronically stored information that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing six (6) months prior to the filing of the petition, including any documents that the party may rely upon in placing a value on any item of real or personal property;
6. Copies of all business tax returns, balance sheets, profit and loss statements, and all documents and all electronically stored information that may assist in identifying or valuing any business or business interest for the last two (2) completed calendar or fiscal years and through the latest available date prior to disclosure with respect to any business or entity in which any party has an interest or had an interest for the period commencing twenty-four (24) months prior to the filing of the petition; and
7. A list of all items of personal property, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry and similar items in which any party has an interest, together with the party's estimate of current fair market value (not replacement value) for each item.

F. Debts. Unless the parties have entered into a written agreement disposing of all debt issues in the case, the following have been previously provided or accompany this Disclosure Statement as **EXHIBIT E.**

1. Copies of all monthly or periodic statements and documents and all electronically stored information showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure, or if no monthly or quarterly statements or electronically stored information are available during this time period, the most recent statements or documents or electronically stored information that disclose the information; and
2. Copies of credit card statements and debt statements for all months for the period commencing six (6) months prior to the filing of the petition and through the date of the disclosure.

G. Disclosure of Expected Witnesses. Write in the names, addresses, telephone numbers and a statement fairly describing the substance of witness’s expected testimony on attached **EXHIBIT F.** (NOTE: you will not be allowed to call a witness who has not been disclosed at least sixty (60) days before trial or such time as may be ordered by the court.)

H. Disclosure of Expert Witnesses. Write in the name, address and subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, the qualifications of the expert, and the name and address of the custodian of copies of any reports prepared by the expert, on attached **EXHIBIT G.** (NOTE: A party shall not be allowed to call an expert witness who has not been disclosed at least sixty (60) days before trial, or such time as may be ordered by the court.)

I. Continuing Duty to Disclose. The duty described in this rule shall be a **continuing** duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures shall be made not more than thirty (30) days after the information is revealed to or discovered by the disclosing party.

I have read the above information and statements and know of my own knowledge that the information stated is 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 under Rule 31 ARFLP.

DATED this _____ day of _____, 20_____.

Petitioner/Respondent

EXHIBIT E: EXPECTED WITNESSES

Witness

Name

Address

Telephone No.

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Name

Address

Telephone No.

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Case No. _____

Name _____

Address _____

Telephone No. _____

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" ***should describe what the witness will actually say, NOT just the topic*** of the witness expected testimony.

Name _____

Address _____

Telephone No. _____

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" ***should describe what the witness will actually say, NOT just the topic*** of the witness expected testimony.

Case No. _____

Name _____
Address _____
Telephone No. _____
Day Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Name _____
Address _____
Telephone No. _____
Day Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

EXHIBIT F: EXPERT WITNESSES

Witness

Name

Address

Telephone No.

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Name

Address

Telephone No.

Day

Evening

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Case No. _____

Name _____

Address _____

Telephone No. _____

Day _____ Evening _____

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Name _____

Address _____

Telephone No. _____

Day _____ Evening _____

Summary of Expected Testimony: NOTE: The "Summary of expected testimony" *should describe what the witness will actually say, NOT just the topic* of the witness expected testimony.

Case No. _____

Name _____

Address _____

Telephone No. _____

Day

Evening

Summary of Expected Testimony: NOTE: The “Summary of expected testimony” ***should describe what the witness will actually say, NOT just the topic*** of the witness expected testimony.

Name _____

Address _____

Telephone No. _____

Day

Evening

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