

1 **Rule 26A. Disclosure and discovery in domestic relations actions.**

2 (a) Scope. This rule applies to the following domestic relations actions: divorce;
3 temporary separation; separate maintenance; parentage; custody; child support; and
4 modification. This rule does not apply to adoptions, enforcement of prior orders,
5 cohabitant abuse protective orders, child protective orders, civil stalking injunctions, or
6 grandparent visitation.

7 (b) Time for disclosure. In addition to the disclosures required in Rule 26, in all
8 domestic relations actions, the documents required in this rule shall be disclosed by the
9 petitioner within 14 days after service of the first answer to the complaint and by the
10 respondent within 28 days after the petitioner's first disclosure or 28 days after that
11 respondent's appearance, whichever is later.

12 (c) Financial Declaration. Each party shall disclose to all other parties a fully
13 completed court-approved Financial Declaration and attachments. Each party shall
14 attach to the Financial Declaration the following:

15 (c)(1) For every item and amount listed in the Financial Declaration, excluding
16 monthly expenses, the producing party shall attach copies of statements verifying the
17 amounts listed on the Financial Declaration that are reasonably available to the party.

18 (c)(2) For the two tax years before the petition was filed, complete federal and state
19 income tax returns, including Form W-2 and supporting tax schedules and attachments,
20 filed by or on behalf of that party or by or on behalf of any entity in which the party has a
21 majority or controlling interest, including, but not limited to, Form 1099 and Form K-1
22 with respect to that party.

23 (c)(3) Pay stubs and other evidence of all earned and un-earned income for the 12
24 months before the petition was filed.

25 (c)(4) All loan applications and financial statements prepared or used by the party
26 within the 12 months before the petition was filed.

27 (c)(5) Documents verifying the value of all real estate in which the party has an
28 interest, including, but not limited to, the most recent appraisal, tax valuation and
29 refinance documents.

30 (c)(6) All statements for the 3 months before the petition was filed for all financial
31 accounts, including, but not limited to checking, savings, money market funds,

32 certificates of deposit, brokerage, investment, retirement, regardless of whether the
33 account has been closed including those held in that party's name, jointly with another
34 person or entity, or as a trustee or guardian, or in someone else's name on that party's
35 behalf.

36 (c)(7) If the foregoing documents are not reasonably available or are in the
37 possession of the other party, the party disclosing the Financial Declaration shall
38 estimate the amounts entered on the Financial Declaration, the basis for the estimation
39 and an explanation why the documents are not available.

40 (d) Certificate of Service. Each party shall file a Certificate of Service with the court
41 certifying that he or she has provided the Financial Declaration and attachments to the
42 other party in compliance with this rule.

43 (e) Exempted agencies. Agencies of the State of Utah are not subject to these
44 disclosure requirements.

45 (f) Sanctions. Failure to fully disclose all assets and income in the Financial
46 Declaration and attachments may subject the non-disclosing party to sanctions under
47 Rule 37 including an award of non-disclosed assets to the other party, attorney's fees or
48 other sanctions deemed appropriate by the court.

49 (g) Failure of a party to comply with this rule does not preclude any other party from
50 obtaining a default judgment, proceeding with the case, or seeking other relief from the
51 court.

52 (h) Notice of the requirements of this rule shall be served on the Respondent and all
53 joined parties with the initial petition.

54 Advisory Committee Note

55 Proposed Rule 26A was developed by the Family Law Section of the Utah State Bar.
56 It represents the type of discovery or disclosure rule that the advisory committee
57 anticipated when drafting proposed Rule 26(a).