

WAIVER OF MANDATORY DISCLOSURE

INSTRUCTIONS FOR USE

The Mandatory Disclosure Rule (Rule 12.285) of the Florida Family Court Rules of Procedure, requires that each party to a family law case provide certain documentation to the other party so that each will be fully informed about the financial circumstances of the other party.

The Rule specifically lists the documents to be provided and when they must be provided. In many cases, however, it is not necessary to provide all of the documents listed in the Rule. This is usually when the parties have agreed 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 you and the other party agree to waive the requirements of the Mandatory Disclosure Rule 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 the other party.

Signing and filing the Waiver of Mandatory Disclosure form, however, does not guarantee that the documents will not be needed. The judge or general magistrate who hears your case may want additional information before he/she can find that the 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
IN AND FOR**

**JUDICIAL CIRCUIT
COUNTY, FLORIDA**

Petitioner,

Case No.:

and

Division:

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:

[check **all** that apply]

- _____ a. () All personal (1040) federal tax, gift tax, and intangible 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:

[check **all** that apply]

- _____ a. () All personal (1040) federal and state income tax returns, gift tax returns, and intangible personal property tax returns for the preceding 3 years; 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.
- _____ 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 years. All promissory notes in which the other party presently owns or owned an interest within the last 12 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 dependent 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 either party presently owes.
- _____ m. All premarital and marital 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.

Dated: _____

Dated: _____

 Signature of Petitioner
 Name:
 Address:
 City, State, Zip
 Telephone Number
 Fax Number

 Signature of Respondent
 Name:
 Address:
 City, State, Zip
 Telephone Number
 Fax Number

STATE OF FLORIDA
 COUNTY OF _____
 Sworn to or affirmed and signed before me on _____ by _____.

STATE OF FLORIDA
 COUNTY OF _____
 Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC—STATE OF FLORIDA

NOTARY PUBLIC—STATE OF FLORIDA

[Print, type, or stamp commissioned name of notary.]
 _____ Personally known
 _____ Produced identification
 Type of identification produced _____

[Print, type, or stamp commissioned name of notary.]
 _____ Personally known
 _____ Produced identification
 Type of identification produced _____