

1 **Rule 26.1. Disclosure and discovery in domestic relations actions.**

2 *Effective:*

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

8 **(b) Time for disclosure.** ~~In addition to the Initial Disclosures required in Rule 26, in all~~
9 ~~domestic relations actions, the documents required in this rule~~ In all domestic relations
10 actions, the disclosures required by Rule 26 and this rule must be served on the other
11 parties within 14 days after filing of the first answer to the complaint.

12 **(c) Financial declaration.** Each party must serve on all other parties a fully completed
13 Financial Declaration, using the court-approved form, and attachments. Each party must
14 attach to the Financial Declaration the following:

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

18 (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
20 attachments, filed by or on behalf of that party or by or on behalf of any entity in
21 which the party has a majority or controlling interest, including, but not limited to,
22 Form 1099 and Form K-1 with respect to that party.

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

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

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

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

40 **(d) Certificate of service.** Each party must 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.

43 **(e) Exemptions.**

44 (1) Agencies of the State of Utah are not subject to these disclosure requirements.

45 (2) In cases where assets are not at issue, such as ~~paternity~~parentage, modification,
46 and grandparents' rights, a party must only serve:

47 (A) the party's last three current paystubs and the previous year tax return;

48 (B) six months of bank and profit and loss statements if the party is self-employed;
49 and

50 (C) proof of any other assets or income relevant to the determination of a child
51 support award.

52 The court may require the parties to complete a full Financial Declaration for purposes
53 of determining an attorney fee award or for any other reason. Any party may by
54 motion or through the discovery process also request completion of a full Financial
55 Declaration.

56 **(f) Sanctions.** Failure to fully disclose all assets and income in the Financial Declaration
57 and attachments may subject the non-disclosing party to sanctions
58 under [Rule 37](#) including an award of non-disclosed assets to the other party, attorney's
59 fees, or other sanctions deemed appropriate by the court.

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

63 **(h) Notice of requirements.** Notice of the requirements of this rule must be served on the
64 other party and all joined parties with the initial petition.

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66 ~~Effective November 1, 2021~~

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