

Rule 26.1. Disclosure and discovery in domestic relations actions.

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

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

10 ~~(b)(1) by the plaintiff within 14 days after filing of the first answer to the complaint;~~
11 ~~and~~

12 ~~(b)(2) by the defendant within 42 days after filing of the first answer to the complaint~~
13 ~~or within 28 days after that defendant's appearance, whichever is later.~~

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

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

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

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

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

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

32 (6) All statements for the 3 months before the petition was filed for all financial
33 accounts, including, but not limited to checking, savings, money market funds,
34 certificates of deposit, brokerage, investment, retirement, regardless of whether the
35 account has been closed including those held in that party's name, jointly with
36 another person or entity, or as a trustee or guardian, or in someone else's name on
37 that party's behalf.

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

42 **(d) Certificate of service.** Each party must file a Certificate of Service with the court
43 certifying that he or she has provided the Financial Declaration and attachments to the
44 other party.

45 **(e) ~~Exempted agencies.~~ Exemptions.**

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

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

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

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

52 | (C) proof of any other assets or income relevant to the determination of a child
53 | support award.

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

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

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

65 | **(h) Notice of requirements.** Notice of the requirements of this rule must be served on
66 | the ~~Respondent~~other party and all joined parties with the initial petition.