

# McFARLING



## LAW GROUP

### NV COURT RULES: WHAT YOU ARE REQUIRED TO DISCLOSE IN A DIVORCE CASE WITH CUSTODY

NV Court Rules (NRCP 16.2) requires the disclosure of certain documents within the specified timeframes for all new divorce cases. Please start gathering all of the following as soon as your case begins and provide a set of documents and information to the legal assistant working with you.

#### **Financial Disclosure Form with paystubs attached:**

Nearly all cases require the parties to file a financial disclosure form within 30 days of the service of the Summons and Complaint or an updated FDF in post-decree proceedings. You must attach your last three paystubs or other documentation of income. You can obtain a copy by contacting the legal assistant assigned to your case at our office.

- To calculate your monthly income and other numbers from a bi-weekly paycheck, you should multiply by 26 and divide by 12. Do not just double bi-weekly numbers.
- For expenses that are not regular monthly expenses, total up the last year and divide by 12.
- The net number after deducting your expenses from your income should represent what you are putting in savings each month (if a positive number) or taking out in debt each month (if a negative number). If you do not incur debt or put money in savings, your net should be Zero. Please adjust your expenses so that they accurately reflect this.

#### **Relevant documents:**

All parties are required to disclose documents that are relevant to their case. Please gather any documents that you think might be relevant to your case.

#### **Documents that may be relevant in a child custody case:**

- School records including grades and attendance
- Medical records
- Counseling records
- Daycare records
- Police records
- CPS records
- Text messages between you and the other parent
- E-mails between you and the other parent
- Facebook postings by the other parent
- Photos of you with the children
- Photos of your home

## **Required Disclosures**

You must provide the following documents in a custody case:

- Tax returns for the past two years
- Proof of income commencing six months prior to service of summons and complaint
- Health insurance policies covering the children and the cost of the premiums

## **Required Disclosure of Financial Documents:**

NRC 16.2 requires all participants in Divorce and Separate maintenance actions to provide the other party, without a formal discovery request, the following:

- (d) **Mandatory Initial Disclosures.**
- (1) **Initial Disclosure Requirements.**
- (A) Concurrently with the filing of the financial disclosure form, each party must, without awaiting a discovery request, serve upon the other party written and signed disclosures containing the information listed in Rule 16.2(d)(2) and (3).
- (B) A party must make these initial disclosures based on the information then reasonably available to that party and is not excused from making the disclosures because:
  - (i) the party has not fully completed an investigation of the case;
  - (ii) the party challenges the sufficiency of another party's disclosures; or
  - (iii) another party has not made the required disclosures.
- (C) For each item set forth in Rule 16.2(d)(3), if the disclosing party is not in possession of the documents, the disclosing party must identify each such asset or debt that exists and disclose where information pertaining to each asset or debt may be found. If no such asset or debt exists, the disclosing party must specifically so state.
- (2) **Evidence Supporting Financial Disclosure Form.** For each line item on the GFDF or DFDF, if not already evidenced by the other initial disclosures required herein, a party must provide the financial statement(s), document(s), receipt(s), or other information or evidence relied upon to support the figure represented on the form. If no documentary evidence exists, a party must provide an explanation in writing of how the figure was calculated.
- (3) **Evidence of Property, Income, and Earnings as to Both Parties.**
- (A) **Bank and Investment Statements.** A party must provide copies of all monthly or periodic bank, checking, savings, brokerage, investment, cryptocurrency, and security account statements in which any party has or had an interest for the period commencing 6 months before the service of the summons and complaint through the date of the disclosure.
- (B) **Credit Card and Debt Statements.** A party must provide copies of credit card statements and debt statements for all parties for all months for the period commencing 6 months before the service of the summons and complaint through the date of disclosure.
- (C) **Real Property.** A party must provide 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.
- (D) **Property Debts.** A party must provide copies of all monthly or periodic statements and documents 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 6 months before the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information.

- (E) **Loan Applications.** A party must provide copies of all loan applications that a party has signed within 12 months before the service of the summons and complaint through the date of the disclosure.
- (F) **Promissory Notes.** A party must provide copies of all promissory notes under which a party either owes money or is entitled to receive money.
- (G) **Deposits.** A party must provide copies of all documents evidencing money held in escrow or by individuals or entities for the benefit of either party.
- (H) **Receivables.** A party must provide copies of all documents evidencing loans or monies due to either party from individuals or entities.
- (I) **Retirement and Other Assets.** A party must provide copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option, 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 6 months before the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information.
- (J) **Insurance.** A party must provide 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 or had an interest for the period commencing 6 months before the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information.
- (K) **Insurance Policies.** A party must provide copies of all policy statements and evidence of costs of premiums for health and life insurance policies covering either party or any child of the relationship.
- (L) **Values.** A party must provide copies of all documents 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 6 months before the service of the summons and complaint through the date of the disclosure, including any documents that the party may rely upon in placing a value on any item of real or personal property (i.e., appraisals, estimates, or official value guides).
- (M) **Tax Returns.** A party must provide copies of all personal and business tax returns, balance sheets, profit and loss statements, and all documents that may assist in identifying or valuing any business or business interest for the last 5 completed calendar or fiscal years with respect to any business or entity in which any party has or had an interest within the past 12 months.
- (N) **Proof of Income.** A party must provide proof of income of the party from all sources, specifically including W-2, 1099, and K-1 forms, for the past 2 completed calendar years, and year-to-date income information (paycheck stubs, etc.) for the period commencing 6 months before the service of the summons and complaint through the date of the disclosure.
- (O) **Personalty.** A party must provide a list of all items of personal property with an individual value exceeding \$200, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry, coins, stamp collections, 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.

**List of witnesses:**

All parties are required to disclose the names, addresses, and contact information of any party that will be testifying in support of their claims. Witnesses must appear in court in person at the time of the trial or evidentiary hearing. Letters and statements from witnesses are not sufficient.

**UCCJEA Declaration:**

The rules require you to complete the UCCJEA Declaration prior to us filing a motion with the Court. We prefer that this form be downloaded from our website ([www.mcfarlinglaw.com](http://www.mcfarlinglaw.com)), filled out on the computer and emailed to us, if possible. Otherwise, you can obtain a copy by contacting the legal assistant assigned to your case at our office.