

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

INFORMATION ABOUT RULE 1.25-A
MANDATORY DISCLOSURE

This sheet provides basic information about Rule 1.25-A. This sheet is provided as guidance only. Please refer to the actual rule for specific information. The terms of the actual rule will apply to you.

Rule 1.25-A can be found on the NH Judicial Branch website at <http://www.courts.state.nh.us/rules/family> or you may pick up a copy of this rule at any Circuit Court location.

All forms referenced on this information sheet can be found at <http://www.courts.state.nh.us/fdpp/forms> or you may pick up copies of these forms at any Circuit Court location.

What is this rule about? This rule requires you and the other party to exchange certain financial information and other documents early in your case.

Why is this rule necessary? Your case will include court orders which will divide assets and debts and orders on other matters such as health insurance obligations. If you have minor children, it will also include orders regarding child support. It is important that you and the other party share information about your financial circumstances so that agreements that are reached, and court orders that are issued, are based on accurate information.

How much time do I have to exchange these documents? If you filed a joint petition, this information must be exchanged within 45 days of the filing date. Generally speaking, if an individual petition was filed to start this action, the parties need to provide the information to each other within 45 days from the date the non-filing party received the petition. However, in some instances the facts of a case require that a hearing be scheduled sooner than 45 days from the start of the action (not including the First Appearance session). If that occurs in your case, these documents must be exchanged 10 days prior to that initial hearing.

Do I send this information to the court? You DO need to file the *Financial Affidavit* with the court and provide a copy to the other party. You DO NOT send the rest of the information required by this rule to the court. Instead, you simply provide the information to the other party unless a court order limits your contact with that person.

I received a document called *Checklist and Cover Sheet for Mandatory Disclosure*. What do I do with that? You may use that document to help keep yourself organized when gathering the information you are required to provide to the other party. Once you have everything, you may use that same document as your cover sheet when you send the information to the other party. That way, the other party will know what is included in the packet you are sending. Keep a copy of the information and the cover sheet for yourself so you have a record of the date you complied with the rule.

How do I get the information to the other party? If you are represented, your attorney will provide this information to the other party on your behalf. If you are representing yourself, send the information to the other party's attorney, or directly to the other party if s/he is not represented. However, if there are restraining orders or bail conditions in place which limit your contact with the other party, mail or deliver the documents to the court. The court will forward the information to the other party on your behalf.

What about protecting my privacy? The rule allows you to redact or cross out all but the last four (4) digits of any account numbers and social security numbers that appear on any statements or documents. The rule also allows other ways to address privacy issues.

What if my information changes after I have provided it to the other party in the case? The rule requires that you promptly provide the changed (updated) information to the other party.

What if I used to have the information but I don't have it anymore? You have an obligation to get it again. For example, if you have not saved your last four paystubs, you have to contact your employer for replacement copies.

What do I do if I have tried to get the information to give to the other party but I was not successful? File a *Statement of Unavailability*, signed under oath, with the court and provide a copy to the other party. However, if the information later becomes available, you must promptly provide it to the other party.

Can I reach an agreement with the other party to not provide all of the documents listed in Rule 1.25-A? The rule allows the parties to agree to not exchange all of the documents. Before making such an agreement, parties should consider the importance of having accurate information about each other's financial circumstances. Also, if you do not exchange the information now, you may have difficulties challenging financial matters later in the case or in later years if you come back to court for further orders. Whether you exchange all information listed in the rule or agree to exchange fewer documents, you will have to affirm under oath on your *Financial Affidavit* that you complied with Rule 1.25-A.

Can we agree not to complete and exchange the *Financial Affidavit*? No. There is a separate rule about *Financial Affidavits*. You must file an accurate and complete *Financial Affidavit*. Depending on how long your case lasts and how many hearings you have, you may have to file several *Financial Affidavits*. See Rule 2.16.

What do I do if I provide the information to the other party but the other party does not provide the information to me? If there are no court orders in place limiting your contact with the other party, you should ask him or her for the information and then give that person a reasonable amount of time to get the information to you. If you still do not receive it, you may bring that issue to the attention of the court by filing a *Motion to Compel Mandatory Disclosure Under Rule 1.25-A*.

What happens if I just don't comply with this rule? Section 1.25-A (D) addresses a party's failure to provide initial disclosures. Each case is different but the rule allows the court to rule against the person who did not provide the information to the other party in a variety of ways. Some of what could happen if you do not comply with the rule is that you might be prohibited from presenting financial information to make your arguments in court, and/or the other party might be allowed to estimate your financial circumstances for court purposes, and/or you might have to pay the other side's costs/expenses related to getting the information you were supposed to provide.