

## **HOW TO PREPARE YOUR FINANCIAL AFFIDAVIT**

The purpose of this information sheet is to help you understand what information you are required to provide in a financial affidavit. An accurate, complete financial affidavit is required to be filed with the Court by each party in a dissolution of marriage proceeding. Your financial affidavit is a sworn document submitted to the court under penalties of perjury. Any materially false statement or omission in a financial affidavit can subject you to criminal penalties and will also leave your divorce decree subject to be re-opened indefinitely. Preparation of an accurate, complete financial affidavit can be an arduous and time-consuming task, depending on the complexity of your financial affairs. If you are unable to prepare a complete and accurate financial affidavit after reading these instructions, you should seek the assistance of an accountant. The fees charged by this office in uncontested divorce cases do not include accounting services for preparation of financial affidavits. This office reviews our client's financial affidavits only to discover glaring errors and omissions. This office does not review or correct the financial affidavit of any party to a dissolution proceeding who is not our client, and such financial affidavits will be filed with the Court exactly as they are presented to this office. Nothing in these instructions is intended to be construed as, or relied upon as, or intended to be, legal advice to any non-client of this office. References in these instructions to "ask the lawyer" or similar language do not refer to non-clients of this office. If it is necessary for attorney or office staff to assist in the preparation of a client's financial affidavit, a fee of \$300.00 per hour for attorney time and \$75.00 per hour for paralegal time will be charged in addition to other fees.

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY TO AVOID INCURRING ADDITIONAL EXPENSES IN YOUR CASE.

Thank you, Samuel T. Adams.

### **Instructions for Financial Affidavit**

Name and General Instructions: Fill in all the blanks down through business address. Indicate your pay period.

#### I. Present monthly average gross income:

Monthly Income: Indicate all sources of income on lines 1 through 16 and total the figures for your monthly gross income on line 17.

Monthly Deductions: Some sources of income are not subject to income taxes, social security taxes and medicare/medicaid taxes. Unless your income falls in this category, you must show your accurate withholding taxes based on your correct filing status, allowable dependents and income tax liabilities, regardless whether your employer is deducting in improper withholding amount based on an inaccurate W-4. You must also fill in the accurate amount of social security taxes (FICA or self-employment taxes), on line 19 and your accurate monthly medicare/medicaid deduction under line 20. Lines 21 through 25 specifically list additional deductions which are allowable under state law. Do not list any other deductions as they are not

allowable. The figure for health insurance premiums under section 23 includes only medical and dental insurance premiums relating to your coverage. Do not include premiums for adding a spouse or children to the medical coverage. If the premium you pay includes spouse or family coverage, you must obtain information from your employer to enable you to separate out the amount which you pay for your coverage alone. Line 24 asks for child support payments actually paid for children from another relationship. Do not list child support payments for children of the relationship involved in this dissolution of marriage proceeding.

Total your allowable deductions at line 26. Net monthly income at line 27 is gross income at line 17 minus total allowable deductions at line 26.

## II. Average Monthly Expenses:

Review this section, which includes sub-sections A through F, carefully and fill in each item of expense or a reasonable estimate that will be supported by your financial records. Read each category listed and provide complete information, but only the information requested. The same goes for all sections in your financial affidavit.

D. Insurance: List only the cost of the children's medical and dental insurance premiums.

F. Payments to creditors: Includes all payments presently made on your individual indebtedness and on any joint or marital indebtedness regardless of whether or not your spouse is presently making these payments.

Total your monthly expenses (sub-sections A through F) at line 28. Line 31 "surplus or deficit" is total monthly net income less total monthly expenses.

## III. Assets and Liabilities:

A. Assets: The columns to the far right under "non-marital" are seldom used.

"Non-marital" means that an asset was acquired (1) before the marriage and no portion of it has been titled in or gifted to your spouse, or (2) the asset was acquired during the marriage from some non-marital source such as gift or inheritance or passive investment income on a pre-marital asset of which no portion has been gifted to or titled in your spouse's name. All other assets, including accounts and retirement benefits, are "marital", regardless whether they are held in your name alone or in your spouse's name alone or in joint names. There are some exceptions, such as a portion of retirement benefits which accrued before the marriage, and claims of a "special equity". The lawyer will explain these exceptions to you if you have any doubt as to whether an asset may fall in these categories.

B. Liabilities: List in this section all of your individual liabilities and all joint or marital liabilities, regardless whether your spouse is paying these liabilities. If you have any doubt as to whether a liability is marital or non-marital, ask the lawyer. Fill in the total at the end of this sub-section.

C. Contingent Assets and Liabilities: Read carefully the explanation of contingent assets and liabilities at the beginning of this sub-section. If you have any doubt as to whether an asset or a liability is contingent, ask the lawyer.

Signature: Your financial affidavit must be signed on the last page under oath and notarized by a notary public. If the notary does not personally know you, the notary must fill in the type of identification which you presented, such as "Florida Driver's license number A352-67-294-01". Your financial affidavit will be filed with the court and a copy will be provided to your spouse.

THANK YOU FOR CAREFULLY READING AND FOLLOWING THE ABOVE INSTRUCTIONS.