Disclosure Checklist

* Three most recent **Income Tax Returns** (or copies of T4, T4A, other relevant tax slips, statements disclosing all sources of income)
  + Needs to include at least the T1 General and line 150.
  + Accountant authorization page isn’t sufficient.
  + The client can contact their accountant to obtain this, or if they used software, it can print the return out.
  + If the above methods won’t work, CRA Access to Information and Personal Information Request Forms can be filled out by the client and sent to the CRA.
* Three most recent **Notices of Assessment**, or CRA printouts
  + These would have been mailed to the client by the CRA.
  + If the client no longer has these, they can create an account at <http://www.cra-arc.gc.ca/myaccount/> which will then mail them a code, and then they’ll be able to print out the online Assessments for recent years.
  + If the above methods won’t work, CRA Access to Information and Personal Information Request Forms can be filled out by the client and sent to the CRA.
* Three most recent **pay stubs** including **year-to-date earnings** (or a letter from employer including salary/hourly rate)
  + The client can request these from their employer.
  + If their employer is being difficult or they’ve severed ties, then the client can sign a Consent to Release Information and then we can request this information.
* If self-employed but **unincorporated**
  + 6 weeks of cancelled **cheques**
    - These can usually be obtained by ordering the business’s bank account statements directly from the bank.
  + Three most recent years of **Financial Statements**
    - The client can obtain these from their accountant.
    - It doesn’t matter if the client can’t afford to pay for Financial Statements, the court needs them, otherwise the court could make a guess that could harm the client.
    - If the client won’t provide these, then they should at least provide three years of the business’s bank account statements.
  + **Statement** of salaries, wages, management fees or other payments/benefits paid to yourself, or person not dealt with at arm’s length, for three most recent tax years
    - See the Business Expense Disclosure Statements, needs to be in a special form that breaks down personal benefits and payments to friends and family members.
  + General Ledger for last three years, if available (strongly recommended).
  + Current Capital Asset (amortization) Schedule (strongly recommended).
* If 1% or more interest in **corporation**
  + Three most recent years of **Financial Statements**
    - The client can obtain these from their accountant.
    - It doesn’t matter if the client can’t afford to pay for Financial Statements, the court needs them, otherwise the court could make a guess that could harm the client.
    - If the client won’t provide these, then they should at least provide three years of the business’s bank account statements.
  + **Statement** of salaries, wages, management fees or other payments/benefits paid to yourself, or person not dealt with at arm’s length, for three most recent tax years
    - See the Business Expense Disclosure Statements, needs to be in a special form that breaks down personal benefits and payments to friends and family members.
  + Record of **shareholder’s loans** transactions for past 12 months
    - The client can obtain these from their accountant, or bookkeeper. It will probably show up in their general ledger.
  + General Ledger for last three years, if available (strongly recommended).
  + Current Capital Asset (amortization) Schedule (strongly recommended).
* 6 months of **bank account** statements and **cancelled cheques**
  + The client can either request these from their bank, or the other side probably won’t object if they just print out their online bank account statements without providing the cancelled cheques.
  + This includes accounts that are in joint names with their former partner or any other third party.
* 6 months of **credit card** statements
  + The client can either request these from the credit card company, or the other side probably won’t object if they just print out their online statements.
  + It doesn’t hurt to provide their LOC statements as well, although not mandatory.
* Monthly **budget** (if spousal/partner support is an issue)
  + Blank form provided to the client at the first meeting.
  + Once received from the client, please re-type into a blank budget so that it’s a little bit nicer, as it could get inserted into an Affidavit at some point.
  + I tell clients that exact numbers are preferable where possible, although in some categories (eg groceries) the best they can do is make reasonable guesses.
  + If anything appears to be missing or too vague, please ask the client for additional details. I find it helps to highlight the missing/vague information, then email it to them and ask for them to provide input on the highlighted items.
  + Please have me review the budget before we send it to the other side.
* Sworn itemized list of **income, assets and liabilities** (Schedule “A”)
  + I try to include a little bit of identifying information such as the legal description and physical address for the home (it’s a good time to pull the Title anyways), year/make/model of vehicles, and the last 4 digits of each bank/credit card/investment account number. Enough that the other side can’t later allege that we didn’t disclose a particular asset. Plus that way when I’m reviewing the other side’s financial disclosure I can tell whether they’re transferring funds to an undisclosed bank account or to our client.
  + A rough estimated year of acquisition is probably fine, just write (Approx.) beside it. It’s mostly so that we can determine whether it was acquired, before, during, or after the marriage/relationship.
  + Let me know if there are any issues/uncertainties in calculating their estimated income for the current year, and I will try to work with the client to perform a realistic calculation. It’s important that it be accurate, because the other side may request support based on this number.
  + If anything appears to be missing or too vague, please ask the client for additional details. I find it helps to highlight the missing/vague information, then email it to them and ask for them to provide input on the highlighted items.
  + Please have me review this Statement before the client swears it.
  + If the client lives outside of Edmonton or it’s impractical for them to sign, then we can probably get away with sending the unsworn version for now.
* List and documentation of **Exemptions**
  + I provide them with a questionnaire page when I open a file.
  + I try to indicate what category of exemption it is (acquired prior to the marriage, gift, inheritance, personal injury proceeds, insurance proceeds, exchange of \_\_\_\_\_\_\_\_\_, proceeds of sale of \_\_\_\_\_\_\_\_ (the blank being one of the other categories)). Ideally, the value on the later of the date of marriage or date that the property was received is also useful information, but don’t guess at this as it’s hard to argue for a higher value later. And if it’s land owned prior to the marriage then the value probably isn’t known.
  + I always add “Such further exemptions to be provided prior to the trial of this matter” (or delete “further” if no other exemptions were listed).
* List and receipts of **section 7** expenses claimed
  + Most clients don’t provide these, so I usually just write “To be provided” or “Such section 7 expense receipts to be provided prior to the trial of this matter” if the other side takes issue with this. We do need these if they want to seek reimbursement though, or if spousal support is an issue.
* If **partner**, confirmation of income, draws from, and capital in the partnership, for three most recent tax years
* **EI** Statement
  + These can be obtained online or I think from Service Canada (or Service Alberta??).
  + If the client has been unemployed for a while, then they should provide multiple statements.
* **Social Assistance** Statement
  + I’m assuming that Service Alberta would provide this.
* **Pension** Statement
  + The client can request this from their pension administrator.
  + We need both their most recent statement (annual statement is fine), and a statement of division on breakdown of marriage/relationship, which shows the worth from the date of cohabitation to separation (check the dates in the statement).
  + If the client is being told that they have to pay a hefty fee to obtain a pension division statement (eg over $1000), then a statement showing the most recent balance for now is probably fine.
  + If they’re having trouble, then some pension administrators have the request forms on their websites.
  + If they’re having trouble, then the client can sign a Consent to Release Information and then we can probably request this information, although this isn’t ideal as it could take some time.
* **RRSP** Statement
  + They may only have a yearly statement, but that’s fine.
  + An online printout is probably fine, and probably preferable as it would carry a more recent balance.
* **Term Deposit** Certificates
  + They may only have a yearly statement, but that’s fine.
  + An online printout is probably fine, and probably preferable as it would carry a more recent balance.
* **GIC** Certificates
  + They may only have a yearly statement, but that’s fine.
  + An online printout is probably fine, and probably preferable as it would carry a more recent balance.
* Other **Investment** Statements
  + They may only have a yearly statement, but that’s fine.
  + An online printout is probably fine, and probably preferable as it would carry a more recent balance.
* **WCB** Statement
  + I have no idea.
* **Disability** Payment Statement
  + I have no idea.
* **Share/Dividend** Statement
  + They may only have a yearly statement, but that’s fine.
  + An online printout is probably fine, and probably preferable as it would carry a more recent balance.
* **Student** Funding Statement (including loans, grants, bursaries, scholarships, living allowances)
  + They’ll have to obtain this from the lender or post-secondary institution.
  + Online printout is probably fine.
* **Trust** beneficiary Settlement Agreement and three most recent Financial Statements
  + They can probably obtain this from the trustee, or any accountant or financial management company involved.

If they give you any trouble:

* You can remind them that if they don’t provide the information soon, it could mean that they’d have to pay me to appear in court, the court could easily make an Order that they disclose the information, they could be ordered to pay a penalty to their former partner, it could prevent us from bringing a support application, the court could order support based on an income that does not reflect their income, and many other consequences.

Dealing with the opposing firm:

* If it’s their application
  + Most firms will grant multiple adjournments.
  + I recommend requesting an adjournment at least 72 hours in advance.
  + They need to submit the adjournment application before 3:30 p.m. on the previous day, otherwise please let me know that I need to appear in court, and let me know what we’re still missing.
  + If we only have part of the client’s disclosure and the other side has already granted at least one adjournment, you can send an what we have for now, just marked “Interim “Without Prejudice”” at the top, “To be provided” for any missing items, and not including the budget and Sworn Statement (or any other list of assets/debts/exemptions) unless I’ve reviewed them.
  + If they’ve already granted multiple adjournments and don’t want to grant any further adjournments, you can offer that we will sign a Consent Order mandating that the client shall provide disclosure by a certain date, on a **without-costs basis**.
  + If we’ve complied with the vast majority (eg the Statement just isn’t sworn), then it’s probably worth pressing them to just adjourn *sine die* and we’ll provide it before the matter is resolved.
* If it’s our application
  + Please ask me whether we can grant an adjournment. If the other firm calls, you can tell them to send what they have for now, or ask if they’ll sign a Consent Order requiring that the disclosure be produced. We have a precedent Disclosure Order.
  + We have some discretion, because I make it clear to clients that I generally make procedural decisions.