

# DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

## Instructions

*The Domestic Relations Financial Affidavit (DRFA)* is like a snapshot of your financial life in the form of a breakdown of all income, assets, expenses, and debts for one month. This form can be time consuming, but it is an important tool for the Court to decide issues like child support payments, division of property, alimony, and attorney's fees. You must be as accurate as possible and try not to guess. **Read these instructions carefully, and gather helpful documents before you begin.** Good sources of information are: bank and credit card statements, receipts, bills, tax returns, and wage statements.

The DRFA must be signed in front of a notary public. By signing in front of a notary, you are swearing under oath that the information contained in the *Affidavit* is true, correct, and complete to the best of your knowledge. Failure to provide accurate information, or providing false or misleading information, could subject you to penalties from the Court and delay the final hearing in your case. You are not asked to produce bills or receipts for every item you enter, but you should be able to back up every amount to the Court. You can and must submit an updated DRFA if you have changes to your financial situation, such as getting or losing a job.

Do not leave any blank spaces in the form. If an item does not apply to you, use "\$0.00" or "n/a." Do not round amounts. For example, if a payment or expense is \$201.50, write that amount, not \$202.00 or \$200.00.

NOTE: Some items on the list may not occur every month (such as payments for your child's summer camp) or may occur more frequently (such as bi-weekly paychecks), but you must still include them. To account for these amounts, you will need to make some calculations called **annualization**.

- ✓ If you earn or pay a different amount every period, but you know the annual total, divide that number by 12.
  - For example: One month you make \$1,500.00 and the next month you make \$2,200.00, etc. You know that your annual income is \$25,000.00.  
$$\$25,000.00 \div 12 = \$2,083.33$$
Use \$2,083.33 as your monthly income.
- ✓ If the earning or payment occurs weekly, multiply the weekly amount by 52, then divide that total by 12.
  - For example: You spend an average of \$20.00 per week on fuel for your car.  
$$\$20.00 \times 52 = \$1,040.00$$
$$\$1,040.00 \div 12 = \$86.67$$
Use \$86.67 as your monthly fuel expense.
- ✓ If the earning or payment occurs bi-weekly, divide that amount by 2 to find the weekly amount, then follow the instructions above.

## SECTION 1: Identifying Information

This section asks for basic information about you and the other party, your children, and your marriage (if applicable).

NOTE: The parties in a civil case are known as **Petitioner**: the party filing the action (may also be referred to as “Plaintiff”) and **Respondent**: the other party (may also be referred to as “Defendant”).

- The first section regarding children addresses children for whom support is being determined in this action (the court case that is the reason you are submitting this *Affidavit*).
  - In the spaces provided, write the children’s names and the years of their birth. For privacy reasons, **omit the rest of the children’s birthdate**.
  - Then write whether the children live with the Petitioner or the Respondent. If any of the children live with someone other than the parties, write the person’s name and their relationship to the child.
- The next section regarding children addresses your other children (such as children from another marriage or partner).
  - Write their names and the years of their birth. **Omit the rest of the birthdate**.
  - List the adults with whom the children live.

## SECTION 2: Summary of Your Income and Needs

This section is a summary of the information contained in the rest of the document. **Skip this section and return to it after you have filled out the rest of the *Affidavit*.**

## SECTION 3: Income

This section deals with your income. It is divided into two sections: Gross Monthly Income and Net Monthly Income.

**SECTION 3(A): Gross Monthly Income:** This is a list of all your sources of income without any deductions. Annualize these amounts if necessary (see above).

- Begin by entering your wages. If you are self-employed or an independent contractor, use a different section below.
- Continue to enter amounts until the entire section is filled out.
- If you are unemployed, you should attach a separate sheet detailing your efforts to find a job, when you expect to be employed, and how much you expect to earn.
- Attach copies of your two most recent wage statements.

NOTE: **Fringe benefits** are extra payments or “perks” made to supplement your salary. This may include a company car, cell phone, or meal vouchers.

When you have finished filling out this section, add up the amounts for each item to calculate your total Gross Monthly Income.

**SECTION 3(B): Net Monthly Income:** This is your income minus taxes.

- Use your wage statements and/or most recent tax return (if there have not been significant changes since you last filed to determine how much you pay in federal, state, and Federal Insurance Contribution Act (FICA) taxes.
  - Do not include other deductions such as insurance or retirement contribution.
- Subtract the monthly tax amount from your total Gross Monthly Income and enter the resulting amount on the form.
  - NOTE: This number may be different from the Net Income amount on your pay stub.
- Next, write how often you get paid (ex: monthly, weekly, bi-weekly) and enter the number of exemptions you claim on your taxes.

## SECTION 4: Assets

This section is a list of all your assets. **Assets** are anything you own that have cash value.

- **Value** is the fair market (resale) value of the item. This can be hard to determine for some items (such as jewelry, collectibles, or furniture) and may require some research. For these items, use your best estimations.
  - NOTE: Resale value is NOT the purchase price.
- For items whose values may fluctuate, such as stocks, indicate that the value is listed as of a certain date. List these assets even if they are currently valued at zero dollars (\$0.00), because their value may increase in the future.
- If you have a bank account, safety deposit box, or any other asset that the other party does not know about, you must disclose it on this *Affidavit*.
- In the section regarding bank accounts, do not include full account numbers. Instead write the name of the account and the last four digits of the account number (ex: Bank of America Checking XXXXX1234).
- After stating the value of each item in the “Value” column, the form asks you to address whether the asset is marital or non-marital property.
  - As a general rule, **Marital property** is ALL property acquired by either party during the marriage, no matter whose name is on the title.
    - If the marital home belonged to one of the parties before the marriage, it may still be claimed as marital property if its value has increased (or mortgage has decreased during the marriage). See a lawyer if this applies to your case.
    - If you or the Respondent have rights to a pension that has built up during the marriage, the pension may be considered marital property. Figuring out the value of a pension (and writing the proper Qualified Domestic Relations Order if it is distributed in a divorce) is very complicated. See a lawyer if this may apply to your case.
  - **Non-marital property** is property acquired by either party before the marriage OR property that was inherited during the marriage or received as a gift from someone other than the spouse.

- If you believe that an asset is partially marital property and partially non-marital property, you should see an attorney.
- ✓ If the item is **marital property**, only write its value on the “Value” column next to the description.
- ✓ If you claim or agree that an item is **non-marital property**, rewrite the value in the “Separate Asset of Petitioner” or “Separate Asset of Respondent” column.
  - In the “Basis of the Claim” column, write why you believe the asset is separate property. For example, if you are the Petitioner and you inherited a ring worth \$5,000.00 from your grandmother while you were married (non-marital property), your “Jewelry” row would look like this:

Description	Value	Separate Asset of Petitioner	Separate Asset of Respondent	Basis of the Claim
Jewelry	\$5,000.00	\$5,000.00	n/a	Inheritance

- If you own real estate, write the full value of the property in the “Value” column. Underneath, list how much you still owe on the property.
  - If you need additional space, attach a separate sheet.
- If you own a car or other vehicle, write the make and model in the “Description” column. Next, write the value of the car in the “Value” column. Underneath, list how much you still owe on each vehicle.
  - If you need additional space, attach a separate sheet.

When you have finished filling out this section, add up the amounts for each item to calculate your total Assets.

## SECTION 5: Expenses

This section deals with expenses. It is divided into three sections: Household Expenses, Payments and Debts to Creditors, and Total Monthly Expenses.

**5(A): Average Monthly Expenses for You and Your Household:** This section addresses expenses related to you, your household, and your family. The form assumes that you and your spouse are living apart. Do not include any of your spouse’s expenses in this section.

- If you work from home, do not include business expenses in these calculations (you may already have addressed them in Section 3(A): Income from self-employment...).
- Annualize these amounts as necessary (see above).
- Utility payments can fluctuate with seasons. Many utility companies will provide a twelve-month average upon request.
- If in the past you did not have enough money to spend on an item, but you would normally spend a higher amount if you had enough money, use the normal higher amount.

- The “Children’s Expenses” section should address ALL minor children (under age 18) whom you support.
- The “Other Insurance” section requires that you state which portion of the insurance fee covers your children. Contact your insurance provider or Human Resources Department for this information.

When you have finished filling out this section, add up the amounts for each item to calculate your total Average Monthly Expenses for You and Your Household.

**5(B): Payments and Debts to Creditors:** This section deals with other payments you make each month such as credit card payments and student loans. A **creditor** is someone to whom you owe money.

- Enter the full balance due to each creditor. Then write the amount of your monthly payment.
  - Write the whole amount you owe each month, even if you are not currently making full monthly payments.
- Check the box to indicate which party is responsible for the debt.

NOTE: This is not the place to indicate who should be responsible for the debt. In a divorce, this issue is addressed in the *Petition* or *Settlement Agreement*.

When you have finished filling out this section, add up the amounts for each item to calculate your total Payments and Debts to Creditors.

**5(C): Total Monthly Expenses:** Add the totals from Sections 5(A) and 5(B).

WHEN YOU HAVE FINISHED SECTIONS 3-5, ENTER EACH TOTAL IN SECTION 2.

## Notes

The Domestic Relations Financial Affidavit must be filed with the Court and served to the other party at least fifteen (15) days before any preliminary hearing, and at least ten (10) days before any mediation session. Many people file with their *Petition*. You should file the original with the Court, serve the other party with one copy, and keep one copy for your records. If you are the Petitioner, you should also serve the Respondent with a blank copy of the form for them to fill out.