

Civil Rule 26.1 Disclosures Between Spouses
Required in all Divorce Cases

- **Within 45 days of the Answer being filed**, you must give your spouse information about property in which you may have an interest, including businesses and partnerships. You must also give your spouse authorization to obtain records about employment benefits, bank accounts, retirement accounts and the like. Sample releases are attached for your convenience.
- After you have completed this form and attachments, you will have satisfied the Rule 26.1 requirements AND you will be prepared to propose a fair and equitable division of property to the Judge.
- **You DO NOT file this form in court**, rather you simply give it to your spouse or his or her attorney if he or she is represented.
- The Property and Debt Worksheet attached may be used throughout your case: as a tool when you are doing these disclosures to your spouse, or as an attachment to documents you file with the court. Make a few photocopies of this form before you write on it, and you will have it handy to use whenever you need it. When you go to trial, the Judge will expect that you have 1) identified, 2) valued, and 3) proposed a division of the marital property. The Judge requires this information to be summarized on the Property and Debt Worksheet, or a substantially similar spreadsheet.
- **This disclosure form is not required, although the disclosure of information is.** This form is to help you organize your information. If there is not enough space in a particular section, you may simply say, "See attached," and write it out more fully on a separate paper.

My name is _____ and I am providing the following information to my spouse:

26.1(A) Real Property *The means houses, buildings, or land.*

You must choose A or B:

- A. I have no real property.
- B. I have an interest in the following real property:

Legal Description

Street Address

If you selected B, you must do the following:

I have attached all appraisals, tax assessments and broker's opinions regarding such property from the last two years.

26.1(B) Release for Employment Benefit Information

You must choose A or B:

- A. I am not employed.
- B. I am employed by the following (*provide information even if self-employed*):

Name of Employer	Address	Phone # of Human Resource's Dept.	Start Date

If you selected B, you must do the following:

- I have signed and attached a notarized release for all employment benefit information.

26.1(C) Release for Pension, Retirement, Deferred Compensation or Profit Sharing Information

You must choose A or B:

- A. I do not have any interest in pension, retirement, deferred compensation, or profit sharing plans.
- B. I have the following interest(s) in pension, retirement, deferred compensation, or profit sharing plans.

	Name of Plan	Name and Address of Plan Administrator	Years in Plan	Years During Marriage
1				
2				
3				
4				

If you selected B, you must do the following:

- I have signed and attached a notarized release for all pension, retirement, deferred compensation or profit sharing information.

26.1(D) Information and Release for Information About Accounts in Banks, Credit Unions, Brokerage House or Any Financial Institution on Which You Have Been a Signer During the Last Two Years, Whether Business or Personal.

You must choose A or B:

- A. I do not sign on any accounts in a bank, credit union, brokerage house or other financial institution.
- B. I do or did sign during the last two years on the following accounts at the following financial institutions: (*Continued on next page.*)

	Name of Financial Institution	Account Number	Business or Personal	Current Signer?
1				
2				
3				
4				
5				

If you selected B, you must do both of the following:

I have signed and attached a release authorizing my spouse to obtain all information about these accounts.

I have attached copies of statements for the past three months from each of these accounts.

26.1(E) Debts

You must choose A or B:

A. I have no debts.

B. I have the following debts: *This includes ALL debts such as mortgages, car loans, credit cards, hospital bills etc.*

	Name of Creditor	Total Owed	Monthly Payment	Rate of Interest
1				
2				
3				
4				
5				
6				
7				

If you selected B, you must do the following:

I have attached written documentation or an account statement from each creditor indicating the principal balance and the payment terms.

26.1(F) Personal Property With a Fair Market Value Over \$100

This means vehicles, boats, airplanes, computers, stereos, television, furniture, jewelry, furs and other property and household goods that have a fair market value – garage sale value –of more than \$100.

You must choose A or B:

A. I have no personal property worth more than \$100.

B. I have personal property worth more than \$100 and have listed it on my attached *Civil Rule 26.1 Personal Property Worksheet*, which is attached along with any appraisals, tax assessments, and broker’s opinions done in the last two years regarding this property. (Note: the 26.1 Worksheet is not filed in Court and is less detailed than the Civil Rule 90.1 Property Division Worksheet, which is also attached for your convenience. See introduction on page 1.)

26.1(G) Other Investments

You must attach most recent statements and reports from financial institutions or other sources pertaining to investments in which you have an interest. This includes, but not limited to, stocks, bonds, certificates of deposit, IRAs, life insurance, annuities or any other investment.

You must choose A or B:

A. I have no other investments.

B. I have an interest in the following investments:

	Type of Investment and Name of Issuing Institution or Person	Value
1		
2		
3		
4		

If you selected B, you must do the following:

I have attached the most recent statements and reports.

26.1(H) Tax Returns

You must give your spouse copies of your federal tax returns for the last three years. If you have not filed yet for this year, you must give your spouse copies of all year-end tax documents such as W-2 forms, 1098 forms, 1099 forms, extension requests, etc.

You must choose A or B:

A. We have filed jointly for the past three years, and my spouse has copies of all of these documents. If I/we have not yet filed for this year, I am attaching any year-end tax documents from my earnings.

B. I have attached copies of all federal tax returns for the past three years, including all schedules and attachments (W-2 forms, 1099 forms etc.) If I/we have not yet filed for this year, I am attaching copies of any year-end tax documents from my earnings.

26.1(I) Pay Stubs From the Last Two Months

You must attach proof of all income from any and all sources for the past two months. This includes wages, salaries, tips, commissions, interest, dividends, income from a business partnership, social security, veterans benefits, worker’s compensation, unemployment, public assistance, net rental income or any other income from any other source that you might have received.

You must choose A or B:

- A. I have no income whatsoever, only help from family and friends.
- B. I have attached proof of my income for the past two months.

26.1(J) What is Non-Marital

The general rule is that any property acquired during the marriage is marital property. The statute on property division in a marriage is at AS 25.24.160, however it is the cases decided by the Alaska Supreme Court that describe more fully what this law means. If you look up this statute in Volume 7 of the blue Alaska statute books, not only will you find the statute, but immediately following, you will find summaries of all the cases. This is a very complicated area of law and you are strongly urged to seek the assistance of an attorney if you have questions.

For the purposes of this disclosure, you must identify all property included in the above sections 26.1(A) – 26.1(G) which you consider non-marital or separate property and why. You must also indicate where this non-marital property is located.

You must choose A or B:

- A. I believe all property I have listed in this disclosure is marital property.
- B. I believe the following property is non-marital:

	Description of Property	Location	Why Non-Marital
1			
2			
3			
4			
5			
6			

I certify that this is the best information I have available to me, and that I mailed hand delivered these disclosures along with _____ attached pages to my spouse on _____.
of extra pages Date

Your Signature