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Family Law – Separation
Documents To Obtain From Your Client

About this Checklist:

Financial disclosure is essential to the resolution of family law disputes. Below is a checklist of documents that you may require from your client during his/her case.

You should advise your client that the documents marked with * should be provided as soon as possible. These are documents that will be necessary in the normal course of most family law disputes. A copy of the document is sufficient unless the original is specifically noted.

Documents that are not marked with * *may* be required, depending on the complexity of the case and the issues involved. Be careful requesting these documents without careful consideration first, since once obtained, they will need to be disclosed in an Affidavit of Documents, and may raise issues of confidentiality and mandate a Non-Disclosure Agreement. For a more basic list to give to your client, see Basic Documents Required For Your Family Law Case.

Disclaimer: *Although the checklist is very detailed, it is not comprehensive. You may require additional documentation from your client.*

Additional Documentation: See also Intake Form – Information To Obtain From Your Client or consider having your client complete Information Required For Your Family Law Case. If you practise in Ontario, you may also want to consider having your client complete a draft Financial Statement: Draft 13.1 Financial Statement with Instructions (ON only).

Identity Verification:

(provide at least one of these identity verification documents)*

O Driver's License

O Passport

O Citizenship Card

Relevant Marital Documentation/Agreements/Court Orders:

O Marriage Certificate (original)*

O Will*

O Marriage Contract / Cohabitation Agreement*

O Separation Agreement (interim/temporary and/or final) for the current relationship and any previous relationships*

O Court Orders (interim/temporary and/or final) for the current relationship and any previous relationships*

Financial Information:

O Draft Financial Statement – court form (ON: Form 13.1; BC: Form F8)*

Income:

O Personal Income Tax Returns (since separation or last 3 taxation years, whichever is longer), including all materials filed with the returns*

O Notices of Assessment / Notices of Reassessment (since separation or last 3 taxation years, whichever is longer) or if unavailable, Income and Deductions Printout from Canada Revenue Agency (since separation or last 3 taxation years, whichever is longer)*

O Child Tax Benefit Notice/Statements*

O Universal Child Care Benefit Notice/Statements /Documentation*

O GST/HST Credits Notice/Statements /Documentation*

O Canada Pension Plan Benefits Notice/Statements/Documentation*

O Old Age Security Benefits Notice/Statements/Documentation*

O Pension Benefits Notice/Statements/Documentation*

O Pension Stubs (last 5)*

O RRSP Statement Contribution Limit Information

If Employed:

O Employment Contract*

O Recent Pay Stubs (last 5)*

O Group Insurance Information Booklets*

O Employee Benefits Booklets*

O Letter from client's Employer confirming all income received to date this year

O Employer Loan Documentation

O Share Options Documentation

O Profit Sharing Documentation

If Unemployed:

O Employment Insurance Notice/Statements*

O Employment Insurance Stubs (last 5)*

O Record of Employment*

O Social Assistance (including disability assistance) Notice/Statements/Documentation*

O Social Assistance (including disability assistance) Stubs (last 5)*

O Worker's Compensation Notice/Statements/Documentation*

O Worker's Compensation Stubs (last 5)*

O Disability Benefits Notice/Statements/Documentation*

O Disability Benefits Stubs (last 5)*

If Self-Employed:
(also see Business Interests below and provide any applicable documents)

O Statement of Income and Expenses / Professional Activities (since separation or the last 3 years, whichever is longer)*

O Financial Statements for Sole Proprietorship, if created (since separation or the last 3 years, whichever is longer)*

If Shareholder/Director/Officer of Corporation:
(see Business Interests below and provide any applicable documents)

Real Property:

O Agreements of Purchase and Sale for all real property*

O Transfers registered on title for all real property*

O Charges registered on title for all real property*

O Appraisal reports for all real property, if available*

O Title searches for all real property*

O Mortgage Application and Documentation for all real property

O Net Worth Statements provided to support all mortgage applications

Personal Property:

O Car Purchase/Lease Application and Documentation*

O Purchase invoices for all valuable personal property (eg. artwork, antiques, jewellery etc.)

Bank Accounts:

O Bank Statements for all bank accounts (since separation or last 3 years, whichever is longer) and copies of cancelled cheques*

RRSPs/RRIFs:

O RRSP/RRIF Statements (since separation or last 3 years, whichever is longer)*

Securities:

O Statements of all securities (since separation or last 3 years, whichever is longer)*

Pensions/RPPs:

O Pension Plan Notices/Statements/Documentation*

O Pension Plan Valuation

Insurance Policies (Life and/or Disability):

O Insurance policies*

O Statements from insurance company re: amount of insurance, value of insurance and beneficiary designation*

O Insurance Notices/Statements

Business Interests: (all documentation noted below to be provided for all companies/businesses in which you had an interest, and for the period since separation or last 3 years, whichever is longer)

O Description of the nature of each business, including locations, telephone numbers, incorporation date, goods and services sold, number of employees, family members working in the business, organizational charts that show ownership structure and/or explain organization of complex corporate structures and all other relevant information, such as company brochures and/or information sheets, etc.*

O Corporate Financial Statements*

O Corporate Income Tax Returns, both federal and provincial, including amended returns*

O Corporate Notices of Assessment / Notices of Reassessment*

O Business valuations, if any*

O Shareholder Agreements*

O Articles of incorporation, by-laws, articles and amendments*

O Bank Account Statements and cancelled cheques*

O Listing of all company credit cards and copies of monthly statements*

O Buy/Sell Agreements*

O Details and supporting documentation of Shareholders' Loans and repayment*

O Offers to buy business or listing agreements to sell the business

O Appraisal reports re: specific assets

O Management Agreements

O Listing of all fixed assets owned by the business including cost, description, estimated market value and net book value

O Description of notes and loans payable, including promissory notes and description of security provided

O Listing of applicable industry publications that provide relevant information (description of business, success of business, financial history of forecasts, etc)

O Detailed listing of all shareholders, showing number and class of shares held, date purchased and price paid

O Accountant's or auditor's year end notes

O Corporation share registers

O Monthly or interim statements

O Minutes of all director and shareholder meetings

O Analysis of management compensation

O Payroll records

O Listing of accounts receivable

O Listing of accounts payable

O Listing of inventory

O Listing of marketable securities owned

O Listing of major customers and the value of their accounts

O Listing of major competitors, their market share and sales volume

O Listing of key employees

O Union details

Receivables (Money Owed to Client, including income tax refunds, accrued commissions, bonuses, royalties, shareholder loans etc.):

O Promissory Notes and evidence of repayment, if any (ie. highlight in bank statements)*

O Loan Agreements and evidence of repayment, if any (ie. highlight in bank statements)*

O Notices/Statements/Documentation in respect of receivables*

Loyalty Points Programs:

O Loyalty Program Notices/Statements/Documentation*

Intellectual Property (eg. patents, trademarks, copyrights):

O Listing of intellectual property in which you have an interest*

O Patents*

O Agreements relating to any intellectual property, including licensing agreements*

Contingent Assets:

O Trust documentation (in which you have interest)*

O Estate documentation (in which you have interest)*

Debts:

O Promissory Notes and evidence of repayment, if any (ex: copies of cheques)*

O Loan/Line of Credit Statements (since separation or last 3 years, whichever is longer)*

O Credit Card Statements (since separation or last 3 years, whichever is longer)*

O Loan/Line of Credit Application and Documentation

O Net Worth Statements provided to support all Loan/Line of Credit applications

O Credit Card Application and Documentation

O Net Worth Statements provided to support all Credit Card applications

Other Assets (excluded in Ontario and some other provinces):

O All relevant documentation regarding*:

- Property acquired by gift or inheritance from 3rd person *after* the date of marriage
- Income from Gifted/Inherited Property (above) if donor/testator expressly provided for exclusion from division in the event of a separation
- Damages in connection with a personal injury lawsuit
- Proceeds from a life insurance policy
- Property which can be traced back to funds received from any of above property in this section
- Property agreed to be excluded from division in the event of a separation pursuant to a Marriage/Cohabitation Contract/Agreement

Date of Marriage Assets/Liabilities:

O All relevant documentation showing the fair market value of any asset/liability owned/owed at the date of marriage, even if no longer owned/owed*