



# Filling Out a Financial Disclosure Affidavit

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The purpose of this guide is to help you fill out a financial disclosure affidavit. **Each section of the affidavit is reproduced in this guide and is followed by explanations and definitions.** You may want to have this guide next to you while filling out the financial disclosure affidavit.

## What is a financial disclosure affidavit?

- **Financial** means related to money.
- **Disclosure** means to make public.
- **Affidavit** means a sworn statement.



A financial disclosure affidavit is an official document describing a person's **income** (how much you make) and **expenses** (how you spend it).

The person filling out the financial disclosure affidavit must swear that everything written in the document is true and must sign it in front of a specific public official, like a **notary public** or a **judge**. (Notary publics are described later in this guide.)

## Why do I have to fill it out?

**Support magistrates** use the financial information of both parents to decide the amount of child support one parent will receive from the other parent. A support magistrate is similar to a judge. A support magistrate has the power to make decisions about child support and paternity cases. The financial disclosure affidavit provides this information.

For more information on how the court makes child support decisions, see LIFT's guide "Child Support: A Guide for Parents Who Pay."

## Do both parents have to fill it out?

Yes.

## What happens if someone doesn't fill it out?

It depends. If you are the **petitioner** (the parent asking for child support) and you do not submit your financial disclosure affidavit, the support magistrate may reschedule the hearing to give you more time to complete the affidavit.

If you are the **respondent** (the parent being asked to pay child support) and you do not submit the financial disclosure affidavit, the support magistrate may decide to reschedule the hearing to give you another chance to submit the financial disclosure affidavit to court. However, the court also may order you to pay whatever child support the other parent requested, or the amount that the court determines your child needs, without taking your income and expenses into account.

## Do I have to give the other parent a copy of my completed financial disclosure affidavit?

Both parents are entitled to a copy of the other parent's financial disclosure affidavit. If you want a copy of the other parent's financial disclosure affidavit, you can go to the record room, ask for the case file, and make a photocopy.

## INTRODUCTION

In the Matter of a Proceeding for Support	Docket No.
(Commissioner of Social Services, Assignor, on behalf of _____, Assignee)	
_____ Petitioner	FINANCIAL DISCLOSURE AFFIDAVIT
S.S.# (Assignor)	
-against-	
_____ Respondent.	
S.S.#	

### Why does it say “Commissioner of Social Services, Assignor, on behalf of, Assignee”?

When a parent applies for and receives **public assistance** (also called cash assistance or welfare) from the City, the parent gives the City his or her right to collect child support from the child’s other parent. (To **assign** means to give a right to someone else.)

### What do “assignor” and “assignee” mean?

An **assignor** is a person or group that gives legal rights or legal interests to another person or group. That person or group is called an **assignee**. In this case, the assignor is the parent who is giving his or her legal right to collect child support to the Department of Social Services, the assignee.

### What is a “docket number”?

A **docket number** is a number given to each case. In Family Court, docket numbers begin with a different letter depending on the type of case. The letter is followed by a series of numbers that ends with the two-digit year in which the case was started. Child support cases begin with the letter “F”.

## I. INCOME FROM ALL SOURCES

I. INCOME FROM ALL SOURCES: The correct amount of the child support obligation is presumed to be a percentage of income as defined by law. The percentages are set forth in Addendum A. Other pertinent information is set forth in Addenda B and C. List your income from all sources as follows:

a. Wages and Salaries (as reportable on Federal and State income tax returns):

1. Employer and address
2. Number of members in household
3. Number of dependents
4. Hours worked per week
5. Weekly gross salary/wages
6. Weekly deductions:
  - a. Social Security (FICA) Tax
  - b. New York State Tax
  - c. Federal Tax
  - d. Other payroll deductions
7. Income of other members of household

NOTE: ATTACH INFORMATION FOR ADDITIONAL EMPLOYERS ON SEPARATE PAGES.

b. Self-Employment Income (Describe and list self-employment income; attach to this form the most recently filed Federal and State income tax returns, including all schedules):

c. Interest/Dividend Income:

d. Other Income:

1. Workers Compensation
2. Disability Benefits
3. Unemployment Insurance Benefits
4. Social Security Benefits
5. Veterans Benefits
6. Pensions and Retirement Benefits
7. Fellowships/Stipends/Annuities

e. Income from other sources: (List here and explain any other income including but not limited to: non-income producing assets; employment 'perks' and reimbursed expenses; fringe benefits as a result of employment; periodic income, personal injury settlements; non-reported income; and money, goods and services provided by relatives and friends).

### What does "income from all sources" mean?

The financial disclosure affidavit uses the term **income from all sources** to make sure that you know to list all of the support you receive from any source. This means that, in addition to the income you receive from a job, you must also list money you might receive from any other source, including:

- Investments
- Workers' compensation
- Disability benefits
- Unemployment insurance

- Social security
- Veterans' benefits
- Pensions
- Retirement benefits
- Fellowships and stipends
- Annuity payment

Income does not only mean money. Any free meals or housing that you receive as a benefit from your job are also part of your income. For example, if you are the superintendent of a building and receive free or reduced rent in that building, the reduced or free rent counts as income.

## MORE ON INCOME FROM ALL SOURCES

### What are “Addendum A” and “Addenda B and C”?

These **addenda** are sections that contain additional information about child support and can be found at the very end of the financial disclosure affidavit. An **addendum** is one section. Addendum A states the child support percentages. (These are discussed later in this guide.) Addendum B explains that when the combined parental income is over \$80,000 a year, the court may not always follow the child support percentages. Addendum C states that in some cases, the noncustodial parent should have to pay only \$25 per month. This usually happens when paying child support would cause the noncustodial parent’s income to fall below the poverty level.

### I get paid bi-weekly, but it asks for my “weekly gross salary/wages.” Should I put down what I make bi-weekly since that is what my pay check says?

No. It is important to answer the question as it is written. If you get paid bi-weekly (every two weeks), you will need to divide the total by two to figure out your weekly salary. If you put down your bi-weekly salary, it may result in the judge making the wrong calculations about how much has to be paid in child support.

### Why does it ask about the income of the “other members of my household”?

The court tries to figure what the **standard of living** for the child would be if his or her parents were living together. Standard of living means what kinds of items and services someone has available to them. It includes everything from how often someone eats at expensive restaurants to whether someone sends a child to private school.

Sometimes the court may **impute** to the non-custodial parent income that other household

members earn. Impute means to assign or to attribute. When someone’s income is imputed to you, it increases your total income in the eyes of the court. It may increase the amount of child support you are ordered to pay.

### What is a dependent?

A **dependent** is a person who counts on someone else for their food, clothing, and shelter. A dependent child is a child being financially supported by a parent. A dependent child usually lives in the same home as the person who is supporting him or her.

### Why does it ask about the “number of dependents”?

When making a decision about child support, the support magistrate may take into account the needs of the dependent children living with the non-custodial parent.

### What does “interest/dividend income” mean?

**Interest** and **dividend income** refers to income from investments. For example, if you or the child’s other parent own **stock** (an interest in a company corporation) and receive regular payments (called **dividends**) from the company or corporation you own stock in, you must report those payments as income. Similarly, if you have a savings account from which you receive interest payments, you must include these payments as income on the affidavit.

### If someone regularly gives me money, does that count as “income from other sources”?

Yes. The form asks you to write down “money, goods, or services provided by relatives and friends” in this section. That includes a gift you may receive every year in cash or as a check from someone.



## II. ASSETS

II. ASSETS: The Court can consider the assets of the custodial parent and/or the non-custodial parent in its award of child support. List your assets as follows:

- |  |             |
|--|-------------|
| a. Savings account balance (Name of bank: _____)                         | a) \$ _____ |
| b. Checking account balance (Name of bank: _____)                        | b) \$ _____ |
| c. Automobile(s) (Year and make: _____)                                  | c) \$ _____ |
| Loan information: _____  |             |
| d. Residence owned (Address: _____)                                      | d) \$ _____ |
| e. Other real estate owned _____   | e) \$ _____ |
| f. Other assets (For example: stocks, bonds, trailers, boat, etc.) _____ | f) \$ _____ |

g. Driver's, professional, recreational, sporting and other licenses and permits held (provide name of issuing agency, license number and attach a copy if possible) \_\_\_\_\_

### What is an "asset?"

An **asset** is any item that is worth something. Here, asset means something worth money. Common examples include cash, stocks and bonds, cars, and other property.

### Why does it matter what licenses I have?

There are three reasons:

1. Child support can be based on how much money the court thinks you can earn. This means that it may not be based on how much you are earning right now. If you have a license related to certain jobs, such as a barber's license or a license to drive a taxi, this can affect how much the court thinks you can earn and how much child support you can pay.
2. If you are ordered to pay child support and you do not follow the order, the **Support Collection Unit** (SCU) can have your licenses suspended.
3. The court can place a value on a license. This means that the court might think that a license is worth a certain amount of money.

### Why does it matter what kind of automobile I own? Why does it ask if I own a residence or real estate?



Cars and real estate are considered assets (see assets defined above) because they are items that are worth money. If you own a car, you must include it when listing your assets on the document. Listing assets, like cars, helps give the court an idea of the type of lifestyle your child is used to and how much child support you and the child's other parent can afford to pay. **Residence owned** means owning a home you live in.

### What if my husband or wife bought our car or our home?

You only need to list assets that are in your name. However, sometimes assets belonging to a member of your household may be imputed to you. For information on imputing see Section I, "Income from all Sources," above.

### III. DEDUCTIONS FROM INCOME

III .DEDUCTIONS FROM INCOME: The Court allows certain deductions from income prior to applying the child support percentages. List the deductions that apply to you as follows:

- |  |             |
|--|-------------|
| a. Unreimbursed employee business expenses                           | a) \$ _____ |
| b. Maintenance actually paid to spouse not a party to this action*   | b) \$ _____ |
| c. Maintenance actually paid to spouse who is a party to this action | c) \$ _____ |
| d. Child support actually paid on behalf of non- subject child(ren)* | d) \$ _____ |
| e. Family Assistance   | e) \$ _____ |
| f. Supplemental Security Income                                      | f) \$ _____ |
| g. NYC/Yonkers Income Tax  | g) \$ _____ |
| h. FICA  | h) \$ _____ |

\*Attach to this form a copy of the appropriate Court Order

#### What is a “deduction”?

A **deduction** is something that is not counted as part of your income. Deductions written here lower the amount of income from which child support will be calculated.

#### What does “child support actually paid on behalf of non-subject child(ren)” mean?

This means child support that you are already paying for another child. This can be through a court order or a written agreement with the other parent of that child.

#### If I am paying “child support actually paid on behalf of non-subject children,” how could it affect my child support order?

If you are already paying child support for another child, the court might base your new order on the income that you have left after you pay for the order that came first.

#### When it asks about “child support actually paid on behalf of non-subject children” does that include any children that I support? Even if the child lives with me and there is no child support order for him or her?

No. The only amount you can include in this category is for child support that you pay because of a court order or a written agreement you have with the other parent of another child. The court takes children who live with you and don’t have a child support order into account in another way. Before the court makes a final decision regarding this child support order, it can consider the needs of these other children.

#### What is “maintenance actually paid to spouse”?

**Maintenance** is another word for **alimony**. It is money paid after a divorce to support an ex-husband or an ex-wife.

## IV. HEALTH INSURANCE, UNREIMBURSED HEALTH-RELATED EXPENSES, CHILD CARE EXPENSES, EDUCATIONAL EXPENSES, AND LIFE AND ACCIDENT INSURANCE POLICIES

IV. HEALTH INSURANCE, UNREIMBURSED HEALTH-RELATED EXPENSES, CHILD CARE, EXPENSES, EDUCATIONAL EXPENSES AND LIFE AND ACCIDENT INSURANCE POLICIES: As part of the child support obligation, parents shall be directed to provide health insurance coverage, pay a pro-rated share of the cost or premiums to obtain or maintain the health insurance coverage, and pay a pro-rated share of unreimbursed health-related expenses, pay a pro-rated share of child care expenses and in the Court's discretion pay educational expenses. The Court may direct you to purchase and maintain life and/or accident insurance benefits or assign benefits on existing policies for the benefit of your children. List your information as follows and cross out or delete inapplicable provisions:

a.  I have health insurance coverage through [specify]:    employer or organization     private purchase     New York State "Child Health Plus" program     New York State Medical Assistance Program.

I do not have health insurance coverage [If this box is checked, skip to ¶ IV b].

1. My coverage includes  medical,  dental,  prescription drug,  optical,  other health care services or benefits [specify]: \_\_\_\_\_.

2. The portion of the cost of the insurance paid by my employer or through my employment is \$ \_\_\_\_\_ per [specify time period]: \_\_\_\_\_.

The cost of the insurance paid by me is \$ \_\_\_\_\_ per [specify time period]: \_\_\_\_\_.

3. The person(s) covered by my insurance is/are: \_\_\_\_\_.

4. My policy number is \_\_\_\_\_.

5. Coverage  does  does not presently include my child(ren). The additional cost to me to include my child(ren) would be [specify cost for each type of benefit; if benefit unavailable, so indicate]:

Medical: \$ \_\_\_\_\_ per \_\_\_\_\_.    Optical: \$ \_\_\_\_\_ per \_\_\_\_\_.

Dental: \$ \_\_\_\_\_ per \_\_\_\_\_.    Prescription drugs: \$ \_\_\_\_\_ per \_\_\_\_\_.

Other Health Services or Benefits [specify]: \_\_\_\_\_ \$ \_\_\_\_\_ per \_\_\_\_\_.

6. The name and address of my primary (and secondary) health insurer is/are: \_\_\_\_\_

7. My primary (and secondary) health plan administrator is/are: (indicate name, address and telephone number of contact person for employer or organization): \_\_\_\_\_

8. There are  medical,  dental,  prescription drug,  optical,  other health care benefits [specify]: \_\_\_\_\_

insurance benefits available to the child(ren) through an individual who is not a party to this action. This individual is [indicate name and relationship]: \_\_\_\_\_. These benefits cost as follows: \_\_\_\_\_ per [specify time period]: \_\_\_\_\_.

b. My child care provider is: \_\_\_\_\_. The average number of hours of child care incurred per week are: \_\_\_\_\_.

c. My child's educational needs and expenses are:

d. I have the following life and accident insurance policies:

1. Life insurance: (Name of insurer): \_\_\_\_\_ \$ \_\_\_\_\_  
(Beneficiary/Beneficiaries): \_\_\_\_\_

(Name of insurer): \_\_\_\_\_ \$ \_\_\_\_\_  
(Beneficiary/Beneficiaries): \_\_\_\_\_

2. Accident insurance: (Name of insurer): \_\_\_\_\_ \$ \_\_\_\_\_  
(Name of insurer): \_\_\_\_\_ \$ \_\_\_\_\_

This information is current as of (specify date) \_\_\_\_\_.

## **MORE ON HEALTH INSURANCE, ETC.**

### **What is an “unreimbursed health-related expense”?**

**Reimburse** means to get paid back for something that you spent money on. Sometimes your health insurance will reimburse you for money that you spent on a medical procedure. This happens if it is covered by your health insurance. **Unreimbursed** means that you did not get paid back. An **unreimbursed health-related expense** means that you did not get all of your money back from your health insurance.

### **What does the term “pro-rated” mean?**

**Pro-rated** means to divide proportionally. In this case, it means both parents will have to pay part of their child’s health costs. How much each one pays will be figured out by comparing the income of both parents. For example, if one parent makes twice as much as the other, that parent may be responsible for twice the amount of the child’s health care costs.

### **Why does it ask me for information about my health insurance?**

The court may order you to include your child on your health insurance. If the support magistrate orders one parent to include the child on his or her health insurance, the court can ask the other parent to pay some of the cost of coverage.



### **How can I find out what portion of the cost of my insurance is paid by my employer?**

Either your employer or your human resources director should be able to tell you how much money your employer contributes to your insurance coverage. You might also find the answer in your employee handbook.

### **What is a “beneficiary”?**

A **beneficiary** is someone who receives a benefit. For example, if a child is listed as a beneficiary under their parent’s life insurance policy, he or she will receive the payments listed in that policy.

### **If my child is already a beneficiary, will that mean I can pay less in child support?**

No. Your child’s status as your life insurance beneficiary is not one of the factors that courts consider in determining your income and/or whether your contribution should vary from the percentages listed above.

## V. VARIANCE FROM THE PERCENTAGES

VI. VARIANCE FROM THE PERCENTAGES: The Family Court Act allows the Court to order support different from the percentages if the Court finds that the support based upon the percentages would be unjust or inappropriate due to certain factors. The factors are set forth in Addendum D. The following is/are the factor(s) that the Court should consider in this case:

### What does “variance from the percentages” mean?



The percentages the court usually uses for child support orders are from the **Child Support Standards Act (CSSA)**. The CSSA is a law that sets the guidelines used by support magistrates to make child support orders. Parents are usually ordered to pay a percentage of their **adjusted gross income** based on how many children are included in the support order. **Gross income** is the amount of money you earn before taxes are taken out. Adjusted gross income is your gross income minus some special expenses, like previous child support orders. Once the court determines the total income of the two parents together, it uses the formula below to decide the amount needed to support the child. **Variance from the percentages** means different from these percentages.

The percentages from the Child Support Standards Act are:

1 child	17% of your adjusted gross income
2 children	25% of your adjusted gross income
3 children	29% of your adjusted gross income
4 children	31% of your adjusted gross income
5 children	35% of your adjusted gross income

The court can ignore this formula in special situations. For example, if a child has special needs and high expenses because of those needs, the child support order may be higher than the usual percentage. On the other hand, if the respondent has educational needs that are costly and keep him or her from working, the court order might be lower than the usual percentage. For these reasons, or one of many others, the court may make a child support order that is different from the percentages that they usually use.

### Is this the section where I should put down information about the child care and educational needs of a child that isn't included in this order?

Yes. There is space for you to include reasons that you believe the court should vary from the percentage of child support that you can be ordered to pay. In this section, you may include information about another child's needs if you think it affects the amount you are able to pay.

### What factors will the court look at when deciding how to vary from the percentages?

The court can consider each of the following factors:

- The financial resources of each parent and those of the child;
- The physical and emotional health of the child and his/her special needs and capabilities;
- The standard of living the child would have enjoyed if the parents lived together;
- The tax consequences to the parties;
- The non-monetary contributions that the parents make toward the care and well-being of the child;
- The educational needs of either parent;
- Whether one parent makes a lot more than the other parent;
- The needs of the children of the respondent that are not part of a child support order;
- Extraordinary expenses that the respondent must spend in visiting the child; and
- Any other factors that the court decides are important.

## VI. EXPENSES

VI. EXPENSES: In ordering support by the percentages the Court is not obligated to consider expenses. However, if the Court varies from the percentages, expenses may be considered. List your expenses as follows: [List all expenses on a weekly or monthly basis; however, you must be consistent: if any items are paid monthly, divide by 4 to obtain the weekly payment; if any items are paid weekly, multiply by 4 to obtain the monthly payment].  
 (Please specify): I am listing my expenses on a (weekly)( monthly) basis: \_\_\_\_\_

a. Rent or mortgage payment	a) \$ _____
b. Mortgage interest and amortization	b) \$ _____
c. Realty taxes (if not included in mortgage payment)	c) \$ _____
d. Insurance on realty	d) \$ _____
e. Utilities: gas      electric/ water      telephone      cable	e) \$ _____
f. Garbage collection	f) \$ _____
g. Household repairs (specify: _____)	g) \$ _____
h. Food	h) \$ _____
i. Charge accounts, loans, etc.    1)	i) \$ _____
(from Section VII below)        2)	
3)	
j. Auto expenses: gas      maintenance      insurance & fees      loan	j) \$ _____
k. Public transportation	k) \$ _____
l. Life insurance	l) \$ _____
m. Health insurance	m) \$ _____
n. Clothing : self \$      others \$      (explain: _____ )	n) \$ _____
o. Laundry and dry cleaning	o) \$ _____
p. Education and tuition (explain: _____ )	p) \$ _____
q. Child care	q) \$ _____
r. Contributions	r) \$ _____
s. Union dues (mandatory: yes      no      )	s) \$ _____
t. Entertainment	t) \$ _____
u. Miscellaneous personal expenses (specify: _____ )	u) \$ _____
v. Other (specify: _____ )	v) \$ _____

### Can I list some expenses “weekly” and some expenses “monthly”? What about “yearly”?



You may not list some expenses as weekly and others as monthly. You must choose to list all of your expenses as either monthly or weekly expenses. You may not list any expenses as yearly expenses. If you choose to list expenses on a monthly basis, but you have expenses that you pay weekly, you must multiply your weekly expenses by four and list them as monthly expenses.

### If my expenses are more than what I am paying now—meaning I can’t afford to pay as much as I would like—should I put down what I actually pay, or what I would like to pay?

You can put down both – what you are paying and what you would like to pay. If you put down both, you must write in an explanation as to why you have put down two numbers on the financial disclosure affidavit.

**MORE ON EXPENSES**

**What gets included in entertainment?**

Entertainment expenses include money you use for fun, like going to a movie. These are expenses that are not related to your daily living expenses.



**Why am I being asked to list these expenses?**

While the court is not required to look at expenses when determining child support, if the court decides to vary the amount of child support each parent is responsible for providing (see section V, “Variance from the Percentages,” above), the court can consider each parent’s expenses. These expenses can also help the court understand your standard of living.

**What does “amortization” mean?**

**Amortization** describes the payment of a loan and its interest over a period of time.

**Where can I find out my “mortgage interest and amortization”?**

Your loan officer is the best source to find out about your mortgage interest and amortization. That information might also be contained in your mortgage statements or the original mortgage documents.

**Can I include my own schooling?**

Yes. When deciding the amount of child support you must pay, the court may consider the educational needs of both parents. If the custodial parent has additional child care expenses because of his or her schooling, the other parent can be ordered to help pay for some of those extra expenses.

**VII. LIABILITIES, LOANS, DEBTS**

VII. LIABILITIES, LOANS AND DEBTS: In ordering support by the percentages the Court is not obligated to consider liabilities, loans, and debts. However, if the Court varies from the percentages, they may be considered. List your liabilities, loans and debts as follows:

Creditor _____	Creditor _____	Creditor _____
Purpose _____	Purpose _____	Purpose _____
Date incurred _____	Date incurred _____	Date incurred _____
Total balance due _____	Total balance due _____	Total balance due _____

NOTE: ATTACH TO THIS FORM INFORMATION REGARDING ANY ADDITIONAL DEBTS.

**What is a “liability”?**

A **liability** is money you owe. It is something that you are responsible for paying back, like a loan.

**What is a “creditor”?**

A **creditor** is a person or company to whom you owe money.

## SIGNATURE

I have carefully read the foregoing statement and attest to its truth and accuracy.

\_\_\_\_\_  
(Petitioner)(Respondent)

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Signature of Attorney, if any

\_\_\_\_\_  
Attorney's Name (Print or Type)

\_\_\_\_\_  
Attorney's Address and Telephone Number

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Deputy)Clerk of the Court  
Notary Public

## What is a notary public and where can I find one?

A **notary public**, or **notary**, is someone who watches people sign their names on official papers and verifies that the people signing are who they say they are.

You can find a notary by looking in a phone book or at online directories. Some notaries have offices near courthouses. Additionally, many banks and law offices employ notary publics.

**Note:** A notary public may charge a fee of \$2.00 for each signature or oath.

## Why does this have to be notarized?



The document you're filling out is an **affidavit**. That means it is a formal sworn statement. Under the law, the truth of all the information in an affidavit must be sworn to before an officer authorized to administer oaths, such as a notary public.

*This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.*

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