

AGENDA

COLORADO SUPREME COURT COMMITTEE ON THE RULES OF CIVIL PROCEDURE

Friday, November 18, 2016, 1:30p.m.
Ralph L. Carr Colorado Judicial Center
2 E.14th Ave., Denver, CO 80203

Third Floor, Court of Appeals Full Court Conference Room

- I. Call to order
- II. Approval of October 28, 2016 minutes [Page 1 to 3]
- III. Announcements from the Chair

Supreme Court C.R.C.P. 120 Hearing
- IV. Business
 - A. CRCP 16.1—(Judge Davidson)
 - B. New Form for admission of business records under hearsay exception rule—(Damon Davis and David Little)
 - C. CRCP 57(j) & Fed. R. Civ. P. 5.1—(Stephanie Scoville)
 - D. County and municipal appeals to district court—(Judge Espinosa) [Page 4 to 8]
 - E. CRCP 83—(Jeannette Kornreich) [Page 9 to 11]
 - F. CRCP 121 §1-15—Confession of motions (Judge Berger) [Page 12 to 13]
 - G. JDF 1111—(Jeannette Kornreich) [Page 14 to 20]
- V. New Business
- VI. Adjourn—Next meeting is January 27, 2016 at 1:30pm

Michael H. Berger, Chair
michael.berger@judicial.state.co.us
720 625-5231

Jenny Moore
Rules Attorney
Colorado Supreme Court
jenny.moore@judicial.state.co.us
720-625-5105

Conference Call Information:

Dial (720) 625-5050 (local) or 1-888-604-0017 (toll free) and enter the access code, 05209967, followed by # key.

THE MEETING WILL BE HELD IN THE COURT OF APPEALS FULL COURT CONFERENCE ROOM ON THE THIRD FLOOR OF THE CARR CENTER.

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
October 28, 2016 Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on Rules of Civil Procedure was called to order by Judge Michael Berger at 1:30 p.m., in the Supreme Court Conference Room on the fourth floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge Michael Berger, Chair	X	
Chief Judge (Ret.) Janice Davidson	X	
Damon Davis	X	
David R. DeMuro		X
Judge J. Eric Elliff	X	
Judge Adam Espinosa	X	
Judge Ann Frick		X
Judge Fred Gannett	X	
Peter Goldstein	X	
Lisa Hamilton-Fieldman	X	
Richard P. Holme	X	
Judge Jerry N. Jones		X
Judge Thomas K. Kane		X
Debra Knapp	X	
Richard Laugesen		X
Cheryl Layne		X
Judge Cathy Lemon		X
Bradley A. Levin	X	
David C. Little	X	
Chief Judge Alan Loeb	X	
Professor Christopher B. Mueller	X	
Gordon "Skip" Netzorg	X	
Brent Owen	X	
Judge Sabino Romano	X	
Stephanie Scoville	X	
Lee N. Sternal	X	
Magistrate Marianne Tims	X	
Jose L. Vasquez	X	
Ben Vinci		X
Judge John R. Webb	X	
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	
Non-voting Participants		
Justice Allison Eid, Liaison	X	
Jeannette Kornreich	X	

I. Attachments & Handouts

- A. October 28, 2016 agenda packet
- B. Supplemental Material – C.R.C.P. 16.1 Proposal

II. Announcements from the Chair

- New member Judge Sabino Romano was introduced and welcomed;
- The C.R.C.P. 120 hearing will be held November 20 at 2:30; and
- The September 30, 2016 minutes were approved as submitted.

III. Business

A. C.R.C.P. 16.1

Judge Davidson and Richard Holme began and stated that there were many changes to the draft of Rule 16.1, but two major changes were that the rule would be mandatory for all applicable cases, absent good cause shown, and the \$100,000 limit would exclude attorney fees.

There was much discussion. There was a question about whether opt out language, if both parties agreed, could be added. The subcommittee had discussed this, but the problem with opt out language is that parties will generally opt out, and the rule will continue to be unused. Members were concerned about the \$100,000 jury damages limit, and there were numerous questions about whether the court has jurisdiction to limit damages. One member asked about the status of the county court jurisdictional increase. Judge Berger stated that the county court jurisdictional increase would not be addressed now, because the increase would affect staffing and other allocations; the committee will instead focus on Rule 16.1.

Judge Berger asked to take a straw vote to discover if the committee was generally in favor of the substantive changes to the rule taking into account that there would be numerous additional amendments. The straw vote revealed a majority of the committee was in favor of the changes. However, deposition times, interrogatories, request for production, and other things will have to be modified, so please send any recommendations to Judge Davidson and Mr. Holme.

B. C.R.C.P. 53

Judge Zenisek began and summarized the issues and considerations the subcommittee faced amending this rule: when an appointment is necessary, proportionality, costs, access to justice, and the meaning of de novo review. After summarizing the proposal there was a motion to adopt the rule as amended by the subcommittee; the motion passed 17:2. Next, there was a motion to amend the second line of the comment to read: “In this regard, Section (a)(1)(C) of this Rule should not be utilized on the basis of lack of professionalism by one or more counsel.” The amendment was adopted 16:3.

C. C.R.C.P. 52

Today the committee was considering final language adopted by the subcommittee. There was a motion to adopt the rule amendment located on page 12 of the agenda packet; the

motion passed with one no vote. There was a motion to approve the comment on pages 13-14 of the agenda packet that passed unopposed.

D. New form for admission of business records under hearsay exception rule
David Little and Damon Davis began and presented their forms and instructions. The committee was generally in favor of the proposal, however, it had a number of suggestions for the subcommittee. The subcommittee will take the committee's comments under advisement and report back at a future meeting.

E. C.R.C.P. 57(j)
Tabled to the November 18, 2016 meeting.

F. County and municipal appeals to district court
Tabled to the November 18, 2016 meeting.

G. C.R.C.P. 83
Tabled to the November 18, 2016 meeting.

H. C.R.C.P. 121 §1-15
Tabled to the November 18, 2016 meeting.

I. JDF 111
Tabled to the November 18, 2016 meeting.

Future Meetings
November 18, 2016

The Committee adjourned at 4:15p.m.

Respectfully submitted,
Jenny A. Moore

Judge Berger,

The Civil Rules Subcommittee on County/Municipal Court Appeals met twice since the full Civil Rules Committee met. Damon Davis, Brent Owen and I discussed two matters. First, whether the rules regarding the time to file criminal and civil appeals from County Court to District should be revised to be consistent. Our Subcommittee unanimously voted not to recommend modifying those rules. We do not plan to address this with the larger Committee unless there is interest. Second, we considered whether the full Civil Rules Committee should consider changes to the Rules regarding the record on an appeal from County Court to District Court to address appeals involving indigent persons unable to afford a copy of the trial transcript. Damon Davis created a short memo for the group that is attached to this email. Our committee voted unanimously to bring this issue before the full Civil Rules Committee to determine if this is an issue the Committee would like the Subcommittee to explore further and if the full Committee had any additional suggestions. I am happy to address these items briefly tomorrow or at the next meeting.

I will need to appear for the meeting by telephone because I will be teaching in the mountains on Friday and Saturday for the CBA and CWBA, respectively.

Best,

Adam

Adam J. Espinosa | Judge

Denver County Court | City and County of Denver
520 W. Colfax



Courtroom 3G

Denver, CO 80202

720.337.0831 Phone

adam.espinosa@denvergov.org

From: Damon Davis [<mailto:damon@killianlaw.com>]

Sent: Thursday, May 05, 2016 7:54 PM

To: Espinosa, Adam - DCC Judge <Adam.Espinosa@denvergov.org>; 'Bowen@LRRLaw.com' <Bowen@LRRLaw.com>

Subject: County Court Appeals - record on appeal for indigent county court appellants

Gentlemen,

Please see the attached letter outlining the issue indigent county court appellants obtaining a record and suggesting some possible solutions and possible complications.

Damon Davis

Killian Davis Richter & Mayle, P.C.

202 North 7th Street

Grand Junction, CO 81502

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County Court Appeals – Transcripts for Indigent Litigants

By both statute and rule, county court litigants who wish to appeal must post an appeal bond, a judgment bond, and provide a record on appeal. C.R.C.P. 411, section 13-6-311, C.R.S. The record of the proceedings is to include a transcript, as designate by the appellant. C.R.E. 411(b); section 13-6-311(2)(a), C.R.S. The only exception is if the other party will stipulate to the content of the record.

The court can waive both the judgment bond and the appeal bond for indigent appellants. *O'Donnell v. State Farm*, 186 P.3d 46 (Colo. 2008) (but the appellee may begin collection efforts if there is no judgment bond); *Bell v. Simpson*, 918 P.2d 1123 (Colo. 1996). Although there is no specific rule or statute permitting such waivers, they are permitted by the general policy of allowing indigents access to the courts. *Bell*, 918 P.2d at 1127-1128, citing section 13-16-103, C.R.S.

However, there is currently no mechanism for indigent appellants to obtain a record on appeal. The Colorado Supreme Court determined that indigent appellants cannot get a free transcript because the cost of the transcript is billed by the court reporter and is not a cost that the court can waive. *Alvarez v. Carpenter*, 477 P.2d 792, 794-795 (Colo. 1970).

An indigent appellant could ask the opposing side to stipulate to the content of the record. But this is unlikely to succeed. Unless the opposing party is cross-appealing, they have no incentive to assist the appellant in obtaining a record. I have had this issue come up in district court proceedings where successful defendants have strenuously objected to my clients obtaining alternate records despite their being indigent.

There appears to be a constitutional issue with indigent appellants being unable to appeal. *Alvarez* held that the failure to provide a free record did not violate the state constitution, but its holding was premised on the availability of an alternate record as provided for in C.A.R. 10(d). 477 P.2d at 796-797. As discussed below, C.A.R. 10(d) allows for a summary of the record which is approved by the district court rather than through stipulation. *Alvarez* cited *Griffin v. Illinois*, 351 U.S. 12 (1956). *Griffin* held that it was a violation of due process and equal protection to deny criminal defendants a means to obtain meaningful appellate review; although this could be done by providing a transcript or through some other means of securing the record. 351 U.S. at 18-20.

There appear to be three means of securing a record for indigent county court appellants. One method would be to provide a free transcript. However, this appears to be ruled out by *Alvarez*.

Second, the rule could be amended to allow for a record as provided in small claims cases. In small claims cases, “A tape recording of the trial proceedings shall satisfy any requirement of a transcript for appeal, upon payment of a nominal fee by the appellant.” Section

13-6-410, C.R.S. Assuming that all county courts in Colorado now have the ability to audio record the proceedings, this would appear to be the simplest and cheapest solution. On the other hand, if the proceeding is more than a couple hours, it could be pretty rough on the reviewing judge. It is my understanding that most judicial districts do not allow litigants to listen to audio recordings of proceedings, or obtain copies of them; this would prevent the use of pinpoint cites and require listening to the entire record. A change in the rule could be limited to indigent appellants so as to avoid unnecessary conflict with section 13-6-311, C.R.S.

Third, the rule could be changed to incorporate C.A.R. 10(d), which allows a summary of the record as approved by the trial judge. Rule 10(d) provides:

“Agreed Statement as the Record on Appeal. In lieu of the record on appeal as defined in section (a) of this Rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the trial court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the issues raised by the appeal, shall be approved by the trial court and shall then be certified to the appellate court as the record on appeal and transmitted thereto by the clerk of the trial court within the time provided by Rule 11.”

This is an inexpensive means of preparing the record. However, it may be difficult for pro se parties to prepare a sufficiently accurate and objective summary of the evidence. And it puts some weight on the county court judges to review the record and ensure it is accurate. One advantage would be to ensure that potential appellants are sure enough about their desire to appeal that they are willing to put effort into preparing a summary. On the downside, they may lack the time to prepare a summary if they are working. And if they are illiterate or cannot read/write English they may be unable to prepare a summary.

My preference would be to use audio recordings for indigent appellants, assuming that the technology is available, and assuming that the average trial length is not excessive. My understanding is that most county court civil cases are only a couple of hours, but I may be wrong. If the average case is longer than that, then audio recordings may be impractical and a summary may be the better option. There may be other options for indigent county court appellants, but these are the ones that I have thought of.

Any of these potential solutions will put the rule in conflict with section 13-6-311, C.R.S. For this reason, the committee or the Supreme Court may not wish to act until a constitutional challenge is raised with regard to the current system. However, I think that the Supreme Court has authority to act in this situation.

This issue may be one of procedure. Section 13-6-311 does seem to embody a public policy of having simplified county court appeals. However, having a record available for meaningful review, and how that record is prepared, may be issues of procedure. They are issues that allow the court to function more effectively.

Also, the proposed changes would work within the goal of the statute and not against them. For example, although the statute requires payment of both an appeal and judgment bond, both can be waived for indigent appellants, even though such a waiver option does not appear in the statute. A rule change would not be undoing the means of obtaining a record in section 13-6-311, but providing an alternate means which, like waiving costs, provides indigents access to the courts.

If there is a constitutional infirmity in the procedure provided by the statute, and it relates to court procedure, it would seem that the Supreme Court could address it by rule rather than awaiting a challenge to the statute. There are times when both the legislature and the Supreme Court can act and address an issue. As the Supreme Court would not be contradicting the legislature, but simply providing an additional means of obtaining the record for indigents, this would seem to be one of those occasions.

MEMORANDUM

TO: Jerry Marroney, State Court Administrator; Executive and Court Services Divisions
FROM: Judge Kuenhold and Jeannette Walker Kornreich, Senior Assistant Legal Counsel
RE: Substitution of Sworn Declaration for Notary on JDF Forms
DATE: April 25, 2016

Particularly with the up-and-coming advent of e-filing by self-represented parties, a concern has been raised as to whether the courts need to require the use of a notary where a JDF form is required to be "verified" by statute. A question arises whether a sworn declaration can be used in place of a notary for convenience and cost savings to the parties. As set forth below, yes, where a statute requires that a filing be "verified" it need not be signed by a notary, but rather, the JDF forms could provide for an sworn declaration before to the signature block with acknowledgement that the submitting party subjects him/herself to penalty of perjury if the information is not true and correct.

The Colorado Supreme Court has held that a *sworn* declaration can be used in place of a notary to "verify" a document. In *Colorado Department of Revenue v. Hibbs*, 122 P.3d 999 (Colo. 2005), the Court concluded that the word "verified" as used in a state statute is a broader term than "notarized." It, therefore, upheld a Department of Revenue form that allowed for a law enforcement officer's signature "under oath" without the use of a notary to satisfy the statutory requirement for a "verified report." The court determined that the Department properly exercised its authority to adopt the form and determine the form of "verification" it would use. Similarly, the courts have implicit authority to determine what "verify" means when developing pro se forms and can decide that a sworn declaration accompanying a signature is sufficient - that the use of a notary to witness the signature, or for purposes of administering an oath as to the veracity of what is stated, is not required.

The form of sworn declaration before the signature block used on the Department of Revenue form at issue in *Hibbs* read:

I swear (or affirm) under penalty of perjury that the information and facts contained in this Affidavit and Notice of Revocation are true to the best of my knowledge and belief.

(emphasis in original). This language is similar to that used in JDF 559, Relative Affidavit and Advisement Concerning the Child's Potential Placement which reads:

I swear under penalty of perjury that the above information is true and correct to the best of my knowledge and is a full and true disclosure of all information that is requested.

Under the federal rules of civil procedure, any requirement for a sworn declaration, verification, certificate, statement, oath or affidavit may be satisfied by an *unsworn* declaration, certificate, verification or statement in the following format: ***“I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America¹ that the foregoing is true and correct.”*** (emphasis added); 28 U.S.C. § 1746. Thus, an unsworn declaration (also referred to as a certificate, verification or statement) is of the same force and effect as a sworn affidavit in federal court and would suffice to “verify” a pleading. Several states have adopted a similar by statute or court rule [WA; FL; TN CA and PA (not intended to be an exhaustive list)]. Given the language of the *Hibbs* decision, it would be advisable, however, to use a sworn, rather than unsworn, declaration (under penalty of perjury) on our JDF forms.

Given the dicta in the *Hibbs* case indicating that the requirement for verification requires a sworn, as opposed to, unsworn statement, we recommend that the Branch adopt a rule for the allowance of a sworn statement above the signature line on any JDF form where there is a statutory or other requirement for a court filing to be “verified,” unless the applicable statute or other authority specifies that a notary is required. The language we recommend would be similar to that used on JDF 559 and in federal court as follows:

I swear (verify or affirm) under penalty of perjury that the above information is true and correct to the best of my knowledge and is a full disclosure of all information requested.

As a policy matter, alternatively, this could be done by state statute. Our proposed language for court rule or statute would be as follows:

- (1) Whenever, under any law of this state, or under any rule, regulation, order, or requirement made pursuant to law, a document to be filed in the Colorado state courts is required to be verified and no specification is made for verification before a notary public, the matter may be supported, evidenced, established or proved with like force and effect in the court proceeding by the subscribing person with a sworn statement, in writing under penalty of perjury, declaring that the person swears (verifies or affirms) that the information submitted is true or correct to the best of that person’s knowledge.
- (2) The sworn declaration shall be submitted in substantially the following form: “I swear (verify or affirm) under penalty of perjury that the above information is true and correct to the best of my knowledge” followed by the date and signature of the person making the declaration.

¹ The words “under the laws of the United States of America” do not always appear on federal forms, more akin to the given examples.

DRAFT

Rule 83. Verification

Verification.

(a) Whenever, under any law of this state, or under any rule, regulation, order, or requirement made pursuant to law, a document to be filed in the Colorado state courts is required to be verified and no specification is made for verification before a notary public, the matter may be supported, evidenced, established or proved with like force and effect in the court proceeding by the subscribing person with a sworn statement, in writing under penalty of perjury, declaring that the person swears (verifies or affirms) that the information submitted is true or correct to the best of that person's knowledge.

(b) The sworn declaration shall be submitted in substantially the following form: "I swear (verify or affirm) under penalty of perjury that the above information is true and correct to the best of my knowledge" followed by the date and signature of the person making the declaration.

From: Richard W. Laugesen [<mailto:laugesen@indra.com>]
Sent: Monday, July 11, 2016 10:58 AM
To: berger, michael
Cc: rjtlaw@montrose.net
Subject: FW: Rule Change 2016(1) (re C.R.C.P. 121 ¶ 1-15 (Motions))

SENT ON BEHALF OF RICHARD LAUGESEN, ESQ.:

Judge Berger:

I have received an inquiry from Bob Thomas of Montrose, Colorado (shown below) concerning newly-revised CRCP 121, Sec. 1-15. I thought it best that you respond and take whatever action (if any) that may be required.

Respectfully,

Richard W. Laugesen
1830 South Monroe Street
Denver, Colorado 80210
Phone: 303-300-1006
Fax: 303-300-1008
E-Mail: laugesen@indra.com

From: Bob [<mailto:rjtlaw@montrose.net>]
Sent: Sunday, July 10, 2016 11:48 AM
To: Laugesen@indra.com
Subject: Rule Change 2016(1) (re C.R.C.P. 121 ¶ 1-15 (Motions))

Hi Dick,

I've got a quick question/comment on the recent change to CRCP 121, and you're the only one I know on the Rules Committee. (I "know" you primarily through various consults I've had on the phone, which you've always be so gracious to give your time).

Anyway, I've been in practice since 1981. I am currently working on a response to a motion to dismiss filed under 5 subparts of CRCP 12(b) (including 12(b) (1) and (2)). The motion completely fails to give a recitation of legal authority, and so I was going to cite the rule that allowed the Court to deny the motion as being deemed "abandoned." That was, however, until I double checked the recent rule change, which removed this provision excepting only as to CRCP 56 motions for summary judgment. The recent change is as follows:

3. Effect of Failure to File Legal Authority. If the moving party fails to incorporate legal authority into ~~the motion or fails to file a brief with~~ a C.R.C.P. 56 motion, the court may deem the motion abandoned and may enter an order denying the motion. Failure of a responding party to file a responsive brief may be considered a confession of the motion.

I can't grasp the logic of this change: it provides a consequence for failure to comply as to CRCP 56 motions... but no consequence as to other motions. This had to be an oversight, as the rationale for treating motions differently on this point is not apparent..... and this is particularly puzzling since the new rule gives CRCP 12(b)(1) and (b)(2) motions/responses/replies the same special treatment as CRCP 56 motions on another issue (allowing for much larger page/word maximums). Which to me shows a recognition of the equal importance and need to fully cite legal authority in both types of motions.

What I think happened is that subpart 1(a) of the prior rule had a poorly worded provision which seemed to require the legal authority to be incorporated in the motion, excepting only Rule 56 (where separate briefs were contemplated).... So the Committee made the following change on that provision (to eliminate the separate brief requirement) for CRCP 56 motions:

- (a) any motions involving a contested issue of law shall be supported by a recitation of legal authority incorporated into the motion, **which shall not be filed with a separate brief.** ~~except for a motion pursuant to C.R.C.P. 56.~~

So perhaps the change I'm complaining about somehow got tangled up with this effort to remove the separate treatment that only CRCP 56 motions required a separate brief.

Anyway, the following is what I think would have been an appropriate change to the pre 2016 amendment version of subpart 3:

3. Effect of Failure to File Legal Authority. If the moving party fails to incorporate legal authority into the motion ~~or fails to file a brief with a C.R.C.P. 56 motion~~, the court may deem the motion abandoned and may enter an order denying the motion. Failure of a responding party to file a responsive brief may be considered a confession of the motion.

The change to the current version of subpart 3 would be simple:

3. Effect of Failure to File Legal Authority. If the moving party fails to incorporate legal authority into ~~a C.R.C.P. 56~~ the motion, the court may deem the motion abandoned and may enter an order denying the motion. Failure of a responding party to file a responsive brief may be considered a confession of the motion.

You can compare this to the actual 2016 amendment above and determine if this makes more sense.

Anyway, I would appreciate it if you could address this at your Committee the next time you meet. Or maybe there was a specific reason to draft it as it now stands?

Kind Regards,
Bob Thomas, Attorney
Cashen, Cheney & Thomas
400 S. 3rd St.; Montrose, CO 81401
Telephone: 970.249.6611
Email: rjtlaw@montrose.net

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division Courtroom
SWORN FINANCIAL STATEMENT	

I, _____ (full name) am am not currently employed.

I am employed ____ hours per week. I am paid weekly bi-weekly twice a month monthly.

My pay is based on a Monthly Salary Hourly rate of \$ _____ Other: _____

Date employment began _____.

My occupation is: _____ Name of employer: _____

Address of employer: _____

If unemployed, what date did you last work? _____

I am unemployed due to disability involuntary layoff at work other: _____

This household consists of ____ adult(s), and ____ minor child(ren).

I believe the monthly gross income of the other party is \$ _____.

Annual gross income (last tax year 20__) for Petitioner \$ _____, Co-Petitioner/Respondent \$ _____

1. Monthly Income (Convert annual, bi-monthly, and weekly amounts to monthly amounts.)

Gross Monthly Income (before taxes and deductions) from salary and wages, including commissions, bonuses, overtime, self-employment, business income, other jobs, and monthly reimbursed expenses.	\$	Social Security Benefits (SSA) <input type="checkbox"/> SSDI (Disability insurance – entitlement program) <input type="checkbox"/> SSI (supplemental income – need based)	\$
Unemployment & Veterans' Benefits		Disability, Workers' Compensation	
Pension & Retirement Benefits		Interest & Dividends	
Public Assistance (TANF)		Other - _____	
Total Monthly Income			\$
Miscellaneous Income			
Royalties, Trusts, and Other Investments	\$	Contributions from Others	\$
Dependent Children's monthly gross income. Source of Income: _____		All other sources, i.e. personal injury settlement, non-reported income, etc.	
Rental Net Income		Expense Accounts	
Child Support from Others		Other - _____	
Spousal/Partner Support from Others		Other - _____	
Total Monthly Miscellaneous Income			\$
Total Income			\$

2. Monthly Deductions (Mandatory and Voluntary)

Mandatory Deductions		Cost Per Month		Cost Per Month
Federal Income Tax		\$	State/Local Income Tax	\$
PERA/Civil Service			Social Security Tax	
Medicare Tax			Other - _____	
Total Mandatory Deductions				\$
Voluntary Deductions		Cost Per Month		Cost Per Month
Life and Disability Insurance		\$	Stocks/Bonds	\$
Health, Dental, Vision Insurance Premium			Retirement & Deferred Compensation	
Total number of people covered on Plan →				
Child Care (deducted from salary)			Other - _____	
Flex Benefit Cafeteria Plan			Other - _____	
Total Voluntary Deductions				\$
Total Monthly Deductions				\$

3. Monthly Expenses

Note: List regular monthly expenses below that you pay on an on-going basis and that are not identified in the deductions above.

A. Housing

	Cost Per Month		Cost Per Month
1 st Mortgage	\$	2 nd Mortgage	\$
Insurance (Home/Rental) & Property Taxes (not included in mortgage payment)		Condo/Homeowner's/Maintenance Fees	
Rent		Other - _____	
Total Housing			\$

B. Utilities and Miscellaneous Housing Services

	Cost Per Month		Cost Per Month
Gas & Electricity	\$	Water, Sewer, Trash Removal	\$
Telephone (local, long distance, cellular & pager)		Property Care (Lawn, snow removal, cleaning, security system, etc.)	
Internet Provider, Cable & Satellite TV		Other - _____	
Total Utilities and Miscellaneous Housing Services			\$

C. Food & Supplies

	Cost Per Month		Cost Per Month
Groceries & Supplies	\$	Dining Out	\$
Total Food & Supplies			\$

D. Health Care Costs (Co-pays, Premiums, etc.)

	Cost Per Month		Cost Per Month
Doctor & Vision Care	\$	Dentist and Orthodontist	\$
Medicine & RX Drugs		Therapist	
Premiums (if not paid by employer)		Other - _____	
Total Health Care			\$

E. Transportation & Recreation Vehicles (Motorcycles, Motor Homes, Boats, ATV, Snowmobiles, etc.)

	Cost Per Month		Cost Per Month
Primary Vehicle Payment	\$	Other Vehicle Payments	\$
Fuel, Parking, and Maintenance		Insurance & Registration/Tax Payments (yearly amount(s) ÷ 12)	
Bus & Commuter Fees		Other - _____	
Total Transportation			\$

F. Children's Expenses and Activities

	Cost Per Month		Cost Per Month
Clothing & Shoes	\$	Child Care	\$
Extraordinary Expenses i.e. Special Needs, etc.		Misc. Expenses, i.e. Tutor, Books, Activities, Fees, Lunch, etc.	
Tuition		Other - _____	
Total Children's Expenses and Activities			\$

G. Education for you - Please identify status: Full-time student Part-time student

	Cost Per Month		Cost Per Month
Tuition, Books, Supplies, Fees, etc.		Other - _____	
Total Education			\$

H. Maintenance (Spousal/Partner Support) & Child Support (that you pay)

	Cost Per Month		Cost Per Month
Maintenance		Child Support	
<input type="checkbox"/> This family	\$	<input type="checkbox"/> This family	\$
<input type="checkbox"/> Other family		<input type="checkbox"/> Other family	
Total Maintenance and Child Support			\$

I. Miscellaneous (Please list on-going expenses not covered in the sections above)

	Cost Per Month		Cost Per Month
Recreation/Entertainment	\$	Personal Care (Hair, Nail, Clothing, etc.)	\$
Legal/Accounting Fees		Subscriptions (Newspapers, Magazines, etc.)	
Charity/Worship		Movie & Video Rentals	
Vacation/Travel/Hobbies		Investments (Not part of payroll deductions)	
Membership/Clubs		Home Furnishings	
Pets/Pet Care		Sports Events/Participation	
Other - _____		Other - _____	
Other - _____		Other - _____	
Other - _____		Other - _____	
Other - _____		Other - _____	
Total Miscellaneous			\$

Total Monthly Expenses (Totals from A – I)	\$
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4. Debts (unsecured)

List unsecured debts such as credit cards, store charge accounts, loans from family members, back taxes owed to the I.R.S., etc. **Do not** list debts that are liens against your property, such as mortgages and car loans, because that payment is already listed as an expense above, and the total of the debt is shown elsewhere as a deduction from value where that asset is listed, such as under Real Estate or Motor Vehicles.

For name on account, "P" = Petitioner, "C/R" = Co-Petitioner or Respondent, "J" = Joint.

Name of Creditor	Account Number (last 4-digits only)	P	C/R	J	Date of Balance	Balance	Minimum Monthly Payment Required	Reason for Which Debt was Incurred
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		\$	\$	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Unsecured Debt Balance						\$	\$	→Total Minimum Monthly Payment

SWORN FINANCIAL STATEMENT SUMMARY (INCOME/EXPENSES)

Total Income (from Page 1) \$ _____ **A**

Total Monthly Deductions (from Page 2) \$ _____ **B**

Total Monthly Net Income (A minus B) \$ _____

Total Monthly Expenses (from Page 3) \$ _____ **C**

Total Minimum Monthly Payment Required - Debts Unsecured (from Page 4) \$ _____ **D**

Total Monthly Expenses and Payments (C plus D) \$ _____

Net Excess or Shortfall (Monthly Net Income less Monthly Expenses and Payments)	(+/-)	\$ _____
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5. Assets

You **MUST** disclose all assets correctly. By indicating "None", you are stating affirmatively that you or the other party, do not have assets in that category. Please attach additional copies of pages 5 & 6 to identify your assets, if necessary.

If the parties are married or partners in a civil union, check under the heading Joint (J) all assets acquired during the marriage/civil union but not by gift or inheritance. Under the headings of Petitioner (P) or Co-Petitioner/Respondent (C/R), check assets owned before this marriage/civil union and assets acquired by gift or inheritance.

If the parties were NEVER married to each other or are using this form to modify child support, list all of each party's assets under the headings of Petitioner (P) or Co-Petitioner/Respondent (C/R).

"P" = Petitioner, "C/R" = Co-Petitioner or Respondent, "J" = Joint.

A. Real Estate (Address or Property Description and Name of Creditor/ Lender) <input type="checkbox"/> None	P	C/R	J	Estimated Value as of Today Value = what you could sell it for in its current condition.	Amount Owed	Net Value/Equity (Value minus amount owed)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Total				\$	\$	\$

B. Motor Vehicles & Recreation Vehicles Including Motorcycles, ATV's, Boats, etc.) (Year, Make, Model) (Name of Creditor/Lender) <input type="checkbox"/> None	P	C/R	J	Estimated Value as of Today Value = what you could sell it for in its current condition.	Amount Owed	Net Value/Equity (Value minus amount owed)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Total				\$	\$	\$

C. Cash on Hand, Bank, Checking, Savings, or Health Accounts (Name of Bank or Financial Institution) <input type="checkbox"/> None	P	C/R	J	Type of Account	Account # (last 4-digits only)	Balance as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Total						\$

D. Life Insurance (Name of Company/Beneficiary) <input type="checkbox"/> None	P	C/R	J	Type of Policy	Face Amount of Policy	Cash Value today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Total				\$	\$

E. Furniture, Household Goods, and Other Personal Property, i.e. Jewelry, Antiques, Collectibles, Artwork, Power Tools, etc. Identify Items and report in total. <input type="checkbox"/> None	P	C/R	J	Current Possession Held by			Estimated Value as of Today Value = what you could sell it for in its current condition.
				P	C/R	J	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Total							\$

F. Stocks, Bonds, Mutual Funds, Securities & Investment Accounts <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS.	Total	\$
G. Pension, Profit Sharing, or Retirement Funds <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS.	Total	\$

H. Miscellaneous Assets <input type="checkbox"/> None If you own any of the assets identified below, please check the appropriate box and attach JDF 1111-SS to report the value.			
<input type="checkbox"/> Business Interests	<input type="checkbox"/> Stock Options	<input type="checkbox"/> Money/Loans owed to you	<input type="checkbox"/> IRS Refunds due to you
<input type="checkbox"/> Country Club & Other Memberships	<input type="checkbox"/> Livestock, Crops, Farm Equipment	<input type="checkbox"/> Pending lawsuit or claim by you	<input type="checkbox"/> Accrued Paid Leave (sick, vacation, personal)
<input type="checkbox"/> Oil and Gas Rights	<input type="checkbox"/> Vacation Club Points	<input type="checkbox"/> Safety Deposit Box/Vault	<input type="checkbox"/> Trust Beneficiary
<input type="checkbox"/> Frequent Flyer Miles	<input type="checkbox"/> Education Accounts	<input type="checkbox"/> Health Savings Accounts	<input type="checkbox"/> Mineral and Water Rights
<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____
Total			\$

I. Separate Property <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS to identify the property and to report the value.	Total	\$
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Total Value/Balance of All Assets (A – I)	\$
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I swear or affirm under oath that this Sworn Financial Statement, attached schedules, and mandatory disclosures contain a complete disclosure of my income, expenses, assets, and debt as of the date of my signature.

I understand that if the information I have provided changes or needs to be updated before a final decree or order is issued by the Court, that I have a duty to provide the correct or updated information.

I understand that this oath is made under penalty of perjury. I understand that if I have omitted or misstated any material information, intentionally or not, the Court will have the power to enter orders to

address those matters, including the power to punish me for any statements made with the intent to defraud or mislead the Court or the other party.

Date: _____

Signature of Petitioner or Co-Petitioner/Respondent

Subscribed and affirmed, or sworn to before me in the
County of _____, State of _____,
this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public/Deputy Clerk

CERTIFICATE OF SERVICE

~~To be completed if the Sworn Financial Statement is not being filed with
JDF 1104 - Certificate of Compliance with Mandatory Financial Disclosures~~

I certify that on _____ (date) a true and accurate copy of the **SWORN FINANCIAL STATEMENT** was served on the other party by:

Hand Delivery, E-filed, Faxed to this number: _____, or

By placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Your signature