

## NOTICES TO DISCLOSE

### 1. BACKGROUND

A Notice to Disclose is a court document that, when filed and properly served on an opposing party in certain types of actions, compels the production of necessary financial information within a specified period of time.

Notices to Disclose were created by the Court of Queen's Bench in its *Practice Notes* that form part of the *Alberta Rules of Court*. They first became available for use on September 1, 1994 and their form has been amended from time to time. The current form of Notices to Disclose became effective in July 2000.

The rules (and standard forms) regarding Notices to Disclose, can be found in the *Alberta Rules of Court*, under tab *Court of Queen's Bench Civil Practice Notes*, and they are titled:

**COURT OF QUEEN'S BENCH OF ALBERTA**  
**Q.B. FAMILY LAW PRACTICE NOTE "2"**  
**NOTICE TO DISCLOSE**  
**SEPTEMBER 1, 1997 (AMENDED July, 2000)**

The Court created Notices to Disclose as a means to efficiently compel and expedite the exchange of relevant financial information in family law matters. Before Notices to Disclose were available, it often took a great deal of time and effort to get relevant financial information from the parties in an action, particularly when they were reluctant participants in the process. Now, when a Notice to Disclose is properly filed and served on an opposing party, that party is required to produce the income, expense, asset and liability information listed in the Notice to Disclose within 30 days. If the party served with the Notice to Disclose fails to produce the information within the specified time, then the party serving the Notice to Disclose is entitled to seek an Order for Costs for non-compliance.

### 2. WHEN TO USE A NOTICE TO DISCLOSE

Notices to Disclose can be used in divorce, matrimonial property, parentage and maintenance and domestic relations actions. They are not mandatory, as the practice note says "may" instead of "shall", but they are efficient and a good measure for future protection: for the lawyer (in establishing compliance with the professional duty to investigate and obtain information); and for the client (in those cases where hidden assets are subsequently found and there is a sworn statement of assets and liabilities on the file that fails to disclose these assets).