

## **RULE 112. DISCOVERY**

### **(a) Discovery Limitations.**

(1) In any proceeding under this chapter, a party may obtain discovery on issues of spousal and child support, counsel and guardian ad litem fees, and disposition of property and debt as in any other civil actions. However, when financial statements are required under Rule 108(c), discovery may be initiated only after the parties have filed and exchanged the financial statements. If the exchange does not occur, the party who has filed a financial statement may serve discovery after the time period has expired as provided in Rule 108(c).

(2) On other issues, including parental rights and responsibilities, discovery may be served only by order of the court for good cause shown.

**(b) Financial Statements.** In any Family Division matter, upon motion of a party or its own motion, the court may order the parties to file and exchange financial statements or child support affidavits when the filing of these documents is not required under Rule 108. The court may also order the supplementation of financial statements or child support affidavits.

**(c) Discovery Procedure.** Where discovery occurs, discovery practice shall be governed by Rules 26 through 37. If a party fails to comply with discovery, compliance with discovery may be enforced by a judge or magistrate. A magistrate may impose sanctions for failure to comply with discovery, including but not limited to those set forth in Rule 37, but excluding any sanctions or penalties based upon a determination of contempt under Rule 66.

### **Advisory Note - July 2016**

The change in Rule 112(a) was made to improve the readability of the rule by adding paragraph numbers. The change in Rule 112(b) was made to clarify that the rule applies to all Family Division matters.

**Advisory Committee's Note**  
**July 1, 2010**

The provision in Rule 112(d) requiring preparation and filing of updated child support affidavits and financial statements is moved to become Rule 108(d)(4), where it is more appropriately placed. The provision in Rule 112(b) authorizing the court to require updating of financial statements and child support affidavits, as the court deems appropriate, remains in effect.

**Advisory Notes**  
**June 2008**

Rule 112 is based on Rule 80(g). It extends the restrictions on discovery presently applicable to divorce cases to all Family Division actions. Under this rule—and the present Rule 80(g)—discovery without court approval is limited to financial issues. If Rule 108 requires the filing of financial statements, discovery may begin only after parties have exchanged financial statements or after a party has filed a financial statement and waited for the expiration of the time periods under Rule 108. On issues other than financial issues, discovery may be had only with court approval for good cause shown. Thus, no discovery is allowed, without court approval, on parental rights and responsibilities issues.

Rule 108 (c) does not require the filing of financial statements in all actions. For example, post-judgment motions and Complaints for Determination of Parental Rights and Responsibilities do not require filing of financial statements. Therefore in those proceedings, discovery may be initiated as permitted in the Rules 26 through 37. The court, however, may require the filing of financial statements if such exchange of information would reduce the amount of discovery. In addition, if the filing of a child support affidavit is not required under Rule 108, the court may order the filing and exchange of child support affidavits if the court obtains information indicating that the child support should be reviewed. Also the court may order supplementation of the financial statement or child support affidavit.

Where discovery occurs, discovery practice shall be as provided in Rules 26 through 37. The discovery rules provide adequate tools for both discovery and providing testimony for trial. The rule provides that magistrates shall have the authority to impose sanctions for failure to comply with discovery, including but not limited to those set forth in Rule 37, but excluding any sanction or penalties based upon a determination of contempt under Rule 66.

The preferred practice is that financial information is updated before a trial, and as a result the updating requirement is set in the rules.