

Financial disclosure checklist

For a separation in Malta: an illustrative list of documents

The examples below show the types of records that may assist with disclosure. You are not expected to gather every item. Use the categories relevant to your circumstances and the legal requirements of your case. For relevant records you hold or can obtain through authorised access, you can mark each item **available**, **requested**, **unavailable**, **not applicable** or **needs clarification**. You can seek legal advice before assembling the documents.

The checklist below is **illustrative**. It gives examples of documents that may be relevant; it is not a standard bundle that every couple must produce. Some categories may not apply, and a particular case may require documents not listed here. The applicable legal filing requirements still need to be met. Your lawyer can advise on those requirements and which information is relevant to your case.

1. Marriage, property regime and existing arrangements

- ☐ Marriage certificate and relevant marriage details.
- ☐ Marriage contract or public deed establishing or changing the matrimonial property regime.
- ☐ Existing separation agreements, maintenance agreements and relevant court judgments or decrees.
- ☐ Any order concerning occupation of the home, maintenance or the cessation of the matrimonial community.
- ☐ Papers already received or filed in the current family proceedings, with notification dates and deadlines.

2. Employment income

- ☐ FS3 forms or other appropriate official income documents for the preceding three calendar years.
- ☐ Recent payslips showing current gross pay, deductions and net pay.
- ☐ Employment contract and relevant changes to salary, hours or benefits.
- ☐ Records of bonuses, commissions, overtime and allowances.
- ☐ Documents concerning a recent job change, redundancy, termination or other material change in earnings.
- ☐ Relevant tax returns, assessments or payment records, where these help explain the income figures.

3. Self-employment and other income

- ☐ Profit-and-loss statements or other appropriate official income records for the preceding three calendar years.
- ☐ Relevant tax returns, accounts and supporting records for the periods your advocate identifies.
- ☐ Recent invoices, payment records or contracts explaining current work and income.
- ☐ Records distinguishing business expenses from personal drawings or payments.
- ☐ Rental agreements and records of rent received, with related expenses.
- ☐ Statements showing interest, dividends or other investment income.
- ☐ Benefit, pension or other regular-payment statements, where applicable.
- ☐ Details and records of other material sources of income.

4. Bank, savings and payment accounts

- ☐ A list of relevant accounts, identifying the provider, account holder or holders, currency and whether each remains open.
- ☐ Recent statements showing balances, and statements for the historical periods advised or ordered.
- ☐ Savings and fixed-deposit records, including any withdrawal restrictions.
- ☐ Statements for relevant payment-service or electronic-money accounts.
- ☐ Records for closed accounts where they relate to the period or transactions in issue.
- ☐ Documents explaining significant transfers, withdrawals or payments that need clarification.
- ☐ Records showing the source of money used for a disputed acquisition or deposit.

5. Investments and digital assets

- ☐ Investment-account and broker statements identifying holdings and cash balances.
- ☐ Certificates or records for shares, bonds, funds and other investments.
- ☐ Relevant purchase, sale and transfer records.
- ☐ Available statements or transaction exports for digital-asset holdings, where applicable.
- ☐ A dated valuation or clearly identified estimate, with the source used.
- ☐ Records of connected borrowing, restrictions or charges affecting the investment.

6. The matrimonial home and other property

- ☐ Acquisition deeds and documents identifying ownership and the date of acquisition.
- ☐ Records of the deposit and other acquisition payments, including their source.
- ☐ Loan agreements, current mortgage balances and repayment schedules.
- ☐ Available valuation reports, with dates and assumptions.
- ☐ Records of material improvements and how they were paid for, where relevant.
- ☐ Lease agreements and rental records for property let to others.
- ☐ Documents concerning sale proceeds, property transfers or other relevant transactions.

7. Businesses and company interests

- ☐ Documents identifying shareholdings, partnership interests or other business interests.
- ☐ Relevant company or partnership accounts for the periods identified by your advocate.
- ☐ Recent management accounts or financial information, if available and relevant.
- ☐ Records of salary, dividends, drawings and other payments received from the business.
- ☐ Director or shareholder loan-account statements, including amounts owed to or by you.
- ☐ Relevant shareholder agreements, restrictions on transfer and financing documents.
- ☐ Available business valuations or information supporting an estimate.

8. Loans, credit and other liabilities

- ☐ Loan agreements and dated outstanding-balance statements.
- ☐ Credit-card and overdraft statements for the relevant periods.
- ☐ Hire-purchase or other financed-asset agreements.
- ☐ Relevant tax arrears, repayment arrangements or other established liabilities.
- ☐ Records of money borrowed from or lent to family members or other individuals.
- ☐ Guarantees and documents concerning contingent liabilities, where relevant.
- ☐ Information about the borrower or borrowers, purpose of the debt, repayment amount and security.

9. Insurance and retirement information

- ☐ Relevant policy or scheme statements identifying the holder and benefits.
- ☐ Current surrender or investment values for policies with a financial value, where available.
- ☐ Relevant contribution and pension-benefit information.
- ☐ Records of pension income or benefits already being received.
- ☐ Documents showing loans, charges or other restrictions attached to a policy or benefit.

10. Claimed separate property, gifts and inheritances

- ☐ Documents showing ownership before marriage.
- ☐ Donation deeds, inheritance or succession documents, and relevant acquisition records.
- ☐ Statements tracing money from the gift, inheritance or earlier asset into a later transaction.
- ☐ Records of sale proceeds and replacement assets, where relevant.
- ☐ Information about any mixing of funds or contributions from other sources.

11. Household expenditure and children's needs

- ☐ A current household budget with a consistent weekly or monthly basis.
- ☐ Rent or mortgage costs, utilities and other regular housing expenditure.
- ☐ Childcare, school, transport and extracurricular bills or receipts.
- ☐ Relevant medical, therapy or additional-care expenses.
- ☐ Records of maintenance paid or received and expenses paid directly for the family.
- ☐ Annual or irregular costs, converted to a consistent budget basis and clearly identified.
- ☐ Explanation of expected changes, such as separate accommodation or a new childcare arrangement.

12. Overseas records

- ☐ Foreign account, property, business and investment records relevant to the dispute.
- ☐ Details of the country, institution, holder, currency and relevant dates.
- ☐ Original documents, with translations if your advocate advises they are needed.
- ☐ Records explaining a euro conversion, including the exchange-rate date and source.
- ☐ Information about any practical difficulty obtaining records and the requests already made.

13. Missing documents and uncertain figures

- ☐ A list identifying each missing record, its provider and the period required.
- ☐ The date a replacement was requested and any response received.
- ☐ An explanation of why information is unavailable or outside your knowledge.
- ☐ A clear label for each estimate, disputed figure or unresolved classification.
- ☐ Available alternative evidence, identified as such.

This checklist gives general information and is not advice on your own situation.

Your lawyer advises on legal disclosure obligations, the relevance of documents and the legal issues arising in the separation. The legal services described here do not include financial advice, financial assessments or valuations. Where these are needed, they should be obtained from appropriately qualified accountants, financial advisers, valuers or other relevant professionals.

The full guide is at thefamilylawpractice.com/articles/financial-disclosure-checklist-for-a-maltese-separation/.

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