



Can I subpoena my ex's bank records?

Separation and divorce can be complex and emotionally challenging, especially when it comes to financial matters. A common issue that can arise during the disclosure process is that one party feels that the other party is not being honest when it comes to disclosing their financial circumstances.

What is financial disclosure?

The process of disclosure plays a pivotal role in [**Family Law property settlements**](#). Each party is entitled to receive full financial disclosure from the other party. When disclosure occurs properly, it enables the parties to negotiate a property settlement

with confidence that all of their assets and liabilities are being included in negotiations. When a party doesn't abide by the rules of disclosure, it causes complications.

So what can you do if your ex isn't abiding by the rules of disclosure? Let's look at the following example:

Alana and Jayden separated 12 months ago.

Six months ago, Alana decided to issue court proceedings for property settlement after negotiations between the parties broke down.

There is a Court Order in place stating that each party must provide all disclosure material to the other party within 28 days.

When Alana receives Jayden's disclosure, she becomes concerned. She remembers that during their relationship Jayden had a Commonwealth Bank account. There are no documents provided by Jayden that have disclosed a Commonwealth Bank account.

Alana asks her solicitor to request information from Jayden's solicitor about the Commonwealth Bank account.

Jayden's solicitor responds and states that Jayden instructs he has never had a Commonwealth Bank account.

Alana remembers seeing Commonwealth Bank statements in Jayden's name during their relationship. What can Alana do to confirm whether Jayden ever had an account with the Commonwealth Bank and obtain disclosure about Jayden's Commonwealth Bank account?

In light of Jayden not providing full disclosure, one option would be for Alana to issue a subpoena to the Commonwealth Bank.

What is a subpoena?

In the [Federal Circuit and Family Court](#) a subpoena requires an organisation or individual to produce documents or to give evidence. It is important to note, that the documents and evidence sought through a subpoena needs to be relevant to the Family Law matter.

In Alana's case, it would be appropriate to seek all records of past or present bank accounts held in Jayden's name with the Commonwealth Bank.

Unfortunately, some parties in Family Law feel that they can ignore the rules of disclosure by not supplying the other party with all of their relevant financial information. This can be because that party intends to hide money or assets in an attempt to prevent such assets being included in the asset pool.

Issuing a subpoena can be a valuable tool in ensuring a fair resolution of financial matters in your Family Law matter.

How Can Andersons help?

By seeking professional guidance before issuing a subpoena, you can navigate the process and obtain all relevant financial disclosure effectively. Remember, consulting an experienced Family Law solicitor is essential to understanding your rights, obligations, and the steps necessary to subpoena bank records successfully.

If you would like more information on separation, divorce or issuing subpoenas, please [contact our office here](#).