



Massachusetts
Probate
and
Family Court

Welcome to the
Probate and Family Court
Department of the
Massachusetts Trial Court.

Many Probate and Family law matters involve complex and valuable legal rights. If possible, you should always speak with an attorney before filing any papers. Please ask court staff for the pamphlet "Looking for Legal Assistance?" which contains helpful information about obtaining legal advice and representation.

The information in this pamphlet is provided as a service of the court. It is not legal advice which can only be given to you by an attorney.

Financial Statement

FS1

(SHORT FORM)
Form and Instructions

Use these instructions ONLY if:

- H You are the Plaintiff, Defendant or Petitioner in a Divorce, Separate Support, Paternity, Modification or Contempt case or any other case involving alimony, child support or division of property;
and
- H Your gross yearly income (before taxes and other deductions) is **less** than \$75,000.

- You must complete the **Long Form Financial Statement** if your gross yearly income is **more** than \$75,000.
- If you work for yourself, you must also complete **Schedule A**.
- If you own any rental property, you must also complete **Schedule B**.

Additional forms are available
at the Registry of Probate.

IMPORTANT

] The Financial Statement is one of the most important papers that you file with the Court. The judge will make important decisions based on the information that you write down.

] Fill out the form completely and truthfully. Your signature indicates that the information you provide is true to the best of your knowledge. Untrue statements can lead to criminal prosecution.

] Each person in your case must file a completed Financial Statement within 45 days after the Plaintiff delivers the Complaint to the Defendant and at all court hearings involving alimony, child support, division of property or any other financial matters.

For more information, ask at the Registry of Probate for copies of

Uniform Probate Court Practice XXX and *Supplemental Probate Court Rule 401*.

Instructions for completing the FINANCIAL STATEMENT (Short Form)

Please print or type all information.

Do not fill in the sample form. Use the form provided by the court. Look at the sample on the next two pages to see where to put the required information. For example, put the information asked for in line ① of these instructions on the same line of the form provided by the court. **Fill in every line. If you have nothing to put on a line, write in the word "NONE".** If you need more space for the information in Sections 8, 10, or 11, you may attach additional sheets of paper instead of putting the information on the form. The staff at the Registry of Probate can give you a sample, completed Financial Statement.

- ① **Your Name**, etc. Fill in your name, address, age, occupation, etc. Fill in all the information. If you are not currently working, write "UNEMPLOYED" in the space where the form asks for "Employer".
- ② **Gross Weekly Income from All Sources**. Fill in all your gross income (**before** any deductions). You must use **weekly** amounts. List only your income, not the income of other people involved in the case. If you are paid *monthly*, divide your monthly income by 4.3. If you are paid *every two weeks*, divide your income from each paycheck by 2. If you are paid *twice a month*, divide your income from each paycheck by 2.15. In lines 2(c) through 2(k), circle those items that apply to you. Write "NONE" on any line for which you have no income. It is helpful if you bring to court your most recent pay stub. If you are self-employed, bring last year's tax return, including Schedule C and any other related forms.
- ③ **Itemized Deductions from Gross Income**. Fill in the deductions that appear on your paycheck. Use **weekly** amounts, dividing in the same way that you did for your income.
- ④ **Adjusted Net Weekly Income**. Subtract "Total Deductions" on line 3(f) from "Total Income" on line 2(l).
- ⑤ **Other Deductions from Salary**. Fill in any other amounts deducted from your wages.
- ⑥ **Net Weekly Income**. Subtract "Total Deductions" (line 5(e)) from "Adjusted Net Weekly Income" (line 4).
- ⑦ **Gross Yearly Income from Prior Year**. Fill in your total income from last year (before taxes or other deductions) and **attach copies of last year's W-2 and 1099 form(s) showing your income**.
- ⑧ **Weekly Expenses**. Fill in **weekly** amounts. Divide monthly amounts by 4.3 to get weekly amounts. Do **NOT** list expenses that you have listed as deductions from your pay in Section 3 or Section 5. Do include the weekly payments for any liabilities listed in Section 11. If someone else in your household pays some of the expenses, you should only write down the amount that you actually pay.
- ⑨ **Counsel Fees**. Write in the amounts that you have paid and that you expect to pay to an attorney. If you have an attorney, he or she can help you complete this section.
- ⑩ **Assets**. Fill in the present value of real estate, retirement plans, life insurance, bank accounts, pensions, motor vehicles, stocks and bonds and any other items of value you own. For savings, checking, money market accounts and certificates of deposit, list the name of the bank and the account number. You should bring to court the most recent statements for checking, savings, retirement and other accounts.
- ⑪ **Liabilities**. List all of your debts on the chart. List the creditor, the kind of debt, when you first borrowed the money (or the date that you were ordered to pay the money) and the current amount due. If you make payments on a liability, write "see weekly expenses" under "Weekly Payment" and include the weekly amount in Section 8.
- ⑫ **Total number of years you have paid into social security**. Fill in the number of years you have contributed to social security since you began working.

N DO NOT FORGET TO SIGN and DATE the form. If you have a lawyer, he or she must complete the "Statement By Attorney" on the back of the form. File the original with the court. Keep one copy and mail a copy to the other person in your case. If the other person has a lawyer, mail the copy to the lawyer.

Write in the county

Commonwealth of Massachusetts

where your case is filed

Division

The Trial Court
Probate and Family Court Department

Docket No. _____

Financial Statement

(SHORT FORM)

The Plaintiff is the person who filed the case.

v.

The other person is the Defendant.

Plaintiff/Petitioner

Defendant/ Petitioner

INSTRUCTIONS: If your income equals or exceeds \$75,000.00 you must complete the LONG FORM financial statement, unless otherwise ordered by the Court. All questions on both sides of this form must be answered in full or the word "none" inserted. If additional space is needed for any answer, an attached sheet may be filed in addition to, but not in lieu of, the answer. Information contained herein is confidential and only available to the parties and persons authorized under Probate and Family Court Department Supplemental Rule 401.

1. Your Name _____ Soc. Sec. No. _____

Address _____
(street and no.) (city or town) (State) (zip)

Age _____ Tel. No. () _____ No. of Children living with you _____

Occupation _____ Employer _____

Employer's Address _____
(street and no.) (city or town) (State) (zip)

Employer's Tel. No. () _____ Health Ins. Coverage [] YES [] NO

Health Insurance Provider _____ Cert. No. _____

2. Gross Weekly Income from All Sources (strike inapplicable words)

- a. Base pay from salary, wages _____
- b. Self Employment Income (attach a completed Schedule A) _____
- c. Income from overtime-commissions-tips-bonuses-part-time job _____
- d. Dividends - interest _____
- e. Income from trusts or annuities _____
- f. Pensions and retirement funds _____
- g. Social Security _____
- h. Disability, unemployment insurance or worker's compensation _____
- i. Public Assistance (welfare, A.F.D.C. payments) _____
- j. Rental from Income Producing Property (attach a completed Schedule B) _____
- k. All other sources (including child support, alimony) _____

l. Total Gross Weekly Income (a through k) _____

If you work for yourself, you must also complete Schedule A and put the total on line 2(b).

If you own rental property you must also complete Schedule B and put the total on line 2 (j).

3. Itemize Deductions from Gross Income

- a. Federal income tax deductions (claiming _____ exemptions) _____
- b. State income tax deductions (claiming _____ exemptions) _____
- c. F.I.C.A./Medicare _____
- d. Medical Insurance _____
- e. Union Dues _____

f. Total Deductions (a through e) _____

4. Adjusted Net Weekly Income

2 (l) minus 3 (f) _____

5. Other Deductions from Salary

- a. Credit Union (Loan Repayment or Savings) _____
- b. Savings _____
- c. Retirement _____
- d. Other - Specify (such as Deferred Compensation or 401 K) _____

e. Total Deductions (a through d) _____

6. Net Weekly Income

4 minus 5 (e) _____

7. Gross Yearly Income from Prior Year _____

(attach copy of all W-2 and 1099 forms for prior year)

You must fill in every line.

Write "NONE" on any line that does not apply to you.

8. Weekly Expenses (Do Not Duplicate Weekly Expenses - Strike Inapplicable Words)

- | | | | |
|---------------------------------|-----------|---|----------|
| a) Rent -Mortgage (PIT) | \$ _____ | l) Life Insurance | \$ _____ |
| b) Homeowner's/Tenant Insurance | \$ _____ | m) Medical Insurance | \$ _____ |
| c) Maintenance and Repair | \$ _____ | n) Uninsured Medicals | \$ _____ |
| d) Heat (Type _____) |)\$ _____ | o) Incidentals and Toiletries | \$ _____ |
| e) Electricity and/or Gas | _____ | p) Motor Vehicle Expenses | \$ _____ |
| f) Telephone | _____ | q) Motor Vehicle Loan Payment | \$ _____ |
| g) Water/Sewer | _____ | r) Child Care | \$ _____ |
| h) Food | _____ | s) Other (attach additional schedule, if necessary) | \$ _____ |
| i) House Supplies | _____ | | \$ _____ |
| j) Laundry and Cleaning | \$ _____ | | \$ _____ |
| k) Clothing | \$ _____ | | \$ _____ |

Do NOT list expenses that you already listed in Section 3 and Section 5.

Total Weekly Expenses (a through s) \$ _____

9. Counsel Fees

- a) Retainer amount(s) paid to your attorney(s) \$ _____
- b) Legal fees incurred, to date, against retainer(s) \$ _____
- c) Anticipated range of total legal expense to prosecute this action \$ _____ to \$ _____

10. Assets (Attach additional schedule for additional real estate and other assets, if necessary)

- a) Real Estate _____
- Location _____
- Title _____ Write in the names that are on the deed. _____
- Fair Market Value \$ _____ - Mortgage(s) \$ _____ = Equity \$ _____
- b) IRA, Keough, Pension, Profit Sharing, Other Retirement Plans
- List Financial Institution or Plan Names and Account Numbers**
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- c) Tax Deferred Annuity Plan(s) _____ Write in CASH value of life insurance. DO NOT write in the amount payable at your death. _____
- d) Life Insurance: Present Cash Value _____
- e) Savings & Checking Accounts, Money Market Accounts, and CDs - which are held individually, jointly, in the name of another person for your benefit, or held by you for the benefit of your minor child(ren). **List Financial Institution Names and Account Numbers**
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- f) Motor Vehicles
- Fair Market Value \$ _____ - Motor Vehicle Loan \$ _____ = Equity \$ _____
- Fair Market Value \$ _____ - Motor Vehicle Loan \$ _____ = Equity \$ _____
- g) Other (such as - stocks, bonds, collections)
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____

"Equity" is the Fair Market Value minus the balance on any mortgages, including home equity credit loans.

11. Liabilities (DO NOT list weekly expenses but DO list all liabilities)

Creditor	Nature of Debt	Date of Origin	Amount Due	Weekly Payment
a) _____	_____	_____	_____	_____
b) _____	_____	_____	_____	_____
c) _____	_____	_____	_____	_____
d) _____	_____	_____	_____	_____

If you make payments on a liability, write "see weekly expenses" in this column and list the amount as a weekly expense in Section 8.

12. Total Amount Due and Total Weekly Payment \$ _____ \$ _____

Number of Years you have paid to Social Security _____ years

I certify under the penalties of perjury that my income and expenses, assets, and liabilities as stated herein are true to the best of my knowledge and belief. I have carefully read this financial statement and I certify the information is true and complete.

Date Write today's date _____ Signature **N** **SIGN YOUR NAME HERE** _____

STATEMENT BY ATTORNEY

I, the undersigned attorney, am admitted to practice law in the Commonwealth of Massachusetts -- am admitted pro hoc vice for the purposes of this case -- and am an officer of the court. As the attorney for the party on whose behalf this Financial Statement is submitted, I hereby state to the court that I have no knowledge that any of the information contained herein is false.

Attorney's Signature _____ Date _____

Address _____ Tel. No. _____

B.B.O. # _____

WRITE "NONE" ON ANY LINE THAT DOES NOT APPLY TO YOU.
DO NOT LEAVE ANY LINES BLANK.

Financial Statement
(SHORT FORM)

Mary Jones

Plaintiff/Petitioner

v.

Robert Jones

Defendant/ Petitioner

INSTRUCTIONS: If your income equals or exceeds \$75,000.00 you must complete the LONG FORM financial statement, unless otherwise ordered by the Court. All questions on both sides of this form must be answered in full or the word "none" inserted. If additional space is needed for any answer, an attached sheet may be filed in addition to, but not in lieu of, the answer. Information contained herein is confidential and only available to the parties and persons authorized under Probate and Family Court Department Supplemental Rule 401.

1. Your Name Mary Jones Soc. Sec. No. 017-30-7808
 Address 321 Main St. Woburn MA 01801
(street and no.) (city or town) (state) (zip)
 Age 38 Tel. No. (617) 555-2345 No. of Children living with you 2
 Occupation Cook Employer Sam's Restaurant
 Employer's Address 892 Main St. Cambridge MA 02138
(street and no.) (city or town) (state) (zip)
 Employer's Tel. No. (617) 555-1237 Health Ins. Coverage ☒ YES ☐ NO
 Health Insurance Provider Harvard Pilgrim (through Husband) Cert. No. 1357901

2. Gross Weekly Income from All Sources (strike inapplicable words)

a. Base pay from salary, wages \$ 330.00
 b. Self Employment Income (attach a completed Schedule A) \$ NONE
 c. Income from overtime-commissions-tips-bonuses-part-time job \$ NONE
 d. ~~Dividends~~ - interest \$ NONE
 e. Income from trusts or annuities \$ 2.00
 f. Pensions and retirement funds \$ NONE
 g. Social Security \$ NONE
 h. Disability, unemployment insurance or worker's compensation \$ NONE
 i. Public Assistance (welfare, A.F.D.C. payments) \$ NONE
 j. Rental from Income Producing Property (attach a completed Schedule B) \$ NONE
 k. All other sources (including child support, alimony) \$ 150.00

l. Total Gross Weekly Income (a through k) \$ 482.00

3. Itemize Deductions from Gross Income

a. Federal income tax deductions (claiming 3 exemptions) \$ 7.00
 b. State income tax deductions (claiming 3 exemptions) \$ 4.00
 c. F.I.C.A./Medicare \$ 24.75
 d. Medical Insurance \$ NONE
 e. Union Dues \$ NONE

f. Total Deductions (a through e) \$ 35.754. Adjusted Net Weekly Income2 (l) minus 3 (f) \$ 446.25

5. Other Deductions from Salary

a. Credit Union (Loan Repayment or Savings) \$ NONE
 b. Savings \$ NONE
 c. Retirement \$ NONE
 d. Other - Specify (such as Deferred Compensation or 401K) MBTA Pass \$ 7.50

e. Total Deductions (a through d) \$ 7.506. Net Weekly Income4 minus 5 (e) \$ 438.757. Gross Yearly Income from Prior Year(attach copy of all W-2 and 1099 forms for prior year) \$ 17,285.00

8. **Weekly Expenses** (Do Not Duplicate Weekly Expenses - Strike Inapplicable Words)

a) Rent - Mortgage (PIT)	\$ 269.05	i) Life Insurance	\$ 12.00
b) Homeowner's/Tenant Insurance	\$ 15.00	m) Medical Insurance	\$ NONE
c) Maintenance and Repair	\$ 8.00	n) Uninsured Medicals	\$ 5.00
d) Heat (Type <u>oil</u>)	\$ 30.00	o) Incidentals and Toiletries	\$ 4.00
e) Electricity and/or Gas	\$ 14.00	p) Motor Vehicle Expenses	\$ 20.00
f) Telephone	\$ 12.00	q) Motor Vehicle Loan Payment	\$ 18.35
g) Water/Sewer	\$ 10.00	r) Child Care	\$ NONE
h) Food	\$ 55.00	s) Other (attach additional schedule, if necessary)	\$ NONE
i) House Supplies	\$ 5.00	<u>Cable TV</u>	\$ 10.00
j) Laundry and Cleaning	\$ NONE	<u>Credit Card (See Sec. 11)</u>	\$ 60.00
k) Clothing	\$ 10.00		

Total Weekly Expenses (a through s) \$ 557.40

9. **Counsel Fees**

a) Retainer amount(s) paid to your attorney(s)	\$ NONE
b) Legal fees incurred, to date, against retainer(s)	\$ NONE
c) Anticipated range of total legal expense to prosecute this action	\$ NONE to \$ NONE

10. **Assets** (Attach additional schedule for additional real estate and other assets, if necessary)

a) Real Estate <u>Single Family House</u>	
Location <u>123 Elm St, Woburn, MA</u>	
Title <u>Robert Jones and Mary Jones</u>	
Fair Market Value \$ <u>190,000</u> - Mortgage(s) \$ <u>142,500</u> = Equity	\$ 47,500.00
b) IRA, Keough, Pension, Profit Sharing, Other Retirement Plans	
List Financial Institution or Plan Names and Account Numbers	
	\$ NONE
	\$ NONE
	\$ NONE
c) Tax Deferred Annuity Plan(s)	\$ NONE
d) Life Insurance: Present Cash Value	\$ 625.00
e) Savings & Checking Accounts, Money Market Accounts, and CDs - which are held individually, jointly, in the name of another person for your benefit or held by you for the benefit of your minor child(ren). List Financial Institution Names and Account Numbers	
<u>Fleet bank - Account # 3344567 (Savings)</u>	\$ 482.00
<u>Fleet bank - Account # 3344567 (Checking)</u>	\$ 234.00
	\$ NONE
f) Motor Vehicles	
Fair Market Value \$ <u>3,000</u> - Motor Vehicle Loan \$ <u>1,200</u> = Equity	\$ 1,800.00
Fair Market Value \$ _____ - Motor Vehicle Loan \$ _____ = Equity	\$ NONE
g) Other (such as - stocks, bonds, collections)	
<u>US Savings bonds</u>	\$ 300.00
<u>Personal property (estimate)</u>	\$ 21000.00
h) Total Assets (a through g)	\$ 52,941.00

11. **Liabilities** (DO NOT list weekly expenses but DO list all liabilities)

Creditor	Nature of Debt	Date of Origin	Amount Due	Weekly Payment
a) <u>Citizens Bank</u>	<u>Credit Card</u>	<u>various dates</u>	<u>6,300.00</u>	<u>See weekly Expenses</u>
b) <u>GMAC</u>	<u>Auto loan</u>	<u>Nov. 2000</u>	<u>1,200.00</u>	<u>See weekly expenses</u>
c) _____	_____	_____	_____	_____
d) _____	_____	_____	_____	_____
e) Total Amount Due and Total <u>Weekly</u> Payment		\$ <u>7,500.00</u>		\$ <u>See Weekly Expenses</u>

12. Number of Years you have paid to Social Security

21 years

I certify under the penalties of perjury that my income and expenses, assets, and liabilities as stated herein are true to the best of my knowledge and belief. I have carefully read this financial statement and I certify the information is true and complete.

Date June 10, 2003

Signature Mary Jones

STATEMENT BY ATTORNEY

I, the undersigned attorney, am admitted to practice law in the Commonwealth of Massachusetts -- am admitted pro hoc vice for the purposes of this case -- and am an officer of the court. As the attorney for the party on whose behalf this Financial Statement is submitted, I hereby state to the court that I have no knowledge that any of the information contained herein is false.

Attorney's Signature _____

Date _____

Address _____

Tel. No. () _____

B.B.O. # _____

RULES ABOUT FILING FINANCIAL STATEMENTS

Each person who is involved in a Divorce, Separate Support, Paternity, Modification, Contempt or any other case involving alimony, child support or division of property must file a Financial Statement at various times during the case. A Financial Statement must be filed shortly after a case begins, at certain times when one person requests a Financial Statement from the other person, whenever you are in court on an issue involving child support, alimony or division of property and when you are in court for a pre-trial conference or at trial (including a hearing on an uncontested case).

People who represent themselves in the Probate and Family Court (called *pro se* litigants) are responsible for following the same court rules as are attorneys. On the front and back of this page are copies of *Uniform Probate Court Practice XXX* and *Supplemental Probate Court Rule 401* which explain some of the rules about filing a Financial Statement.

These rules are current as of June, 2003. It is your responsibility to make sure that you have copies of the most recent rules when you file your case. If you need additional assistance, you should consult with an attorney or visit the Trial Court Law Libraries. More information about contacting an attorney or visiting the Law Libraries is available in the Self Help Center of the Trial Court website at www.state.ma.us/courts.

UNIFORM PROBATE COURT PRACTICE XXX. FILING OF FINANCIAL STATEMENTS

No complaint for divorce brought pursuant to G. L. c. 208, secs. 1, 1A or 1B, nor complaint for separate support under G.L. c. 209, nor complaint for any modification thereof shall be marked for a hearing unless a financial statement of each party is on file with the court.

This requirement may be waived:

- 1.) by the court, *sua sponte*;
- 2.) on the motion of either party asserting non-compliance with Supplemental Rule 401 by the other party which is accompanied by a request for sanctions pursuant to Dom. Rel. P. Rule 37, or
- 3.) on an affidavit asserting unavailability of the opposing party which precludes compliance with Rule 401 and this practice.

A previously filed financial statement shall be deemed acceptable for the purposes of this practice if a sworn statement is filed stating that there has been no change in the party's finances since the last statement was filed.

SUPPLEMENTAL PROBATE COURT RULE 401
FINANCIAL STATEMENT

- (a) Except as otherwise ordered by the court, each party to a divorce or separate support action or any other action where financial relief is requested, shall file with the court and shall deliver to the other party within 45 days from the date of the service of the summons, a complete and accurate financial statement showing, insofar as possible, the assets, liabilities and current income and expenses of both parties and children involved in the case. The form of the financial statement which each party must complete is dependent upon his or her income. Except as otherwise ordered by the court, a party whose income equal or exceeds \$75,000.00 must complete the long form financial statement. A party whose income is less than \$75,000.00 must complete the short form financial statement.
- (b) In the event a hearing on a motion for temporary orders, or a pretrial conference is scheduled by either party prior to the expiration of the 45 day period, financial statements by both parties shall be filed with the court and exchanged between the parties no later than two (2) business days prior to the hearing or the conference without the necessity of a request for such statements.
- (c) The form of the financial statement shall be determined from time to time by the probate judges of the Commonwealth. The judges of the probate courts may require from time to time during the pendency of a separate support or divorce action, or in any action involving a financial order, a new financial statement containing current information as to the assets, liabilities, current income and expenses of the parties and any children involved in the litigation.
- (d) The financial statement or new financial statement, as the case may be, shall be impounded or kept separate from other papers in the case and shall not be available for public inspection, but shall be available to the court, the attorneys (whose appearances are entered in the case), the parties to the case, the registers, assistant registers, members of the Probation Department of the probate courts and to employees of the Massachusetts Department of Revenue, where necessary.
- (e) All financial statements shall be signed by the party filing the same and shall be subject to the penalties of perjury.
- (f) Either party in a contested matter may request the other party, upon ten (10) days' notice, in the form of a separate request titled "Request for a Financial Statement" to furnish a signed, current financial statement to the court with a copy of the financial statement to the requesting party. No further request may be made within ninety (90) days of a prior request except by order of the court.
- (g) All sanctions available to a party under Rule 37 of the Massachusetts Rules of Domestic Relations Procedure and any other sanction that the court may deem appropriate shall be available to compel compliance with this rule and such sanctions shall be ordered by the court except for good cause shown.

Amended November 16, 1979, effective December 17, 1979; October 10, 1997, effective December 1, 1997.

