

# **IMPROVING THE MASSACHUSETTS PROBATE AND FAMILY COURT MANDATORY FINANCIAL STATEMENT**

## **Analysis and Recommendations**

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**Kelly Doherty, Associate Director  
Hilary Purtell, Associate Director  
Lori Johnson, Executive Director**



**MASS FAMILY  
ADVOCACY COALITION**  
Making Family Court Better for All

# MASSACHUSETTS FINANCIAL STATEMENT

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The Financial Statement is one of the most important papers filed in a domestic relations action. Supplemental Probate and Family Court Rule 401(a) provides:

*Except as otherwise ordered by the court, each party to a divorce or separate support action or any other domestic relations 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 accuracy of the Financial Statement is vital to the administration of justice as it forms the basis for all financial decisions including the division of assets and liabilities, the calculations for child support, financing of children's college and other expenses, and the amount and duration of alimony, if applicable.

The vital importance of the Financial Statement is made clear in the first page of the Massachusetts Financial Statement Instructions, which states:

## **IMPORTANT**

o **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.

o Fill out the form completely and truthfully. Your signature indicates that the information you provide is true to the best of your knowledge. **Since you are signing under the penalties of perjury, untrue statements can lead to criminal prosecution.**

o 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 SEE Uniform Probate Court Practice XXX and Supplemental Probate Court Rule 401.

The importance of the Financial Statement is echoed by the Massachusetts Bar. According to the MCLE *Trying Divorce Cases in Massachusetts* 6<sup>th</sup> Edition 2020, **“the financial statements that the parties are required to file are the most important documents that the court receives in the case, as they are designed to summarize, and provide a basis for comparison of, the parties’ respective economic capabilities and needs.”** Hon. Geoffrey A. Wilson (Ret.) “A Judge’s Thoughts on Financial Statements” in *Trying Divorce Cases in Massachusetts*, (6th ed., MCLE, 2020).

## **Types of Financial Statement Forms**

### **a. Court forms**

There are two Financial Statement forms provided by the Court: the long form is for parties with over \$75,000 in income and the short form is for those with income under \$75,000.

The Court's long and short forms can be completed online. There are also hard copies available at the courthouses. Because of deficiencies in the online forms, MCLE Inc. (the organization that trains attorneys) strongly encourages attorneys to use the hard copy form and not the online form. It also encourages attorneys to use a legal document software program to complete the form.<sup>1</sup>

### **b. Attorney forms**

As an alternative to the Court's forms, many attorneys have created their own financial statement forms. Although initially created to allow their clients the benefit of adding pages, saving the document, and including explanatory footnotes, these alternative "customized" forms can differ significantly from the Court's forms. For example, a customized form could allow for an explanatory response to be inputted (e.g., "see note") instead of a financial amount. By inputting words instead of numerical values, the actual amount that corresponds to the explanation is not captured in the total, therefore obscuring the actual total. In addition, existing line items on the attorneys' forms can be deleted or amended, thus altering the integrity of the form.

Accordingly, there is not a uniform Financial Statement form that parties must complete, often leaving judges to essentially compare apples to oranges when reviewing parties' financial statements.

## **Laws and Rules Governing the Financial Statement**

As noted on the first page of the Court's Financial Statement form, parties must follow certain rules and laws regarding completion and delivery of the Financial Statement and accompanying mandatory disclosure documents, or face sanctions for noncompliance.

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<sup>1</sup> Section 6-2 of the MCLE training materials states:

*Unfortunately, the court's online forms do not include pages for additional income, expenses, real estate, etc. or a page for footnotes (which are often vital to clear and accurate financial statements). As such, it is advisable that a hard copy be obtained from the courthouse that includes the additional pages and schedules, and ideally, a legal document program such as Legalease or TurboLaw should be used to complete the form. (6-2: Preparing the Financial Statement)*

These laws and rules are:

**1. Uniform Probate Court Practice XXX**

*No complaint for divorce brought pursuant to [G.L. c.208, Sections 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.*

**2. Supplemental Probate Court Rule 401:**

*(a) Initial disclosures*

*(1) Except as otherwise agreed by the parties or ordered by the court, each party to a divorce action, each party to a complaint for separate support, and each parent who is a party to an action under [Chapter 209C](#) that includes a claim for child support where paternity has already been adjudicated or where the parents have completed a notarized voluntary acknowledgment of paternity shall deliver to the other party or parties within 45 days from the date of service of the summons the following documents:*

*(a) The parties' federal and state income tax returns and schedules for the past three (3) years and any non-public, limited partnership and privately held corporate returns for any entity in which either party has an interest together with all supporting documentation for tax returns, including but not limited to W-2's, 1099's 1098's, K- 1, Schedule C and Schedule E.*

*(b) The four (4) most recent pay stubs from each employer for whom the party worked.*

*(c) Documentation regarding the cost and nature of available health insurance coverage.*

*(2) Except as otherwise agreed by the parties or ordered by the court, each party to a divorce action and each party to a complaint for separate support shall also deliver to the other party within 45 days from the date of service of the summons the following documents:*

*(a) Statements for the past three (3) years for all bank accounts held in the name of either party individually or jointly, or in the name of another person for the benefit of either party or held by either party for the benefit of the parties' minor child(ren).*

*(b) Statements for the past three (3) years for any securities, stocks, bonds, notes or obligations, certificates of deposit owned or held by either party or held by either party for the benefit of the parties' minor child(ren), 401K statements, IRA statements, and pension plan statements for all accounts listed on the 401 financial statement.*

*(c) Copies of any loan or mortgage applications made, prepared or submitted by either party within the last three (3) years prior to the filing of the complaint.*

*(d) Copies of any financial statement and/or statement of assets and liabilities prepared by either party within the last three (3) years prior to the filing of the complaint.*

**3. Supplemental Probate and Family Court Rule 401(g):**

*All sanctions available to a party under 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.*

**Shortfalls with the Current Massachusetts Financial Statement**

**a. Deficiencies in the form**

Although the Financial Statement is the most important document filed in a domestic relations action, there are well-recognized deficiencies in the current forms. These shortfalls decrease the Financial Statement's utility, making it difficult for judges to get a clear understanding of the parties' respective financial situations. The shortfalls also increase the ability of a party to misuse or manipulate the Financial Statement, especially against the less financially secure party, and create yet another barrier to equal access to justice for parties.

The following are several of the biggest deficiencies in the current form:

1. There is no one uniform form. Several versions of the form exist (online, "customized" attorney forms, short form, and long form), making it hard for a judge and the parties to analyze and compare financial statements. This results in wasted judicial time, confusion, and inaccuracies.
2. The online form does not provide the ability to save one's work in progress. Although the [instructions on the mass.gov website](#) state that "most users should use the online form," it is unsavable. Therefore, every change, correction, or update requires the party to start from the beginning and reenter every single line item. One can imagine the frustration and loss of time.
3. The website also includes an "alternative form" which supposedly allows a party to save a partially completed form to finish later or for re-use. However, it is not user-friendly,

and requires a software program that not all users have on their computers.<sup>2</sup> This creates a barrier to equitable justice.

4. The Court's form does not include enough input sections to provide for all types of income and expenses. For example:
  - a. The current financial statement lists only 16 potential sources of income. In contrast, the child support guidelines list 30 potential sources of income. Additionally, the form does not include all the income sources that the Supreme Judicial Court ruled in *Cavanagh v. Cavanagh*, 490 Mass 398 (2022) must be included.
  - b. Additionally, the current form lists 39 potential expenses. However:
    - i. Only 2 of the 39 expenses listed in the current form represent children's living expenses (children's education and children's allowance). In contrast, our recommended form contains 29 potential living expenses **just related to children**.
    - ii. The current form of 39 expenses does not include many living expenses, most notably savings and capital improvements for applicable parties. Our recommended form contains over 80 potential living expenses.
5. The current form lacks fields for explanatory notes or clarification of inputs.
6. If a party is represented by a lawyer, they have access to a form that has more inputs, can be customized, and is able to be saved for later revision. This creates an unfair advantage for represented parties, and a serious access to justice issue. This is especially problematic because the online form is used by most pro se litigants, who make up the majority of the Family Court users (upward of 80% and growing).<sup>3</sup>
7. In addition, parties who are represented can use their lawyer's version of the form to manipulate the presentation of their financials, creating an unfair advantage to the

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<sup>2</sup> The instructions state that to access the alternative form it must be downloaded and opened with Adobe Acrobat Reader on a party's computer. When one clicks the link to access the alternative form, the following error message appears:

**Please wait...**

If this message is not eventually replaced by the proper contents of the document, your PDF viewer may not be able to display this type of document.

You can upgrade to the latest version of Adobe Reader for Windows®, Mac, or Linux® by visiting [http://www.adobe.com/go/reader\\_download](http://www.adobe.com/go/reader_download).

For more assistance with Adobe Reader visit <http://www.adobe.com/go/acrreader>.

<sup>3</sup> Massachusetts Access to Justice Commission, Massachusetts Justice for All Strategic Action Plan (December 22, 2017) at p.71.

opposing party. In the example below, our member’s spouse did not include all his income on the first page, instead inputting the words “see note”, which his lawyer’s customized form allowed him to do (the online form does not). Therefore, the total gross income DID NOT include all his income. The judge would need to go to the footnote section, where more than \$3,000 of weekly income was **intentionally buried** in small print. Because of their heavy workload, judges do not have the time to be searching, mining, and calculating numbers buried in other parts of the financial statements. **As a result, the judge failed to award member’s wife a percentage of that other sizable income stream in temporary orders, creating an immediate and lasting financial hardship, particularly as judges are reluctant to change temporary orders.**

II. GROSS WEEKLY INCOME / RECEIPTS FROM ALL SOURCES

a) Base pay from	<input type="checkbox"/> Salary	<input type="checkbox"/> Wages	\$	4,000.00
b) Overtime			\$	0.00
c) Part-time job			\$	0.00
d) Self-employment (attach a completed schedule A)			\$	0.00
e) Tips			\$	0.00
f) <input type="checkbox"/> Commissions	<input type="checkbox"/> Bonuses		\$	See note
g) <input type="checkbox"/> Dividends	<input type="checkbox"/> Interest		\$	0.00
h) <input type="checkbox"/> Trusts	<input type="checkbox"/> Annuities		\$	0.00
i) <input type="checkbox"/> Pensions	<input type="checkbox"/> Retirement Funds		\$	0.00
j) Social Security			\$	0.00
k) <input type="checkbox"/> Disability	<input type="checkbox"/> Unemployment insurance	<input type="checkbox"/> Worker's compensation	\$	0.00
l) Public Assistance (e.g. welfare, TAFDC, SNAP) (not included in gross income for child support)			\$	0.00
m) <input type="checkbox"/> Child Support	<input type="checkbox"/> Alimony (actually received)		\$	0.00
n) Rental from income producing property (attach a completed Schedule B)			\$	0.00
o) Royalties and other rights			\$	0.00
p) Contributions from household member(s)			\$	0.00
q) Other (specify)			\$	0.00
<hr/>			\$	0.00
<u>TOTAL WEEKLY INCOME FROM ATTACHED ADDITIONAL SCHEDULE, IF ANY</u>			\$	0.00
<b>r) Total Gross Weekly Income/Receipts (add items a-q)</b>			\$	<b>4,000.00</b>

**b. Deficiencies in the process**

In addition to the form’s shortfalls, there are systemic problems in the process.

Our members have found that falsifying financial information on the form is widespread, and that often there are no sanctions or consequences imposed by the judge. Further, short of a trial, there is no process to ensure the accuracy of the information in a party’s Financial Statement. Compliant parties must spend money that could be used for their family’s needs to pay increased legal fees, hire a forensic accountant, and subpoena various entities to find hidden assets and/or prove false information provided by the vexatious party.

In addition, our members have found that judges do not sanction parties for not submitting their financial statements when due. Financial statements are given to opposing counsel on the day of trial or require several subpoenas or discovery requests to compel production of them. This wastes judicial time and increases legal expenses, creating an unfair economic burden on the compliant, ethical party.

Here is a member's experience of how the Financial Statement was misused on her case:

*I am the primary caregiver and less financially secure party. My ex attributed personal expenses to his business on his Financial Statement to reduce his net income for the child support calculation. My lawyer pointed this out to the judge in a hearing, offering several years of tax returns to prove the fabrication. The judge refused to consider the issue pre-trial, ruling that we'd have to "take it to trial." My ex blatantly lied about his income on the Financial Statement for the duration of our case.*

*Ultimately, I let finances go when we settled before trial. I did not have the financial means to show the fabrications and custody of my child was paramount to me. Maybe what the judge did was standard procedure, but it seems absurd and punishing that a person would have to shoulder the expense and anguish of a trial to prove a lie that could've been handled months earlier during a hearing and would have provided accurate numbers to work out a fair and reasonable settlement. The lack of any verification process, which forces a party acting in good faith to spend thousands of dollars on a trial, is an injustice.*

And another member states:

*The Financial Statement in my divorce case was consistently manipulated and submitted at the last minute before our court hearings so the statements couldn't be corrected before the judge received them.*

*Some of the manipulations included:*

- *Using my income from the higher paying year against his lower paying year to calculate child support.*
- *Miscalculating current year-to-date income by using incorrect number of weeks to lower his income.*
- *Including incorrect numbers for his paid legal fees and retainer fees.*
- *Knowingly omitting 401(k) balances and other investment accounts from the financial statement.*

*This happened almost every time a financial statement was produced. The response from his counsel was always an "Oops, I made a mistake." There were zero consequences imposed by the Court.*



# RECOMMENDATIONS FOR FINANCIAL STATEMENT REFORM

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To address these issues described above, MFAC proposes one updated form with clear instructions to be used in all cases. A uniform and inclusive form will provide judges with consistent data so they can efficiently and accurately make their decisions. In addition, we propose methods to decrease parties' misuse of the Financial Statement and the process of submitting it.

Respectfully, we request the Court to adopt the following recommendations to improve the financial statement form and process. Adoption of these recommendations would promote efficiency in the court system and extend equitable access to justice to Massachusetts' families.

## Financial Statement Recommendations:

- 1. Create one financial statement form (online and hard copy), thereby eliminating the long and short forms and attorneys' customized forms. See attached recommended Financial Statement.**

This will:

1. Allow both represented and unrepresented parties to present their financial information to the Court on a "level playing field."
  2. Enable judges to review the forms easily and timely, since all forms will be consistent.
  3. Eliminate the ability of vexatious parties to manipulate the form to harm the other party.
- 2. The online form must have the capability to be saved for later updates and revisions and shall not require software that is not available to all parties.**
  - 3. Include a method for users to suggest ideas for improvement to the current form(s).** See Illinois Suggestions for Improvement document: <https://bit.ly/ILSuggestions>.
  - 4. Create online informational videos with links that walk parties through the process of how to fill out the form.**
  - 5. Use income and deduction categories from the child support guidelines and appellate cases, eliminating ambiguity and making income categories consistent.**
  - 6. Increase the number of expense categories to ensure that all potential expenses are captured on the form.**
  - 7. Include instructions for filling out form in a column on the form for easy access.**

**8. Require self-employed parties to attach a Schedule C from the IRS regarding self-employment income and expenses.**

- The additional verification requested will allow the court and other party to accurately analyze and understand a parties' self-employment income and expenses, thereby substantially reducing or hopefully eliminating false or inaccurate reporting.

**Financial Statement Process Recommendations:**

**1. Establish a Massachusetts Court Forms Committee.**

- This Committee<sup>4</sup> will be charged with reviewing suggestions for improvement and will continually review and update all court forms, including the Financial Statement, to ensure they are clear, consistent, and reflective of any updates in caselaw or statutes.

**2. Require all parties to sign a [credit authorization form](#), which would allow a party to run a credit check on the opposing party.**

- Unlike credit checks to verify information required before buying a car, obtaining a mortgage, or applying for a credit card, the data on the financial statement is not verified, thus allowing parties to underreport income or fail to disclose assets or liabilities accurately.
- A required credit check will identify all assets and liabilities so that if a party is falsifying information on the financial statement or hiding assets, the other party can discover it without costly litigation expense.

**3. Require parties to sign [IRS Form 4506](#), which would allow opposing parties to request tax returns directly from the IRS, therefore eliminating discovery abuse and noncompliance.**

**4. Enforce timelines for exchange of financial statements and supporting discovery documents and impose penalties to the non-compliant party and counsel for not providing the statement by the required time.**

- Although [Supplemental Rule 401](#) clearly defines the timelines of mandatory document exchanges, our members find that the rule is violated time and time again, with no consequences from the Court.
- Parties that do not submit the documents by the required time will be assessed penalties.

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<sup>4</sup> It is unclear whether the existing [Forms Management Team](#) (FMT) is responsible for reviewing forms, incorporating suggestions from users and updating all forms.

**5. Prohibit the current practice of parties submitting financial statements on the day of trial or hearing. According to MA Rule 401(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.*

- Currently, some parties delay delivery of the Financial Statement to the very last minute (usually on the courthouse steps) to ensure the receiving party does not have enough time to review and analyze it.

**6. Implement random audits of financial statements.**

- Random audits would put parties and their counsel on alert that misrepresentations are subject to discovery and penalty.

**7. Require a verification process before trial to ensure accuracy of information.**

This would promote accurate settlements and less misuse of the Financial Statement.

- The costs of verifying the information should be borne by the party providing the information.
  1. Require a CPA sign-off on all financial information.
  2. For pro se parties, create a process for parties without financial resources to pay for a CPA to verify the financial information.

**8. Impose immediate and severe penalties for parties that falsify information on the Financial Statement.**

In summary, a uniform and inclusive form will provide judges with complete and comparable data so they can efficiently and accurately make life-altering financial decisions and extend equitable access to justice to Massachusetts' families. The proposed recommendations will serve to decrease the parties' misuse of the Financial Statement and the process. As long as the Court continues to allow misuse, the misuse will continue.



In 5, list all children common to the parties, and indicate if any children have a disability or complex medical issue.

In 6, check all that apply. Provide all information requested about your jobs, including all full-time, part-time, temporary, contract, or other work.

[If you are Self-employed, you must complete and attach a Schedule A.](#)

If you have more than one job, list each on the line items provided.

In 6c, enter your total gross income from all employers from January 1 of this year through the date you complete this form.

In 7a-d, enter the information you submitted on last year's IRS tax return. If you did not file a tax return for last year, check Did not file in 7a, leave 7b-d blank, but still complete 7e-g.

**5 Information about other household members**

- a. I live with another adult who helps me pay my expenses. This person is not the Plaintiff or Defendant in this case.  Yes  No
- b. Name of Child(ren) common to these parties and their birth dates

\_\_\_\_\_

\_\_\_\_\_

- c. Do any children have a disability or complex medical issue  Yes  No
- d. Please explain \_\_\_\_\_

\_\_\_\_\_

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**6 My Employment/Business**

- a. I am:  Unemployed (*reason*) \_\_\_\_\_
- b. I am:  Employed by someone else  Self-employed (Must attach Schedule A)
- I work:  Full-time  Part-time

**Please list all jobs below:**

Employer	Address	Weekly Gross Wages/Salary
My job (1): _____	_____	\$ _____
My job (2): _____	_____	\$ _____
My job (3): _____	_____	\$ _____
My job (4): _____	_____	\$ _____

- c. Total weekly gross income from all employment (add the weekly amounts from all jobs listed above) \$ \_\_\_\_\_  
(This amount should equal the amount from "My weekly gross income from employment" Section II, Line A1)

**7 My gross income and taxes from last year**

- a. Tax filing status  Married (*Joint*)  Married (Separate)  Single  
 Head of Household  Did not file

b. Number of dependent exemptions claimed \_\_\_\_\_

c. Total number of exemptions claimed \_\_\_\_\_

- d. I claim on my federal tax return  
 the standardized deduction  
 itemized deductions

e. Gross yearly income from prior year (*attach year-end paystub(s) from previous year*) \$ \_\_\_\_\_

f. Number of years I have paid into Social Security \_\_\_\_\_

g. My financial situation has changed significantly over the last 12 months because (*specify*) \_\_\_\_\_

\_\_\_\_\_

**8 My Health Insurance**

- a. I have health insurance:  Yes  No
- b. The insurance company is: \_\_\_\_\_
- c. Policy holder name: \_\_\_\_\_
- d. Provided by:  Employer  Private Policy  Other Group  Medicaid  Masshealth
- e. Type of Insurance (check all that apply):  Medical  Dental  Optical
- f. Total number of people covered by this policy: \_\_\_\_\_

A third party expert can be a GAL (Guardian Ad Litem), Parent Coordinator, forensic accountant, discovery master, etc.

List other costs and totals paid by you to litigate this matter.

**9 My Counsel and/or third party expert fees**

- a. Attorney fees incurred to date \$ \_\_\_\_\_
- b. Third-party expert fees incurred to date \$ \_\_\_\_\_
- c. Court costs, filing fees, constable service and other costs paid to litigate this matter \$ \_\_\_\_\_
- 1. List other costs and totals: \_\_\_\_\_
- d. Anticipated total cost to litigate this action \$ \_\_\_\_\_
- e. Source of funds for these fees: \_\_\_\_\_
- f. My attorney has explained attorneys fees pendente lite to me  Yes  No
- g. I have requested attorneys fees pendente lite  Yes  No Amount \$ \_\_\_\_\_
- h. I have received attorney fees pendente lite  Yes  No Amount \$ \_\_\_\_\_

Complete this section after filling out the rest of this form.

Please note if filling the form online, these cells will populate with inputs from subsequent sections.

**Summary of your financial information**

Total weekly gross income from all sources (section II, line B25)	\$ _____
- Total weekly deductions from income including alimony and child support (Section II. H)	\$ _____
= Total weekly net income before living expenses	\$ _____
- Total weekly living expenses (section III, line f)	\$ _____
= Total weekly net income after living expenses	\$ _____
Total assets (section IV, line 9)	\$ _____
Total liabilities (section V, line 9)	\$ _____

**II. GROSS WEEKLY INCOME AND DEDUCTIONS**

In A, list all income you receive from any source, whether private or governmental, taxable or not. List all income payable to you individually, or jointly to you and your spouse.

Net income from self-employment is defined as gross receipts minus ordinary and necessary expenses required to produce income.

In line 9, if you have other forms of earned income, attach the *Other forms of earned income* form.

In B, enter the weekly amounts of income you receive that are not from any employment.

For rental income, attach a completed schedule B. You can find the form at <https://courtforms.jud.state.ma.us/publicforms/PFC0073>

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**A My weekly gross income from employment**

- 1 Salary or Wages from all jobs (*including overtime*) \$ \_\_\_\_\_
- 2 Tips \$ \_\_\_\_\_
- 3 Net income from self-employment (*complete MA self-employment schedule A and IRS Schedule C*) \$ \_\_\_\_\_
- 4 Commissions \$ \_\_\_\_\_
- 5 Severance pay \$ \_\_\_\_\_
- 6 Royalties \$ \_\_\_\_\_
- 7 Bonuses \$ \_\_\_\_\_
- 8 Personal expenses paid for by employer (cell phone, car, housing, meals, parking, etc.) \$ \_\_\_\_\_
- 9 Total amount of other forms of earned income (*RSU's, PCU's, DCP's or other stock options, or other forms of deferred compensation or similar incentives—attach additional explanatory form*) \$ \_\_\_\_\_
- 10 Employer contributions to retirement account \$ \_\_\_\_\_
- 11 Employer contributions to health savings accounts \$ \_\_\_\_\_
- 12 **Total weekly gross income from employment** \$ \_\_\_\_\_

I have attached the *Other forms of earned income* form to explain 9

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**B My weekly gross income from other sources**

- 1 Rental income (net after expenses) (*attach a completed schedule B*) \$ \_\_\_\_\_
- 2 Retirement/Pensions \$ \_\_\_\_\_
- 3 Unemployment compensation \$ \_\_\_\_\_
- 4 Workers compensation \$ \_\_\_\_\_
- 5 All Insurance benefits, including disability, unemployment and personal injury but excluding property losses \$ \_\_\_\_\_
- 6 Social Security benefits (Retirement and SSDI, excluding benefit due to a child's disability) \$ \_\_\_\_\_
- 7 Veteran's benefits that are not based on a person's financial circumstances \$ \_\_\_\_\_
- 8 Military pay and allowances before allotments and deductions \$ \_\_\_\_\_
- 9 Investment Income
  - a. Interest \$ \_\_\_\_\_
  - b. dividends \$ \_\_\_\_\_
  - c. partnership/businesses \$ \_\_\_\_\_
  - d. capital gains \$ \_\_\_\_\_
- 10 Public assistance (Welfare, AFDC, SNAP, etc.) (*not included as income for child support purposes*) \$ \_\_\_\_\_
- 11 Life Insurance or endowment contracts \$ \_\_\_\_\_
- 12 Alimony I receive from this or other relationships that is non tax-deductible \$ \_\_\_\_\_
- 13 Alimony I receive from this or other relationship that is tax-deductible \$ \_\_\_\_\_
- 14 Child support I receive for children of this relationship \$ \_\_\_\_\_
- 15 Gifts of money \$ \_\_\_\_\_
- 16 Annuities \$ \_\_\_\_\_
- 17 Distributions and income from trusts and/or estates \$ \_\_\_\_\_

In Total Gross Weekly Income, add Line A12 and B24 together and enter the total.

If you have additional income, attach and list them in additional income form. The total amount on the form will be automatically populated here.

- 18 Contractual agreements \$ \_\_\_\_\_
- 19 Unearned income of children \$ \_\_\_\_\_
- 20 Funds received from earned income credit \$ \_\_\_\_\_
- 21 Lottery or prizes \$ \_\_\_\_\_
- 22 Contributions to household living expense by others \$ \_\_\_\_\_
- 23 Total Other (complete and attach *additional weekly income from other sources* form) \$ \_\_\_\_\_

24 Total weekly gross weekly income from other sources (add lines 1-23) \$

25 Total weekly gross income from ALL sources (add Lines A12 and B24) \$

I have attached an *additional weekly income from other sources* form (TOTAL AMOUNT HERE) \$

**C My weekly deductions**

- 1 Federal tax withholding from paycheck \$ \_\_\_\_\_
- 2 State tax withholding from paycheck \$ \_\_\_\_\_
- 3 FICA (or Social Security equivalent, for example, self-employment tax) \$ \_\_\_\_\_
- 4 Medicare tax and Medicare surtax \$ \_\_\_\_\_
- 5 Medical insurance \$ \_\_\_\_\_
- 6 Dental insurance \$ \_\_\_\_\_
- 7 Vision insurance \$ \_\_\_\_\_
- 8 Union or other professional dues \$ \_\_\_\_\_
- 9 Retirement \$ \_\_\_\_\_
- 10 Savings \$ \_\_\_\_\_
- 11 Deferred compensation \$ \_\_\_\_\_
- 12 Credit Union (Loan) \$ \_\_\_\_\_
- 13 Credit Union (Savings) \$ \_\_\_\_\_
- 14 Charitable contributions \$ \_\_\_\_\_
- 15 Life Insurance (own) \$ \_\_\_\_\_
- 16 Life Insurance (others) \$ \_\_\_\_\_
- 17 Contributions to medical FSA \$ \_\_\_\_\_
- 18 Mandatory retirement contributions (by law or condition of employment, but only if no FICA or Social Security equivalent) \$ \_\_\_\_\_
- 19 Massachusetts-paid family and medical \$ \_\_\_\_\_
- 20 Commuter benefits/qualified transportation \$ \_\_\_\_\_
- 21 Long-term disability insurance \$ \_\_\_\_\_
- 22 Short-term disability insurance \$ \_\_\_\_\_
- 23 Other (specify) \_\_\_\_\_ - \$ \_\_\_\_\_

24 Total weekly deductions from paycheck before alimony and child support payments \$

In Total Weekly Deductions, add the amounts from 1-23 and enter the total.



In D, list any alimony payments you are making. If you are unsure whether payments are tax-deductible, speak to tax-preparer. Generally, alimony ordered after Jan 1, 2019 is not tax deductible.

**D My weekly alimony payments**

- 1 Alimony I am paying which is tax-deductible to me
- 2 Alimony I am paying which is not tax-deductible to me
- 3 **Total weekly alimony payments**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$

**E My weekly child support payments**

- 1 Child support I pay for the children of this relationship
- 2 Child support I pay for children not shared with the other party
- 3 **Total weekly child support payments**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$

**G Total weekly alimony and child support payments (add D3 and E3)**

\$ \_\_\_\_\_

**H Total weekly deductions from paycheck including alimony and child support payments**

\$

**I Total weekly net income (before living expenses)**

\$

**III. TOTAL WEEKLY EXPENSES NOT DEDUCTED FROM PAY**

8

**1 My weekly living expenses**

In 13a, enter the amount your household spends on each item each week.

- a. Household expenses**
- 1 Mortgage or rent \$ \_\_\_\_\_
  - 2 Home equity, HELOC, second mortgage interest \$ \_\_\_\_\_
  - 3 Property taxes \$ \_\_\_\_\_
  - 4 Homeowners or condo association dues and assessments \$ \_\_\_\_\_
  - 5 Homeowners or renters insurance \$ \_\_\_\_\_
  - 6 Service contracts on appliances \$ \_\_\_\_\_
  - 7 Parking \$ \_\_\_\_\_
  - 8 Heating (gas or oil) \$ \_\_\_\_\_
  - 9 Electric \$ \_\_\_\_\_
  - 10 Cellphone/telephone (landline) \$ \_\_\_\_\_
  - 11 Cable or satellite TV \$ \_\_\_\_\_
  - 12 Home security \$ \_\_\_\_\_
  - 13 Internet/streaming services \$ \_\_\_\_\_
  - 14 Water, sewer, \$ \_\_\_\_\_
  - 15 Garbage removal \$ \_\_\_\_\_
  - 16 Yard work, pool, pest control \$ \_\_\_\_\_
  - 17 Laundry and drycleaning \$ \_\_\_\_\_
  - 18 Housecleaning service \$ \_\_\_\_\_
  - 19 Necessary repairs and routine maintenance to my property \$ \_\_\_\_\_
  - 20 Capital improvements/maintenance to property \$ \_\_\_\_\_
  - 21 Pet care/supplies/boarding \$ \_\_\_\_\_
  - 22 Household supplies \$ \_\_\_\_\_
  - 23 Food (groceries) \$ \_\_\_\_\_
  - 24 Food (dining out) \$ \_\_\_\_\_
  - 25 **Subtotal weekly household expenses** \$ \_\_\_\_\_

In 13b, enter the amount you spend weekly on each type of transportation expense.

- b. Transportation Expenses**
- 1 Car payment \$ \_\_\_\_\_
  - 2 Repairs and maintenance \$ \_\_\_\_\_
  - 3 Insurance, license, registration \$ \_\_\_\_\_
  - 4 Gasoline \$ \_\_\_\_\_
  - 5 Taxi, ride-share, bus, and train \$ \_\_\_\_\_
  - 6 Parking and tolls \$ \_\_\_\_\_
  - 7 **Subtotal weekly transportation expenses** \$ \_\_\_\_\_

In subtotal weekly transportation expenses, add the amounts in 13b together and enter the total.

In 13c, enter the amount you spend weekly only for yourself on each type of expense. Do not include expenses you are reimbursed for through insurance or your employer.

In subtotal weekly personal expenses, add the amounts in 13c together and enter the total.

**c. My personal expenses**

<b>1</b>	Medical (out-of-pocket expenses)	
<b>a.</b>	Doctor visits	\$ _____
<b>b.</b>	Therapy and counseling	\$ _____
<b>c.</b>	Dental and orthodontia	\$ _____
<b>d.</b>	Optical	\$ _____
<b>e.</b>	Medicine/vitamins/prescription drugs	\$ _____
<b>2</b>	Clothing/shoes/accessories	\$ _____
<b>3</b>	Cosmetics/toiletries	\$ _____
<b>4</b>	Grooming ( <i>hair, nails, etc.</i> )	\$ _____
<b>5</b>	Self-care	\$ _____
<b>6</b>	Gym & club membership dues	\$ _____
<b>7</b>	Entertainment	\$ _____
<b>8</b>	Sports	\$ _____
<b>9</b>	Hobbies	
<b>10</b>	Newspapers, books, magazines, and subscriptions	\$ _____
<b>11</b>	Office supplies/postage	\$ _____
<b>12</b>	Technology devices/equipment ( <i>maintenance or replacement</i> )	\$ _____
<b>13</b>	Online streaming services	\$ _____
<b>14</b>	Gifts	\$ _____
<b>15</b>	Charitable contributions	\$ _____
<b>16</b>	Vacations	\$ _____
<b>17</b>	Loan repayment	\$ _____
<b>18</b>	Mandatory or voluntary union, trade or professional association dues	\$ _____
<b>19</b>	Credit Union ( <i>loan/savings</i> )	\$ _____
<b>20</b>	Professional fees (accountants, tax preparers, attorneys)	\$ _____
<b>21</b>	Education/continuing instruction	
<b>22</b>	Bank/credit card fees	\$ _____
<b>23</b>	Savings	\$ _____
<b>24</b>	Tax payments ( <i>state and federal payments not deducted from paycheck</i> )	\$ _____
<b>25</b>	Travel expenses for visitation	\$ _____
<b>26</b>	Cash for miscellaneous	\$ _____
<b>29</b>	Life insurance ( <i>not deducted from paycheck</i> )	
<b>a.</b>	Life ( <i>term</i> )	\$ _____
<b>b.</b>	Life ( <i>whole or annuity</i> )	\$ _____
<b>30</b>	<b>Subtotal weekly personal expenses</b>	\$ <span style="border: 1px solid black; padding: 2px 20px;"> </span>

In 13d, enter the amount spent weekly for the minor and dependent children of this relationship only.

In Medical, do not include expenses you are reimbursed for through insurance or your employer.

for 5f, if you have disability/complex medical related expenses, attach an additional explanatory form.

In subtotal weekly minor and dependent children expenses, add the amounts in 1-16 together and enter the total.

Line e: If you have additional living expenses, attach and list them in additional living expenses form. The total amount on the form will be automatically populated here.

**d. Minor and dependent children expenses**

<b>1</b>	Clothing/shoes/accessories	\$ _____
<b>2</b>	Grooming ( <i>hair, nails, etc.</i> )	\$ _____
<b>3</b>	Personal supplies ( <i>toiletries, skincare, makeup-children only</i> )	\$ _____
<b>4</b>	Education	
	<b>a.</b> Tuition	\$ _____
	<b>b.</b> School/college application fees	\$ _____
	<b>c.</b> Books, fees, and supplies	\$ _____
	<b>d.</b> Dormitory furniture, fixtures and equipment	\$ _____
	<b>e.</b> School lunch	\$ _____
	<b>f.</b> Transportation	\$ _____
	<b>g.</b> School-sponsored trips and special events	\$ _____
	<b>h.</b> School clubs/ social memberships	\$ _____
	<b>i.</b> Uniforms	\$ _____
	<b>j.</b> Before and after-school care	\$ _____
	<b>h.</b> Tutoring, summer school, test preparation	\$ _____
<b>5</b>	Medical ( <i>out-of-pocket expenses</i> )	\$ _____
	<b>a.</b> Doctor visits	\$ _____
	<b>b.</b> Therapy and counseling	\$ _____
	<b>c.</b> Dental and orthodontia	\$ _____
	<b>d.</b> Optical	\$ _____
	<b>e.</b> Medicine/vitamins/prescription drugs	\$ _____
	<b>f.</b> Disability/complex medical related expenses (attach additional explanatory form)	\$ _____
<b>6</b>	Allowance	\$ _____
<b>7</b>	Cellphone	\$ _____
<b>8</b>	Childcare and sitters	\$ _____
<b>9</b>	Extracurricular activities and sports ( <i>including equipment, uniforms, etc.</i> )	\$ _____
<b>10</b>	Art supplies, games, toys, electronics	\$ _____
<b>11</b>	Summer and school-break camps	\$ _____
<b>12</b>	Vacations/travel ( <i>children only</i> )	\$ _____
<b>13</b>	Taxi/ride-share/uber ( <i>children only</i> )	\$ _____
<b>14</b>	Entertainment, dining out, and hobbies ( <i>children only</i> )	\$ _____
<b>15</b>	Gifts children give to others	\$ _____
<b>16</b>	Co-parenting costs ( <i>parent coordinator, child-centered apps</i> )	\$ _____
<b>17</b>	<b>Subtotal weekly minor and dependent children expenses</b>	\$ _____
<b>e.</b>	Other weekly living expenses not listed above (TOTAL HERE)	\$ <span style="border: 1px solid black; padding: 2px;"> </span>
	<input type="checkbox"/> I have attached an Additional weekly <u>living</u> expenses form	
	<input type="checkbox"/> I have attached a <i>Disability/complex medical related expenses form</i> to explain 5f.	
<b>f.</b>	<b>Total weekly living expenses (add the subtotals from a-e above)</b>	\$ <span style="border: 1px solid black; padding: 2px;"> </span>

**IV ASSETS**

**A. REAL ESTATE**

**1 Real Estate - Primary Residence**

Address \_\_\_\_\_

Title held in name of \_\_\_\_\_

Purchase price of the property \$ \_\_\_\_\_

Year of purchase \_\_\_\_\_

Current assessed value of the property \$ \_\_\_\_\_

Date of last assessment \_\_\_\_\_

Fair market value of the property \$ \_\_\_\_\_

Outstanding 1st mortgage \$ \_\_\_\_\_

Outstanding 2nd mortgage/home equity loan \$ \_\_\_\_\_

Equity \$ \_\_\_\_\_

If you have more than 2 Real Estate assets, attach and list them in Additional Real Estate form.

**2 Real Estate - vacation or second Home (including interest in time share)**

Address \_\_\_\_\_

Title held in name of \_\_\_\_\_

Purchase price of the property \$ \_\_\_\_\_

Year of purchase \_\_\_\_\_

Current assessed value of the property \$ \_\_\_\_\_

Date of last assessment \_\_\_\_\_

Fair market value of the property \$ \_\_\_\_\_

Outstanding 1st mortgage \$ \_\_\_\_\_

Outstanding 2nd mortgage/home equity loan \$ \_\_\_\_\_

Equity \$ \_\_\_\_\_

If you have additional real estate assets, attach and list them in Additional real estate Assets form. The total amount on the form will be automatically populated here.

I have attached one or more *Additional Real Estate* forms (TOTAL HERE) \$ \_\_\_\_\_

**B. MOTOR VEHICLES (cars, boats, trailers, motorcycles, aircrafts, etc.) (list FMV and balance due as of the date of this affidavit)**

In Balance Due, enter the total amount remaining on your loan.

	Type	Year, Make and Model	Name on Title	FMV	Balance Due
1				\$	\$
2				\$	\$
3				\$	\$
4				\$	\$

If you have additional motor vehicle assets, attach and list them in additional motor vehicle assets form. The total amount on the form will be automatically populated here.

I have attached one or more *Additional Motor Vehicles* forms. (TOTAL HERE) \$ \_\_\_\_\_

**C. OTHER ASSETS (list balance as of the date of this affidavit)**

A Prepaid Debit Card is a card that can be used to make purchases much as you would use cash.

**1 Cash, Prepaid Debit Cards, Venmo and Paypal balances (list balance as of the date of this affidavit)**

	Description	Balance
1		\$
2		\$
3		\$

If you have additional Cash or Prepaid Debit Cards or locations for your cash, attach and list them in *Additional Assets* form.

**2 Checking, Savings, Money Market, and Other Bank or Credit Union Accounts**

	Name of Bank or Institution	Name on Account	Joint/ Individual	Account Number	Beneficiary	Balance
1						\$
2						\$
3						\$
4						\$
5						\$
6						\$
7						\$

If you have additional Checking, Savings, Money Market or Other Bank or Credit Union Accounts, attach and list them in Additional Assets form.

**3 Investment/Brokerage Accounts, CDs, Mutual Funds, and Secured or Unsecured Notes (list balance as of the date of this affidavit)**

	Name of Bank or Institution	Name on Account	Joint/ Individual	Account Number	Beneficiary	Balance
1						\$
2						\$
3						\$
4						\$
5						\$
6						\$
7						\$
8						\$
9						\$
10						\$
11						\$
12						\$

If you have additional Investment Accounts and Securities, attach and list them in Additional Assets form.

**4 Business Interests (list FMV as of the date of this affidavit)**

	Name of Business	Type of Business	Joint/ Individual	% of Ownership	FMV
1				%	\$
2				%	\$
3				%	\$
4				%	\$
5				%	\$

Enter information about your business interests. In Type of Business, enter whether the business is a corporation, S Corp, or LLC, etc. If you have more than 5 Business interests attach and list them in Other assets form.

**5 Life Insurance Policies (list cash balance as of the date of this affidavit)**

	Name of Insurance Company	Type of Policy	Joint/ Individual	Beneficiary	Death Benefit	Cash Value
1					\$	\$
2					\$	\$
3					\$	\$

Enter information about each life insurance policy you have for yourself, the other party, or your children.

If you have additional Life Insurance Policies, attach and list them in an Additional Life Insurance Policies form.

**6 Retirement Benefits and Deferred Compensation (Pension plan, Annuity, IRA, 401(k), 403(b), SEP or RSU's, PCU's, ICP's, other stock options or other forms of deferred compensation/similar incentives)**

	Name of Bank or Institution	Name on Account	Joint/ Individual	Account Number	Beneficiary	FMV/Balance
1						\$
2						\$
3						\$
4						\$
5						\$
6						\$
7						\$
8						\$

If you have additional Retirement Benefits and Deferred Compensation plans, attach and list them in an Additional Assets form.

If you have additional Trusts, attach and list them in Additional Assets form.

**7 Trusts (Family or otherwise)**

	Name of Trust	Trustee	Account Number	Beneficiary	Balance
1					\$
2					\$
3					\$
4					\$
5					\$

If you have additional Education Accounts, attach and list them in Additional Assets form.

**8 Education Accounts**

	Name of Bank or Institution	Account Owner	Account Number	Beneficiary	Balance
1					\$
2					\$
3					\$
4					\$

If you have additional Cryptocurrency Accounts, attach and list them in Additional Assets form.

**9 Cryptocurrency Accounts**

	Name of Bank or Institution	Name on Account	Joint/ Individual	Account Number	Beneficiary	Balance
1						\$
2						\$
3						\$

**10 Health Savings Account (HSA) Balance**

	Name of Bank or Institution	Name on Account	Joint/ Individual	Account Number	Beneficiary	Balance
1						\$

**11 Tax overpayment (deferred tax asset)**

	Description	Balance
1		\$

I have attached one or more *Additional assets* forms for all categories of assets listed above **(TOTAL HERE)** \$

If you have any additional assets not categorized above, attach and list them in Additional Assets form. The total amount on the form will be automatically populated here.

**12 Personal Property**

	Description	FMV
1	Jewelry	\$
2	Home Furnishings	\$
3	Art	\$
4	Antiques	\$
5	Collections	\$
6	Firearms	\$
7	Tools/Equipment	\$

I have attached one or more *Additional Personal Property* forms **(TOTAL HERE)** \$

Enter information for all personal property items.

If you have additional personal property items, attach and list them in additional personal property form. The total amount on the form will be automatically populated here.

**D. TOTAL GROSS ASSETS**

**E. Additional Information**

Enter information for assets or property you transferred or sold in the last 2 years with FMV of at least \$1,000. Do not include asset items listed above.

**1. Transfer or Sale of Assets or Property Within the Last 2 Years With a FMV of at Least \$1,000**

	Description	Transferred or Sold To	Date of	Amount
1				\$
2				\$
3				\$
4				\$
5				\$

I have attached one or more *Transfer of Sale of Assets or Property* forms.

If you have additional Transfer or sale of Assets of property, list them in *Additional Transfer of Sale of Assets or Property* form.

Enter information about lawsuits and claims you have filed or have been filed against you. If you did not recover anything, enter \$0. If your case is still pending or has not yet been filed, enter unknown.

Includes both present ownership in an inheritance and expected interests (as in expected bequests from a will). List vested inheritances where the testator has died and the will is being probated.

**2. Pending Lawsuits and Claims (workers' compensation, disability, etc.)**

	Case Number	Date Lawsuit or Claim Filed	Description	Amount
	1			\$
	2			\$
	3			\$
	4			\$
	5			\$

I have attached one or more *Additional Lawsuits and Claims* forms.

**3. Pending Legacy and/or Inheritances**

	Description	Beneficiary	Amount
	1		\$
	2		\$



County: _____	<b>Commonwealth of Massachusetts</b> <b>The Trial Court</b> <b>Probate and Family Court Department</b> <b>FINANCIAL STATEMENT</b>	Docket No: _____
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**v. LIABILITIES**

List all liabilities

Enter your debts including credit cards and past due bills. Do not include debt payments previously lists, such as mortgage or car payment.

**1 Credit Card Debt**

	Creditor Name/Type of Debt	Joint/ Individual	Date Incurred	Amount Due	Weekly Payment
1					
2					
3					
4					

**2 Other Consumer Debt**

1					
2					
3					

**3 Tax Debt**

1					
2					

**4 Real Estate Mortgages**

1					
2					
3					

**5 Short Term Debt**

1					
2					

**6 Long Term Debt**

1					
2					

**7 Loans**

1					
2					

If you have additional liabilities, attach and list them in additional Assets form. The total amount on the form will be automatically populated here.

**8 Total Other Liabilities (from attached form)**

\$	\$
----	----

I have attached one or more *Additional Liabilities* forms.

**9 TOTAL GROSS LIABILITIES**

\$	\$
----	----

County: \_\_\_\_\_

**Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department  
FINANCIAL STATEMENT**

Docket No: \_\_\_\_\_

**Explanatory Notes**

10

## Explanations for Selected Additions to Financial Statement

- 1 This new section makes discovery requirements clear, and requires users to attach required forms.
- 2 Currently, there is no place in either the financial statement or the CJD305 form to explain expenses for children with complex medical issues.
- 3 Attorney and third party fees should be readily noticeable to the Judge. In addition, a question was added regarding pendente lite fees to ensure attorneys and clients are made aware to ask for these fees.
- 4 A summary will more easily provide judges the important information of both parties.
- 5 Gross weekly income mirrors what is listed in the child support guidelines. In addition, this section now includes categories ordered from the Cavanagh case.
- 6 Gross weekly income mirrors what is listed in the child support guidelines. In addition, this section now includes categories ordered from the Cavanagh case.
- 7 Separate section included for alimony and child support to more easily provide judges the information.
- 8 Expense section vastly improved to include many more categories to assist users.
- 9 Asset section vastly improved to include many more categories to assist users.
- 10 This page is critical for users to enable them to further explain items in the financial statement.