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Client Information Sheet

“YOUR DIVORCE CASE”

LET US BEGIN BY THANKING YOU FOR CONSIDERING STEVENSON & LYNCH, P.C. to be your attorney in your Massachusetts divorce case.

As part of our desire for you to understand the "*divorce case*" process in the Probate and Family Court Department of the Trial Court of the Commonwealth of Massachusetts, we have prepared this "*Client Information Sheet*" for you.

CAVEAT: This document is not intended to – and does not - take the place of your Attorney. It is designed to be used by you together with the advice specific to your case as provided to you by the Attorneys in our office. Its purpose is to provide some (but not all) information with regard to certain procedural questions that are frequently asked in divorce cases involving litigation in Court.

1. *Beginning the Divorce Process - The Complaint and the Answer:*

A divorce case is started in Court by the filing of a document called a **Complaint for Divorce** with the Probate & Family Court in the County in which you and your spouse last lived together. The Attorneys in our office will spend some time with you discussing what grounds for divorce will be listed on the Complaint. The most commonly used grounds for divorce are irretrievable breakdown of the marriage (either contested or uncontested) for the newer-theory “**no-fault**” cases and cruel and abusive treatment for the older-theory “**fault**” cases. However, there are additional grounds for divorce for the “fault” cases that may be applicable to your situation. You will be advised as to which grounds for divorce may be appropriate to your case. The grounds for divorce that you list on your Complaint may have some bearing on the length of time it will take you to obtain your divorce.

In general, contested divorce cases, i.e., cases where the parties do not both agree that there should be a divorce and, further do not agree about how their marital property should be equitably divided, are filed under the provisions of Section 1 or 1B of the Massachusetts Divorce Statute, Chapter 208 of the Massachusetts General Laws. For this reason, fully-contested divorces are called **Section 1 or 1B cases**.

If both parties agree, however, that they should no longer be married, but simply disagree about how

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their marital property should be divided between them, such cases are still filed under the provisions of Section 1B of the Divorce Statute and are called **Section 1B cases**.

If both parties agree that there should be a divorce and also agree how to equitably divide their marital property (which is described in a written document called a **Separation Agreement**), then such cases are filed by a **Joint Petition for Divorce** under the provisions of Section 1A of the Divorce Statute and are called **Section 1A cases**. Most cases are initially filed under Section 1 or Section 1B and, if the parties negotiate a written Separation Agreement while the Section 1 Complaint for Divorce is pending, then the parties substitute a Joint Petition for Divorce and the matter is heard on an expedited basis by the Court.

After the Complaint for Divorce has been filed, the Court will issue a **Divorce/Separate Support Summons** form. This Summons form and a copy of the Complaint for Divorce must be delivered to your spouse in some manner permitted by law. This may be arranged for by the attorneys, delivered by a process server, or your spouse may voluntarily agree to "accept service." You will have an opportunity to discuss how best to have the Summons form and Complaint for Divorce served upon your spouse.

When the Complaint for Divorce is filed, a Supplemental Probate Court **Rule 411 Automatic Restraining Order** immediately goes into place. If you are a Plaintiff, this Restraining Order goes into effect when the divorce case is filed and you learn about this from the "**Notice to Plaintiff**" that is given to us by the Register of the Probate & Family Court when the Divorce case is filed or, in the event that you are the Defendant, then you learn about it from the information printed on the Summons form. The Automatic Restraining Order becomes binding upon a Defendant only when the Summons form is served. The "**Notice to Plaintiff**" relating to this Rule 411 Automatic Restraining Order is attached hereto as "**Exhibit A**" for your review.

In short summary, upon the filing of the Complaint for Divorce and service of the Summons form, ***both you and your spouse are ABSOLUTELY PROHIBITED*** (a) from selling, hiding, encumbering or disposing of any personal property or real property in which either of you have an interest, (b) incurring any further debt that would burden the credit of the other spouse (no charging on joint credit cards), changing the beneficiary designation on any life insurance policy or pension or investment accounts and (d) from doing anything to deprive you or your spouse or your children from medical, dental, life, automobile or disability insurance. Violation of the Restraining Order is very, very serious and the Court can (and will) punish you by entering Orders of Sanctions against you, so be careful not to violate the Restraining Order.

If your spouse files a Complaint for Divorce first, we will prepare and file an Answer to that Complaint for Divorce and we may also file Affirmative Defenses and a Counterclaim on your behalf also asking for a divorce.

2. *The Pre-Trial Motions Stage of Your Case:*

A **Motion** is simply a request, usually in writing, to the Court. The purpose of filing a Motion is to obtain relief from the Court with regard to a particular problem. These are some examples of Motions that may be made prior to a final hearing on your case:

- Motion for Temporary Support; and
- Motion for Temporary Custody; and
- Motion for an Allowance of Counsel Fees Pendite Lite; and
- Motion for a Temporary Restraining Order; and
- Motion for an Order Requiring Your Spouse to Vacate the Former Marital Home; and
- Motion to Appoint a Guardian Ad Litem; and
- Motion for Expert Witness Fees.

The above list merely provides examples of a few of the kinds and types of Motions that may be filed in your case. These specific Motions may not be necessary in your case, but various other Motions may be appropriate.

As a general rule, *both parties must be physically present in Court for all scheduled Court hearings*, including the hearings on any Pre-Trial Motions having to do with custody or financial matters.

An Order entered by the Court on a Pre-trial Motion is called a **Temporary Order**, which will usually remain in effect until there is a final hearing or trial of your case, at which time the Court will issue more permanent orders.

3. *The Discovery Stage of Your Case:*

The discovery process is the term used to describe the formal ways in which the attorneys attempt to discover all the facts that will be important or relevant to your case prior to the trial or final hearing. This will probably involve both financial and non-financial information. This part of the case is very important because it will provide the office with the information necessary to enable us to recommend to you a fair settlement or resolution, or to present a complete case to the Court if it is necessary to proceed with a trial.

Remember that the “prime directive” is **FULL DISCLOSURE** by both you and your spouse of all assets and liabilities and all income and expenses. The discovery process is used to enable both you and your spouse to “discover” information that may otherwise be “hidden” or out of your normal reach.

Discovery begins automatically the very moment that you or your spouse is served with the

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Complaint for Divorce and the Summons. Supplemental Probate Court Rule **410** (“**Mandatory Self-Disclosure**”) provides that, *within 45 days after the date of service of the Summons*, each party must serve on the other party copies of the normal financial documents that any Husband and Wife might be expected to have - for example, tax returns for the past three years, paycheck stubs for the past 4 pay checks, bank account statements, etc. A copy of Rule 410 at the beginning of your case is attached hereto as “**Exhibit B**” and please **NOTE that we ask that you gather up these documents and provide them to us as soon as possible so that we can comply with our obligations under Rule 410.**

In some Courts, the Court will hold a “**Scheduling Conference**” a few months after the filing of the divorce case and only lawyers representing parties to the case (and parties who are representing themselves without an attorney) usually attend. At this time, the Court and the attorneys agree upon a reasonable time within which to complete discovery in the case based upon the complexity or simplicity of the issues in the case.

The length of time for discovery may vary according to various factors, which will include:

- the complexity of the issues involved;
- the difficulty in obtaining the requested information;
- the obstinacy of your spouse, i.e., how hard the other side fights;
- other commitments that your attorney might have to our other clients; and
- the need to obtain outside expert advice with regard to certain aspects of the case (for example, real estate appraisals or the valuation of a business by an accountant or a report about the parenting skills of both parties by a *Guardian Ad Litem*).

Examples of permitted discovery are written questions called **Interrogatories**, **Requests for Production** of documents, objects and other tangible things, oral examination of your spouse and third parties under oath in our office in their **Depositions**, and **Requests for Admissions** from your spouse. The kind and type of discovery needed in your case will vary according to “how it’s going” but we will do what needs to be done. One caveat - depositions are costly so we usually take depositions only where the other party is not being very cooperative or where we need to do so in order to get records and documents from a third party.

Almost every client wants to know how long this part of the case will take. While we will try to provide a reasonable estimate, keep in mind that it is impossible for an attorney to predict exactly how long the process may take. You will probably do yourself a disservice if you pressure for artificial deadlines in order to get the case over with. Quite often, haste interferes with our ability to obtain full discovery of all the facts necessary to obtain the best results for you.

Also, there are certain built-in time periods that may prevent your attorney from moving forward with your case as quickly as you may like. For example, if we request that your spouse produce

documents for review, your spouse will have at least thirty (30) days to comply. This time period is set by the Massachusetts Rules of Domestic Relations Procedure. Similarly, by statute, a contested no-fault divorce Complaint must be on file at the Court for six (6) months before a trial can be scheduled unless special permission is granted by the Court. Also, after the divorce hearing, there are mandatory waiting ("nisi") periods before a divorce is final. Rules and statutes such as these are not within our control.

4. *The Settlement Negotiation and Pre-Trial Conference Stage of the Case:*

A primary purpose of the Court rules is to help the parties arrive at a negotiated settlement of their disputes and to avoid a costly and time-consuming Trial of the case. Don't let the fact that this document spends much time discussing the Court procedures distract you from the simple fact that **OUR PRIMARY GOAL IN YOUR CASE IS TO SETTLE YOUR CASE ON FAIR AND EQUITABLE GROUNDS IN ACCORDANCE WITH THE FACTS AND THE LAW.**

Subject to the foregoing time constraints, when discovery is completed (or close to completion), either party may ask the Court to schedule a Trial of the case and the Court will do so, upon receiving such request, by first scheduling a "**Pre-Trial Conference**" in the case. This is one of the major landmarks along the way in your divorce case.

In order to conduct a Pre-Trial Conference properly and efficiently, the Court sends out a "**Pre-Trial Order**" to all parties which, among other things, requires the parties and their counsel to meet in person together in what is called a "**4-Way Conference**" at which time we will all try to reach a settlement of the case. That meeting will be held at our office or the office of your spouse's lawyer.

If we do not come to a written Settlement Agreement as a result of the 4-Way Conference, then the Attorneys will each (or sometimes jointly) prepare a "**Pre-Trial Memorandum**", a lengthy, written document which lists the witnesses who may testify at the Trial, the documents that may be presented at the Trial, and which recites the facts of each of the factors that the Court must consider in reaching its decision. This is part of the "**full disclosure**" rule since you cannot call a witness or produce a document at Trial if the witness/document is not listed on the Pre-Trial Memorandum.

When we appear before the Judge at the Pre-Trial Conference, the Judge considers the Financial Statements of both parties, the Pre-Trial Memorandum of both parties and the words of counsel for both parties (and sometimes hears from the parties themselves). The Judge then usually speaks to the parties and tells them just ***how the Court might decide their case IF THE JUDGE, AFTER HEARING ALL OF THE EVIDENCE ANEW AT THE TRIAL, FINDS THE FACTS OF YOUR CASE TO BE THE SAME AS THOSE FACTS PRESENTED AT THE PRE-TRIAL CONFERENCE IN THE DOCUMENTS.***

Each Judge conducts his or her Pre-Trial Conferences in his or her own manner, but the goal of the

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Pre-Trial Conference is the same: To give the parties to the case a “*sneak preview*” of what the Court might decide so that the parties can take advantage of this “sneak preview” to enter into a written Separation Agreement and thereby avoid the expense of a Trial. A Trial of your case, to be clear, will be expensive for both you and your spouse and can often cost more than \$20,000.00 per party. It therefore behooves both you and your spouse to listen carefully to the Judge at the Pre-Trial Conference and examine the settlement offers made by both parties at the 4-Way Conference before electing to go to the next step, the Trial.

If the parties are unable to come to agreement at the Pre-Trial Conference, the Court then assigns a “**Trial Date**” to the case. This date will be approximately three (3) to six (6) months after the Pre-Trial Conference date and is dependent upon the number of days needed for the Trial and the Judge’s calendar.

5. *The Trial and Post-Trial Stage of the Case:*

In the event that a negotiated settlement cannot be reached, the case will be marked for a **Trial**. In that event, the Court will listen to the **EVIDENCE** presented by both parties and, at the conclusion of the evidence, the Court will make its own judgment concerning child custody, support, visitation, alimony, equitable division of assets and all other matters on which the parties could not agree. In making a judgment, the Court is required to look at specific factors that are set forth in our statutes.

The Court will also look to previous cases in order to obtain guidance in how to interpret the statutes. Even with these guideposts, each case largely turns on its own facts.

Either party may **appeal** the judge's decision (but note that our standard “*Retainer of Attorney and Hourly Rate Fee Agreement*” does not cover any appeal - if we are to represent you in an appeal, then we must enter into a new Agreement). However, bear in mind that it is usually very difficult to win an appeal in a divorce case. This is because each Judge has great leeway and discretion in deciding what a fair and reasonable result would be. Each Judge is different, just as the facts of each case are different.

6. *How Does the Court Reach a Decision in a Divorce Case?*

Massachusetts Law, specifically, **MGL, Chapter 208, § 34**, contains a listing of the specific factors that the Court must consider in reaching its decision as to how marital assets are to be divided between you and your Spouse.

These factors are explained more fully on “*Exhibit C*” attached hereto, “*Factors to Be Considered in Dividing Marital Assets Under MGL, Chapter 208, § 34*”. Please **NOTE** that we would like you to provide us with a written narrative describing how each of these factors apply (or don’t apply) to you and your Spouse in your case.

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These ***MGL, Chapter 208, § 34 Factors*** are what we presented evidence to the Court about and are what the Court considers in reaching its decision in your case if the case goes to ***TRIAL***.

7. *How Do The Parties Reach as Settlement in a Divorce Case?*

I am tempted to give the short - but true - answer here: By listening and compromising.

In the event that the parties and their Attorneys are able to negotiate a settlement, it will be reduced to a written **Separation Agreement**. This document is usually quite lengthy and covers various topics such as child custody (legal and physical), visitation, child support, alimony, equitable division of property (real and personal), division of pensions and retirement benefits, and consideration of past, present and future income tax obligations and related matters.

Your Separation Agreement will be submitted to the Court for review and approval at a Court hearing. You and your Spouse will be required to attend that hearing in person.

In deciding if the Court will approve the written Separation Agreement, the Court will review the Financial Statements of the parties and the Separation Agreement itself to determine whether the Separation Agreement's terms and conditions are **fair and reasonable - especially to any minor children**.

If the Court determines that the written Separation Agreement is fair and reasonable - especially to the minor children - the Court will incorporate the terms and conditions of the written Separation Agreement into its Judgment of Divorce.

In some instances ("**non-merger**"), the agreements that you reach with your spouse will be absolutely final and not subject to change in the future. In other instances ("**merger**"), the Court will retain the power to change the terms and conditions of your Separation Agreement if the Court finds there to be a material change in circumstances. Note, also that the Court will always retain the power to change the terms and conditions of the Separation Agreement that pertains to the minor children until they become "**emancipated**".

8. *Probate Court Financial Statements:*

Before the court will enter any financial order or grant a divorce in your case, the parties are both required to complete a Supplemental Probate Court **Rule 401 Financial Statement** on a form distributed by the Probate and Family Court.

Your Financial Statement is the single most important document in your divorce case. This form is designed to provide the Court with information about each party's income, needs, assets and liabilities. There is a "**short form**" Financial Statement for most individuals and a "**long form**"

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Financial Statement for those individuals whose income equals or exceeds \$75,000.00 per year. Regardless of how much income you earn, there is also a “***Schedule A***” for those individuals who have any monthly self-employment or business income and a “***Schedule B***” for those persons who receive any rents from income-producing properties.

At the outset of the case, we will send a ***Demand for Financial Statement*** to your spouse and Supplemental Probate Court Rule 401 provides that your spouse must provide his or her appropriate financial statement to us within ten (10) days after service of this demand.

The Probate Court Financial Statement must be signed by each party, personally, and is signed ***under the pains and penalties of perjury***. Therefore, ***IT IS EXTREMELY IMPORTANT THAT THIS FORM BE COMPLETED THOROUGHLY AND ACCURATELY***. You will, in all likelihood, be cross-examined on this document in Court or at a deposition by your Spouse’s attorney so ***careful attention needs to be paid to this document so that it is both accurate and complete***.

It will be necessary for you to review your own records in order to complete the form accurately. These records will include your canceled checks or check registers, income tax returns, bills and so on. Our office will help you complete this form, and will instruct you as to how to obtain the necessary information.

The important thing to remember is to **be complete and accurate**, and to make no assumptions regarding the ownership of assets or responsibility for payment of debts between yourself and your spouse. The rule is, simply, “If in doubt, list it!!”

9. *You may be required to Attend Court-Sponsored Parent Education Program:*

By Standing Order 99-1 of the Probate & Family Court, **if you have any minor children** at the time of the filing of your divorce case, you are ***required*** to attend the Court-sponsored Parent Education Program, “***Understanding the Effect of Divorce on Children***”.

We will provide you with a brochure, which lists the names, addresses and telephone numbers of the various organizations that provide this program, listed by Town.

Please contact one of these program providers NOW and make a reservation to attend the program, which is usually conducted in two 2-1/2 hour sessions.

When you complete the program, you will be given two copies of a Certificate of Completion of the course, one printed on white paper (which is for you to keep) and one printed on “goldenrod” paper. ***Please send this “goldenrod” certificate to us*** so that we, in turn, can file it with the Court as proof of your compliance with Standing Order 99-1.

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If you do not complete the Parent Education Program and file the Certificate of Completion, the Court personnel have been instructed that they are not to allow us to schedule a Pre-Trial Conference so it is advisable for you to complete this obligation by attending the Parent Education Program sooner rather than later.

10. *Our Role as Your Attorneys in the Settlement Process.*

We are your Attorneys - your representatives - in your divorce case but we must all remember that it is **YOUR CASE** and not our case. We may have, however, quite a bit of experience in these matters that you may not have and part of our responsibility to you is to give you our candid advice and counsel about these matters and we intend to do so if, as and when such advise and counsel is appropriate.

It is, however, unrealistic to expect us to be able to predict with certainty, the outcome of your case if you go to trial because that outcome depends upon many, many factors outside of our reasonable control. We may, however, help you "guesstimate" the possible outcomes of your case when you ask us to do so in order to help you decide whether it would be better for you to settle your case or go to trial. However, no matter what we may say to you, ***the FINAL DECISIONS ABOUT YOUR CASE ARE YOURS.***

11. *Attorney Fees and Costs of Your Divorce Case:*

At the beginning of the case, you will receive a written document (our standard "***Retainer of Attorney and Hourly Rate Fee Agreement***") that will set forth in detail our hourly rates and other information regarding how and when you will be billed.

Because you have not yet established any credit history with our firm, you will be requested to give us an initial **retainer payment**, which is a sum of money paid at the beginning of the case, against which our hourly charges for our professional services and costs will be applied. If you have any questions about how you will be billed or how much you should expect to pay in attorney fees and costs, you should discuss them with us at the beginning of the case, **before** signing the Retainer Agreement. That being said, it is almost impossible to estimate at the outset the amount of your costs for attorneys fees since the amount of work that we are to do for you depends upon a number of factors outside of our control, including how hard your Spouse chooses to fight.

Although we may request, where appropriate, that your Spouse pay your legal fees either during or at the end of the divorce case, you remain responsible for payment of your attorney fees and your costs of your divorce case. The costs to you for your counsel fees and other divorce case costs are an important aspect of your divorce case that you must take into account as you listen to your Spouse's proposals for settlement of the divorce case.

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You should read over our Retainer Agreement carefully, since this document sets forth in detail the specifics of the understandings that we have all reached payment to us for your legal fees and costs. This document is a **contract**. If you have any questions about the Retainer Agreement, we want you to ask those questions to us and, if you wish, you may even consult with another attorney prior to signing the Retainer Agreement.

12. *Your Communication with Us:*

Because the attorney handling your case may be in Court or otherwise occupied when you telephone, it will not always be possible for your attorney to take your call at the moment that you call. If your call relates to an emergency matter, be sure to let our office staff know. Otherwise, you can expect to hear from the responsible attorney as soon as he or she is available. Please bear in mind, however, that we charge you for the time spent during your telephone calls with us, so keep it in mind to be to the point when you call us so as to keep your bill as low as reasonably possible.

We have a **telephone answering machine** "on" at all non-business-hours times at our **telephone** number of **(781) 741-5000**, so messages of any length can be left either during or outside of normal office hours and we leave our **facsimile copier machine** "on" 24-hours a day, 7-days a week so you can send us a fax at **(781) 741-5050** if you wish to. In fact, we prefer to receive faxes from our clients since we will often ask you to "document" what you tell us so that we have a record of the facts for use in Court.

We also have e-mail access on our T-1 Line, 24-hours a day, 7 days a week, so you can send an e-mail and we will provide our e-mail addresses to you upon request.

Lastly, please review other sections or our Web Site (www.StevensonLynch.com) for further information about our firm.

13. *Conclusion*

This information is intended only to be an introductory guideline, because ***each individual case is different, and presents different issues and problems.*** If you have further questions, be sure to discuss them with us. We have your best interests at heart and truly want to help you understand how your case will be handled.

This Client Information Sheet has been provided by Scott R. Stevenson, Esq., Stevenson & Lynch, P.C., 62 Derby Street, Suites 4-5, Hingham, Massachusetts 02043-3785, Telephone: (781) 741-5000, Facsimile Copier: (781) 741-5050 for private use, only. Reproduction of this Client Information Sheet - "Your Divorce Case", in whole or in part, is prohibited. All rights reserved by Scott R. Stevenson, Esquire. Copyright, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

EXHIBIT "A"

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

Supplemental Probate Court Rule 411. Automatic Restraining Order

Notice to Plaintiff

(a) The following automatic restraining order shall apply to both parties to a complaint for divorce or separate support. This automatic restraining order shall be effective with regard to the plaintiff upon the filing of the complaint by the plaintiff or the plaintiff's counsel and with regard to the defendant upon service of the summons and complaint or any other acceptance of service by the defendant.

After service of the complaint for divorce or separate support, on two (2) days' notice to the other party or on such shorter notice as the court may prescribe, a party may appear without thereby submitting his person to the jurisdiction of the court, and move to modify or dissolve the automatic restraining order and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

This order is in effect until the earliest of the following: (1)the order is modified or dissolved by the court; (2)the order is modified by a written agreement of the parties with court approval; (3)the entry of a judgment of divorce or separate support; (4)the action is dismissed; or (5)by further order of the court. FAILURE TO COMPLY WITH THIS ORDER MAY BE DEEMED A CONTEMPT OF COURT.

The following order PROHIBITS either party to a complaint for divorce or separate support from:

(1) Selling, transferring, encumbering, concealing, assigning, removing or in any way disposing of any property, real or personal, belonging to or acquired by, either party, except: (a) as required for reasonable expenses of living; (b) in the ordinary and usual course of business; (c) in the ordinary and usual course of investing; (d) for payment of reasonable attorney's fees and costs in connection with the action; (e) by written agreement of both parties; or (f) by Order of the Court.

(2) Incurring any further debts that would burden the credit of the other party, including but not limited to further borrowing against any credit line secured by the marital residence or unreasonably using credit cards or cash advances against credit or bank cards;

(3) Directly or indirectly changing the beneficiary of any life insurance policy, pension or retirement plan, or pension or retirement investment account, except with the written consent of the other party or by Order of the Court.

(4) Directly or indirectly causing the other party or the minor child(ren) to be removed from coverage under an existing insurance policy or permitting such coverage to lapse, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect.

(b) The provisions contained in the new summons for divorce or separate support must be served on the defendant, except if personal service is not made as provided in Rule 4 and service is made by publication, said notice shall include a statement that an automatic restraining order has been issued pursuant to this rule. The provisions of this automatic restraining order need not be reprinted in said public notice.

Date Rule Effective: January 1, 2000



Chief Justice

CJ-D 1108 (01/00)

EXHIBIT “B”

MANDATORY SELF-DISCLOSURE ***SUPPLEMENTAL PROBATE COURT RULE 410***

(a) Initial Disclosures

- (1) Except as otherwise agreed by the parties or ordered by the court, each party shall deliver to the other *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, K-1, Schedule C and Schedule E.
 - (b) 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).
 - (c) The four (4) most recent **pay stubs** from each employer for whom the party worked.
 - (d) Documentation regarding the cost and nature of available **health insurance coverage**.
 - (e) Statements for the past three (3) years for any **securities, stocks, bonds, notes** or obligations, certificates of deposit (“**CD’s**”) owned or held by either party, or held by either party for the benefit of the parties’ minor child(ren), **401(k)** Statements, **IRA** statements, and **Pension Plan** statements for all accounts listed on the Rule 401 Financial Statement.
 - (f) 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 for divorce.
 - (g) 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 for divorce.
- (2) The parties shall supplement all disclosures as material changes occur during the progress of the case. Neither party shall be permitted to file any discovery motions prior to making the initial disclosure as described herein.

(b) Unavailability of Documents

In the event that either party does not have any of the documents required pursuant to the Rule or has not been able to obtain them in a timely fashion, he or she shall state in writing, under the penalties of perjury, the specific documents which are not available, the reasons the documents are not available, and what efforts have been made to obtain the documents. As more information becomes available there is a continuing duty to supplement.

EXHIBIT “C”

Factors to Be Considered in Dividing Marital Assets Under MGL, Ch.208, § 34

Massachusetts law mandates that the Court consider the following factors in determining an appropriate division of marital assets in a divorce case:

1. The length of marriage.
2. The conduct of each of the parties during the marriage.
3. The age of the parties.
4. The health of the parties.
5. The station in life of the parties.
6. The occupation(s) of the parties.
7. The amounts and sources of income to each of the parties.
8. The vocational skills of each party.
9. The "employability" of each party in the existing job marketplace.
10. The estate or assets of the parties, including how the assets were acquired, the value of the asset as and when acquired and how much the asset values appreciated or depreciated during the term of the marriage.
11. The debts and liabilities of each of the parties, including how the debt or liabilities were acquired, the amount of the debt or liability as and when acquired and how the debt or liabilities increased or decreased during the term of the marriage.
12. The needs of each party.
13. The opportunity of each party for future acquisition of capital assets (may include retirement plan and/or inheritance considerations).
14. The opportunity of each party for future acquisition of income (may include investment, retirement plan or inheritance considerations).
15. The contribution of each party in the acquisition, preservation or appreciation in value of their respective estates.
16. The contribution of each party as homemaker.
17. The needs of the unemancipated children.

Please supply us with a brief, written narrative of each factor's significance in your situation, numbering the paragraphs of your response to the paragraph numbers, above.