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Dear Client,

First off, please let us thank you for allowing us the privilege of representing you and your interests as your divorce action moves forward. We are well aware of how overwhelming and confusing the process can sometimes be and we appreciate you trusting us to handle your divorce.

While it is certainly true that no two divorces are the same, there are a number of things that are consistent from one case to another. It is our hope that the following guide will answer many of your questions and provide you with a better understanding of the divorce process as well as your rights and obligations while your case is pending.

The following guide is not intended to take the place of your attorney. It is designed to be used together with the advice specific to your case as provided to you, by us your lawyers. Its purpose is to provide some, but not all, information with regard to certain procedural questions that are frequently asked in divorce cases.

Of course, if after reading through the guide, you have additional questions please do not hesitate to contact us as we will be happy to discuss your case further with you.

Again, thank you for choosing Landry & Landry, P.C. We look forward to providing you with excellent and effective representation leading to the best possible outcome to your divorce.

Sincerely,

Charles M. Landry, III, Esq.  
Deborah E. Landry, Esq.

# **I'm Getting Divorced. Now What?**

A Guide To Your Divorce Process

Prepared By:  
Landry & Landry, P.C.

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## TABLE OF CONTENTS

### Stages Of The Divorce Process

- Filing For Divorce
- Service Of Process
- Answering The Complaint
- Parent Education Course
- Temporary Orders
- Discovery
- Case Management And Pretrial Conferences
- Trial

### Brief Overview Of Potential Legal Issues

- Custody
- Child Support
- Alimony
- Health Insurance
- Division of Assets
- Division of Liabilities

### Your Financial Statement

- What Is A Financial Statement
- What Information Must You INclude
- Top Of The Form
- Part 1: Personal Information
- Part 2: Gross Weekly Income From All Sources
- Part 3: Itemized Deductions From Gross Income
- Part 4: Adjusted New Weekly Income
- Part 5: Other Deductions From Salary
- Part 6: Net Weekly Income
- Part 7: Gross Yearly Income From Prior Year
- Part 8: Weekly Expenses
- Part 10: Assets
- Part 11: Liabilities
- What Do You Do After You Complete The Form

### Attachments

- Pamphlet: Planning For Shared Parenting
- Probate & Family Court Standing Order 4-08: Parent Education Program
- List Of Approved Parent Education Program Providers
- Blank Financial Statement
- Department Of Revenue Application For Child Support Services

## STAGES OF THE DIVORCE PROCESS

### Filing For Divorce

The legal document that starts a divorce proceeding is the Petition for Divorce or the Complaint for Divorce. It provides some general information to the Court about you and your spouse and asks the court for relief (i.e. anything you might want to get as a result of your divorce such as custody, support, visitation, property division, etc. The person who files first is the Plaintiff or Petitioner. The other person is the Defendant or Respondent.

### Service Of Process

Once the Plaintiff has filed the necessary paperwork with the Probate & Family Court, the Court will issue a Summons and mail it to the Plaintiff, along with a case number or docket number that will be associated with your divorce action.

The Plaintiff will then have to ensure that the Complaint for Divorce is properly served upon the Defendant. This is usually done by having the local county sheriff's department deliver the paperwork in hand to the Defendant. If the deputy sheriff cannot obtain in-hand service, he or she can leave the paperwork at the last known address of the Defendant.

After the deputy sheriff serves the Defendant, he or she will provide proof of service to the Plaintiff. At that time, the Plaintiff must file that documentation with the Probate & Family Court. This tells the Court that the Defendant has been made aware of the pending divorce.

It should be noted that the Summons contains language that notifies the both Parties that an Automatic Restraining Order has been issued by the Probate & Family Court. Now, this isn't the same type of restraining order that is issued when someone seeks relief from someone that is harassing or abusing another. The restraining order issued by the Probate & Family Court prohibits the Parties from the following:

1. Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose 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) written agreement of both parties; or (f) by Order of the Court.
2. Neither party shall incur 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. Neither party shall directly or indirectly change the beneficiary of any life insurance policy, pension or retirement plan; or other investment account, except with the written consent of the other party or by Order of the Court.

4. Neither party shall directly or indirectly cause the other party or the minor children to be removed from coverage under an existing insurance policy, including medical, dental, life, automobile, and disability insurance. The parties shall maintain all insurance coverage in full force and effect.

The restraining order issued by the Probate & Family Court becomes effective with regard to the Plaintiff when he or she files the Complaint for Divorce and becomes effective with regard to the Defendant upon service of the Summons and Complaint or any other acceptance of service by the Defendant.

### Answering The Complaint For Divorce

Once served with a Complaint for Divorce, the Defendant must respond to the petition in a normal document known as an Answer. The Defendant may also want to allege that the Plaintiff was at fault as well. To do so the Defendant must add a Counterclaim as part of the Answer. The Defendant's Answer must be filed with the Probate & Family Court and a copy must be mailed to the Plaintiff or his or her attorney.

### Parent Education Course

If you are getting divorced and there are children born of the marriage that are still minors, you and your spouse will both be required to attend and complete the court mandated Parent Education Course. Once completed, the court certificates are filed with the Court.

Probate & Family Court Standing Order 4-08 regarding the Parent Education Course is attached to this Guide.

Additionally, a list of the approved course providers with contact information is attached to this Guide.

### Temporary Orders

Once the Complaint for Divorce has been filed, either party may file a Motion for Temporary Orders seeking temporary relief from the Court to address a particular issue, need, or problem. Typically, these motions address things like custody of the child(ren), child support, spousal support, insurance coverage, a visitation schedule, a schedule for any upcoming holidays, etc.

The Party filing the Motion schedules a hearing in accordance with the Court's calendar and all Parties and attorneys are expected to attend the hearing. Typically, at the hearing, the Parties will have a chance to negotiate an agreement that addresses the immediate issues that have been presented to the Court. Such an agreement is called a Stipulation. Depending on the circumstances, a Family Service Officer may be assigned to mediate your case to see if they can help get the Parties to agree on the terms of a Stipulation.

If the Parties cannot agree to the terms of a Stipulation, the pending Motion will be presented to the Judge at a hearing later that morning or afternoon, depending on how busy the Judge is. At

that time, everyone will have their opportunity to state their case and make their arguments to the Judge. Often times the Judge will make a determination as to how he or she is going to rule on the Motion. However, sometimes the Judge will “take the matter under advisement”. This means that the Judge wants some additional time to review the case and think about things before he or she issues a ruling on the Motion.

Whether the Parties sign a Stipulation, or the Judge rules on the Motion directly, those temporary orders that are put in place are in fact a Court Order and must be followed. The temporary orders may be changed down the road, or altered by the terms in your final divorce agreement, but until modified by the court, all temporary orders must be followed.

### Mandatory Self Disclosure And Discovery

The Massachusetts Rules of Domestic Relations Procedure, Supplemental Rule 410 requires the Parties to exchange certain documents within 45 days. This process is called Mandatory Self Disclosure. The Rule requires that each party shall deliver to the other within 45 days from the date of service of the summons the following documents:

1. 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 returns, including but not limited to W-2s, 1099s, 1098s, K-1s, Schedules C and Schedules E.
2. 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).
3. The four (4) most recent pay stubs from each employer for whom the party worked.
4. Documentation regarding the cost and nature of available health insurance coverage.
5. 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.
6. 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.
7. 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.

While the Mandatory Self Disclosure Rule requires the initial exchange of information, Discovery is simply another process used for information gathering. During the course of your divorce, we may want to find out more information about a particular aspect of your divorce.

Whether used to verify some information or to seek out additional information, Discovery is the umbrella term used for various legal tools such as the following:

**Interrogatories:** Each Party to a divorce is entitled to ask detailed written questions to their spouse, and obtain answers in writing. This often is done where there is some question about whether the financial statement or mandatory disclosure is accurate or complete.

**Request for Documents:** Similar to Interrogatories, this Discovery tool allows Parties to request various documents from their spouse. This is often done to verify or double check information that was given by the other Party.

**Deposition:** Each Party to a divorce is entitled to ask questions under oath in the presence of a stenographer regarding details of the Parties financial circumstances and financial history. Included in the notice of deposition can be detailed lists of documents that are required to be brought to the Deposition.

**Subpoenas:** Subpoenas can be issued to banks, financial institutions, employers, and any other person or institution which has financial records that are relevant to the financial circumstances of the parties to a divorce.

**Actuaries:** Actuaries are often employed to put a value on pensions and other employment related retirement benefits.

**Appraisers:** Certified appraisers are often hired to value real estate and any business that is owned by either Party in a divorce. Collectibles are also appraised if they have significant value.

**Private Investigators:** If there are serious questions about someone's truthfulness it is often useful to hire investigators to attempt to verify someone's work habits, lifestyle and other aspects of their personal life which might have an impact on their financial situation.

All in all, the process of Discovery allows the Parties to ensure that they can enter into a Divorce Agreement fully and accurately informed regarding all aspects of the marital estate.

#### Case Management, Four-Way Conferences And Pretrial Conferences

If neither Party has brought forward a Motion or there are no Temporary Orders in place, the Court will schedule a Case Management Conference. The date of such a conference would likely be scheduled for two to four months after the Return of Service has been filed with the Court. This of course depends on how busy or backed up the Court and your judge is. The Purpose of a Case Management Conference is for the attorneys to agree upon a reasonable time needed to complete discovery in the case based upon the issues involved in your specific case.

After a Case Management Conference has been held, or once there are Temporary Orders in place, the Court will schedule a Pretrial Conference. This is an important event as the judge will actively participate on this date. You should be aware that the Court requires that all Parties and attorneys meet for a Four-Way Conference prior to appearing in Court for a Pretrial Conference.



This is a meeting held at either our office or the office of your spouse's lawyer (if your spouse has a lawyer) and is an attempt to reach a settlement of your case.

The purpose of a Pretrial Conference is for the judge to find out what contested issues remain, basically what are the Parties still fighting over. At the hearing, the judge will read the memorandums submitted by the Parties through their lawyers and the judge will listen to some arguments as well. Depending on the judge, sometimes these discussions are held off the record in the judge's chambers. Regardless, afterwards, the judge will tell the Parties what he or she would likely do if the matter went to trial and the evidence and testimony presented was similar to what was presented that day. This is often very useful in getting a final agreement in place.

### Trial

If the Parties cannot agree on a comprehensive divorce agreement, any and all contested issues will proceed to a trial before a judge. There are no jury trials in Probate & Family Court.

The judge will hear all the evidence and then decide on how to address the remaining issues. Once decided, the judge will issue an order and his or her decision is final.

Because of the unpredictability of judges, we often urge our clients to take every step available to reach an agreement. We believe that it is better to control the outcome than to leave it up to the judge. Of course, there are certain situations that do warrant taking a divorce case to trial, but they are truly few and far between.

## BRIEF OVERVIEW OF POTENTIAL LEGAL ISSUES

### Custody

When dealing with minor children, there are two kinds of custody: legal custody and physical custody. Legal custody means that a parent may make certain decisions regarding the child(ren). More often than not, both Parties will share legal custody of any minor child(ren). This means that the Parties must communicate with one another regarding any major or life decision that impacts the child(ren). Physical custody means which parent has the child(ren) living with them the majority of the time and who makes the daily decisions regarding every day life. While the Parties can share both legal and physical custody, only Parties that can get along and communicate well should have a fully shared custody arrangement. Many times the parents can work out decisions regarding custody between themselves. However, when parents cannot agree who shall have custody, then the court must make the decision.

In awarding custody of a child, the court is guided by what appears to be the child's best interest. The welfare of the child is the chief concern of the court, not the wishes of the parents.

The age of the child is also a consideration in deciding who shall have custody. In the past, younger children were thought to be better off in the care of a mother rather than a father, now the court gives equal consideration to each parent. Many fathers have participated actively in bringing up small children and wish to continue. The courts take a broader view in such cases and attempt to weigh the request of each parent for custody equally.

A child of approximately fourteen years of age may be considered by the court to have reached a sufficient age to make an intelligent choice about with whom he or she prefers to live. While a child's preference is carefully considered by the judge, it is not binding upon the court.

The ability of the parent to promote the best interests of the child in making an award of custody is one of the most important factors in a custody decision. Children should not be used as pawns by parents who are angry with each other. The parent who puts the best interests of the child before personal desires is the parent who is truly working to do the child the most good.

A brochure "Planning For Shared Parenting" is attached to this Guide.

### Child Support

Child support is the amount of money that the non-custodial parent pays to the other to assist in the support and maintenance of the minor child(ren). While child support can be one of the most sensitive issues involved in a divorce, it really is the simplest issue to address.

Massachusetts had adopted a mathematical formula that automatically calculates the amount of child support to be paid. The formula takes into account various figures including the income of the Parties, the cost of health insurance, the cost of day care, if there are any other existing support orders, and the number of children. Depending on that information, an amount for

weekly support order is calculated. The Parties and judges have very little discretion to veer from what the guidelines mandate.

If you anticipate receiving child support as part of your divorce terms, I urge you to complete the Department of Revenue Application For Services form which is attached to this Guide. It is required of all parents receiving child support and by completing it now, it will save time when we are in Court.

### Alimony

The Massachusetts state legislature recently passed new laws which will radically reform how this issue of alimony is handled in the Massachusetts Probate & Family Courts. The highlights of the new alimony laws are as follows:

#### 1. Alimony Term Limits

Long term marriages (more than 20 years): Alimony will end at retirement age as defined by the Social Security Act.

5 years or less: Maximum Alimony term is **50%** of the number of months of marriage.

10 years or less but greater than 5 years: Maximum Alimony term is **60%** of the number of months of marriage.

15 years or less but greater than 10 years: Maximum Alimony term is **70%** of the number of months of marriage.

20 years or less but greater than 15 years: Maximum Alimony term is **80%** of the number of months of marriage.

Other term limits apply for "Rehabilitative Alimony", "Reimbursement Alimony", and "Transitional Alimony".

#### 2. Second Wife's (Husband's) Income and Assets Excluded

"In the event of the payer's remarriage, income and assets of the payer's spouse shall not be considered in a re-determination of alimony in a modification action."

#### 3. Co-Habitation Suspends, Reduces, or Terminates Alimony

"General Term Alimony shall be suspended, reduced or terminated upon the cohabitation of the recipient spouse when the payer shows that the recipient has maintained a common household with another person for a continuous period of at least three months."

4. Child Support: Gross Income is Excluded From Alimony

For purposes of setting an alimony order, the court shall exclude from its income calculation gross income which the court has already considered for setting a child support order..."

5. Child Support: Alimony Term is Co-Terminus with Child Support

"Where the Court orders alimony concurrent with or subsequent to a child support order, the combined duration of alimony and child support shall not exceed the longer of: (i) the alimony duration available at the time of divorce; or (ii) rehabilitative alimony commencing upon the termination of child support. "

6. Alimony Amount is Limited

"... the amount of alimony should generally not exceed the recipient's need or 30 percent to 35 percent of the difference between the parties gross incomes established at the time of the order being issued."

7. A Second Job or Overtime Income is Not Included in Alimony Modification

"Income from a second job or overtime work shall be presumed immaterial to alimony modification if: (1) A party works more than a single full-time equivalent position; and (2) The second job or overtime commenced after entry of the initial order."

8. Payment of Health Insurance and/or Life Insurance Reduces Alimony Payment

In setting an initial alimony order, or in modifying an existing order, the court may deviate from duration and amount limits for General Term Alimony and Rehabilitative Alimony upon written findings that deviation is necessary. Grounds for deviation may include: (1) Whether the payer spouse is providing health insurance and the cost of health insurance for the recipient spouse; (2) Whether the payer spouse has been ordered to secure life insurance for the benefit of the recipient spouse and the cost of such insurance;

9. Alimony Term Extensions Are Limited And Require Clear And Convincing Evidence

"The court may grant a recipient an extension of an existing alimony order for good cause shown. In granting extension, the court must enter written findings of: (1) A material change of circumstance that occurred after entry of the alimony judgment; and (2) Reasons for the extension that are supported by clear and convincing evidence.

10. Alimony Ends with the Remarriage of the Alimony Recipient

These new amendments to Massachusetts alimony laws go into effect in March of 2012. Until then, existing or pending divorce and modification actions will fall under the older and less uniform laws which provide the judge ultimate discretion to determine how the issue of alimony

is handled. However, as we get closer and closer to March 2012, more and more judges are already using the new laws as the basis for their calculation of alimony orders and judgments.

### Health Insurance

Typically, while a divorce is pending and even after divorce becomes final, whoever maintained health insurance coverage for the family is obligated to continue to do so, so long as the existing plan allows for continued coverage.

If however, the spouse carrying the coverage would be eligible to maintain a cheaper plan (such as an individual plan rather than a spousal plan), the other spouse who would like to continue to be covered will be responsible for the difference in costs between the two plans.

It should be noted that if MassHealth provides health insurance coverage for the child(ren), the Court will order that either of the parties obtain coverage for the child(ren) if it is available through employment at a reasonable cost.

### Division of Assets

The following is a description of the way in which a judge divides marital property in Massachusetts. "Marital property" is a legal term which describes property which was acquired by you and/or your spouse during the marriage.

The law allows a judge to treat all of the property of both spouses, which was acquired during the marriage, as marital property, no matter who holds legal title to the property.

Examples of types of marital property are (but are not limited to): real estate, retirement benefits, pensions, profit sharing plans, annuities, deferred compensation plans, insurance benefits, stocks, bank accounts and businesses.

A judge is required to make an "equitable distribution" of your marital property as part of your divorce. "Equitable distribution" is a legal term which means a fair division of your marital property. A fair division does not always mean an equal division. If you reach an agreement for division of your marital property, the judge will consider this agreement and may approve it if she or he finds that it is fair and reasonable for both parties.

In determining an equitable division of marital property, the judge considers the following factors:

1. The length of the marriage;
2. The conduct of the parties during the marriage;
3. The age of the parties;
4. The health of the parties;
5. The station of the parties;
6. The occupation of the parties;
7. The amount and sources of income of the parties;

8. The vocational skills and employability of the parties;
9. The estate, liabilities and needs of each party;
10. The opportunity of each party for further acquisition (inheritance);
12. The present and future needs of the children of the marriage;
13. The contribution of each party in the acquisition, preservation or appreciation in value of the marital property; and
14. The contribution of each of the parties as homemaker in the family unit.

In order to make a fair distribution of marital property, it is important to determine the fair market value of each major asset. Some assets are easy to value and others are not. Some assets such as businesses, inheritances, trusts and some retirement plans present complex problems in a divorce.

Under Massachusetts law, the division of marital property is final and cannot be changed or modified unless both parties agree to the change.

#### Division of Liabilities

Similar to a division of assets, a judge is required to make an "equitable distribution" of your debts as part of your divorce. Again, "Equitable distribution" is a legal term which means a fair division of the debts. A fair division does not always mean an equal division.

## YOUR FINANCIAL STATEMENT

Rule 401 requires that every Party involved in a pending Probate & Family Court matter must complete a financial statement. Below is some information to assist you in filling yours out. Once you have prepared a draft of your financial statement, we will meet and go over it together to ensure that the information is truthful, accurate, and complete as required.

### What Is A Financial Statement?

The Probate and Family Courts require you to fill out a Financial Statement in divorce cases, separate support cases, custody cases, child support cases, and similar family law cases. The Financial Statement is an extremely important court document. Filing a Financial Statement should not be taken lightly. You must tell the truth about all of your income and expenses. The Financial Statement is a sworn statement. When you sign it you swear that you are telling the truth. The form has two purposes: for you to explain your financial situation to the court and for each party in the case to explain his or her financial situation to the other party.

The court has a Short Form Financial Statement and a Long Form. Use the Short Form if your gross income (income before taxes and any deductions) is less than \$75,000 per year. The Long Form is for those who earn more than \$75,000.00 per year.

### What Information Must You Include?

You must fill in every line of the form. If something does not apply to you, write "zero" or "none." If you run out of space on any item, attach a separate sheet of paper. What follows are more detailed instructions about how to fill out the Financial Statement.

### Top Of The Form

Write your county on the line next to Division. Fill in the Docket Number. This is the number that the court has assigned to your case. If you do not know it, we can fill it in later. Fill in the names of the Plaintiff and the Defendant. The Plaintiff is the person bringing the case to court. The Defendant is the person whom the case is against.

### Part 1: Personal Information

Fill in all of the information requested. If your address is impounded (kept secret by the court) or listing it would put you or your children in danger, do not write your address on the Financial Statement.

### Part 2: Gross Weekly Income for All Sources

Here you need to provide information about your weekly income before taxes are taken out.

Base pay from salary and wages: Give your current salary. Suggestion: If your salary changes from paycheck to paycheck, give the average amount for the past 3 months.

Self-Employment Income: If you are self-employed or own a business, you must fill out and attach a form called Schedule A, Monthly Self-Employment or Business Income.

Social Security: This is for Social Security Retirement payments (OASDI).

Line (k): Line (k) has three check boxes: Disability. This is for Supplemental Security Income (SSI), Unemployment insurance, and Worker's compensation. Check each that applies and put the total weekly amounts on line (k).

Public Assistance: This includes TAFDC, EAEDC, and Food Stamps.

Rental Income: If you get income from rental property, you must fill out and attach a form called Schedule B, Rent from Income-Producing Property.

All other sources: This includes child support payments, alimony, and any other income not listed in (a) through (p). Again, if these payments change from time to time, figure out the average weekly amount.

Total Gross Weekly Income: Add together all of your income in lines a to q.

### Part 3: Itemized Deductions from Gross Income

Here you need to provide your weekly deductions from gross income. (a) & (b) If you get a salary, your pay stubs should list federal and state tax deductions. (c) If you get a salary, check your pay stub to see how much FICA is taken out. There may also be a separate Medicare deduction on your pay stub. If there is, add the FICA and Medicare together, figure out what the weekly amount of FICA + Medicare is, and put this number on line (c). If the amount of FICA is different on your pay stubs over the past year, you need to figure out the average weekly amount by adding up all FICA deductions over the past 12 months and dividing the total by 52. If you have not been getting a paycheck for a full year, add all the FICA amounts you've received, count the number of weeks you've received paychecks, and divide the total FICA amount by that number of weeks. (f) Add together all deductions in lines (a) to (e).

### Part 4: Adjusted Net Weekly Income

Subtract line 3(f) from line 2(r) to get your adjusted net weekly income.

### Part 5: Other Deductions from Salary

Here you need to provide information about the weekly amount of all other deductions that come out of your salary.

### Part 6: Net Weekly Income

Subtract line 5(e) from line 4 to get your net weekly income.



## Part 7: Gross Yearly Income from Prior Year

Here you need to provide your gross yearly income (before taxes) from the prior year. Add up all your paychecks for the last calendar year. If you received TAFDC in the last year, multiply the amount on your check (which comes twice a month) by 24 to get your total for the last calendar year. You must also attach a copy of all W-2 and 1099 Forms for the prior year.

## Part 8: Weekly Expenses

Read through all the categories (a-s) and think about what you will put under each category. The most important thing is to pick only one category to put an expense under and not list it twice. Again, you must fill in the weekly amounts.

(d) & (e) If you have gas heat and you also have other items on your gas bill (stove, dryer, etc...), try to estimate how much of the bill is for heat and put that on line (d) and how much is for other gas charges and put that on line (e).

(f) Put the average telephone bill by adding up the last 3 months of bills and dividing by 13.

(g) List water and sewer amounts if you pay for them. If not, write "none".

(i), (j), & (o) House supplies, laundry and cleaning, and incidental and toiletries are very similar categories. Make sure you list each item in only one category.

(k) You will need to provide an average weekly amount you spend on clothing by figuring out how much you spend for the whole year and dividing that by 52. People often buy a few big ticket items over the course of a year, such as new school clothes for children, winter coats and boots for children, clothes for yourself during the year.

(n) If you have medical insurance, in this line you should document how much you have paid out-of-pocket in co-payments and deductibles that your insurance did not cover. This includes dental care, therapy, medicine (such as cough medicine, aspirin, vitamins). If you do not have medical insurance, this line should show all of your medical expenses. Again, you must figure out the weekly average amount).

(p) These are repairs and maintenance costs for your car, which include garage costs and gas. This does not include auto loan payments, which go on the next line.

(q) This means auto loan payments and gasoline expenses.

(r) This includes regular child care and additional babysitting.

(s) Other can include (but is not limited to): Other expenses not already included such as cable, internet, public transportation costs, etc.

## Part 10: Assets

(a) Real Estate: This refers to any house or land that you own, either alone or jointly with your spouse or anyone else. Next to location, list the address. Next to title held in the name of put the names of each person whose name is on the deed. Next to Fair Market Value, give your best estimate of the price that you could get for it if you sold it today. Write on the form that this is an estimate. If you can not estimate the Fair Market Value, give the purchase price and write on the form that this was the purchase price. Next to Mortgage, list the unpaid balance on the mortgage. Next to Equity, subtract the Mortgage from the Fair Market Value. If the answer is a negative number, make sure to put a minus sign before the number.

(f) Give the Fair Market Value of each automobile that you or your spouse own and indicate who actually has the vehicle. The Fair Market Value is the price that you could get for the car if you sold it today. List the amount unpaid on any car loan. Subtract the amount unpaid on the loan from the Fair Market Value to get the Equity.

(g) List any other personal property that is either in your possession or your spouse's possession, such as: furniture, jewelry, boats, collections, firearms, recreational vehicles, silver, stereo equipment, and tools. For any item over \$500 describe it specifically. If the property is in your spouse's possession, indicate that on the form. To estimate the value of your furniture, estimate what you would charge if you sold the entire contents of your home today. This is a rough estimate.

## Part 11: Liabilities

Liabilities are debts. Here you must list all of your debts. For each debt you must list: Name of the person or institution you owe the money to (creditor); Nature of the debt (for example, personal loan, doctor's visit, car loan, household items); Date that you first incurred the debt (date of origin); Total amount due, and How much you are paying or planning to pay on a weekly basis.

(e) Here you must add up the total amount of the debts and put this on the first line. Then figure out what the total amount of the weekly payments for your debts would be and put this on the second line. If you have been unable to make the payments, write "0" or "none."

## What Do You Do After You Complete the Form?

Sign the form. The words saying, "I certify under penalties of perjury" mean that you swear that all the information you have written down is true. If you do not tell the truth, you can be punished by the court. Provide your address and telephone number. If it is impounded (kept secret by the court) or listing it would put you or your children in danger, then do not write your address or phone number down.

A blank Financial Statement is attached as an exhibit to this Guide.