



Pretty in Pink – The Massachusetts Divorce Financial Statement

by STEPHEN MCDONOUGH on JUNE 28, 2009

One of the most important documents filed as part of a Massachusetts divorce is the ever-popular court financial statement. The rules surrounding financial statements are governed by *Supplemental Probate Court Rule 401*, or as I like to call it, *Supplemental Probate Court Rule 401*. There are two versions of the form, a “short form” for those with income of \$75k or less, and a (much) longer form for those with – you guessed it – income *over* \$75k. The forms are filed with the court on a lovely shade of pink paper to make it easier for Judges and court personnel to locate them in a specific case file. I had a client who first thought the Wife’s financial statement went on pink paper and the Husband’s on blue, but no. The forms are also used in post-divorce cases, such as a contempt or modification actions related to child support for example.

In a court-based case, lawyers are supposed to deliver their client’s financial statement to the other side within 45 days. Although it would be nice if this always happened, it would also be nice if the sun would come out for more than a couple of hours. Sometimes it takes clients some additional time to gather the

Stephen F. McDonough, Esq.
The Divorce Collaborative LLC

77 Main Street
Medway, MA 02053
T: (508) 533-3300
F: (508) 507-3610
steve@divorcecollaborative.com
<http://www.divorcecollaborative.com/>

required information, so completing the form within that time frame is oftentimes a stretch. If one side is particularly slow with providing the financial statement, a motion may be filed that requires the financial statement to be produced within ten days. The financial statement is impounded by the court, meaning that it is not available to the public, like other parts of a case file.

There are too many details to cover here regarding the court financial statements, but they must be filled out carefully and reviewed by your attorney, if you have one. When in the divorce mediator role, I also review the client's financial forms and make sure they are prepared properly so the court does not reject them. It is a rare event to receive a financial statement from a client that does not require corrections or additions.

It is important to note that the financial statements are signed by the client and the client's lawyer under the *pains and penalties of perjury*. I think this means that you can be placed in the stockade or crushed by stones, as demonstrated at the [Salem, MA Witch Museum](#). Nevertheless, the point is that these forms must be filled out completely and accurately. They are certainly not something to rush through, and they warrant a significant amount of time by both the client and their attorney. Any falsified or omitted information can lead to sanctions by the court, or even charges of criminal contempt.

If the title of this post is making you a little nostalgic, then you can check [this video out](#).

Here is a link to the [long-form financial statement](#). The above link is more entertaining however.

Stephen F. McDonough, Esq.
The Divorce Collaborative LLC

77 Main Street
Medway, MA 02053
T: (508) 533-3300
F: (508) 507-3610
steve@divorcecollaborative.com
<http://www.divorcecollaborative.com/>