

Rule 410 Information Sheet for Client

Information Sheet for Clients

Massachusetts Rules of Domestic Relations Procedure, Supplemental Rule 410. Mandatory Self Disclosure.

The following Probate and Family Court Rule is included for your reference in order to help you prepare to collect the documentation necessary to present to the Court. The requirements are quite extensive and careful attention must be paid to the collection of the appropriate documents.

(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-2s, 1099s, 1098s, K-1s, Schedules C and Schedules 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 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.

(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 this 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.