

# INFORMATION SHEET FOR CLIENTS

## SUMMARY OF CRITERIA TO BE CONSIDERED IN

### DIVIDING MARITAL ASSETS

(Pursuant to Massachusetts General Laws Chapter 208, §34)

The Plymouth Probate and Family Court will take into consideration the factors outlined below which are created by Massachusetts statutes and which also are interpreted in leading domestic relations case law. Judges are not required to give one factor more weight than another. Conversely, judges are not permitted to rely upon only one factor in making any determinations of payment/receipt of alimony, payment/receipt of health expenses or insurance, and the division of your “marital estate.” Your marital estate is comprised of all assets owned by you (separately or with anyone else) and by your spouse (separately or with anyone else) at the time of your divorce:

1. Length of marriage
11. Estates of the respective parties
2. Ages of the parties
12. Opportunities available to the respective parties for future acquisition of capital
3. Stations of the respective parties
13. Opportunities available to the respective parties for future acquisition of income.  
Vocational skills of the respective parties
4. Health of the parties
14. Contributions of the respective parties in the acquisition, preservation or appreciation in value of their estates.
5. Occupations of the respective parties
6. parties
7. Employability of the respective parties
15. Contributions of Husband and Wife as homemaker
8. Amount and sources of income of the respective parties
16. Conduct of the respective parties during the marriage
9. Liabilities of the respective parties
17. Current needs of the minor children of the marriage
10. Needs of the parties marriage
18. Future needs of the minor children of the marriage.

To assist us in preparing your case strategy, we include the detailed memorandum which must be filed as part of your pre-trial conference. Please answer these questions as completely as possible. We recognize that we already may have some of this information from our interviews, your financial statement or your Confidential Client Questionnaire.

#### **1. Length of Marriage**

- Date of marriage?
- Date last lived together?

#### **2. Ages of the Parties**

- Your date of birth?

Spouse's date of birth?

### **3. Station of the respective parties**

How would you describe your lifestyle while living with your spouse, for example, living paycheck to paycheck, middle class, upper middleclass, wealthy?

Did you have investments?

Did you plan for retirement?

Did you plan for college education?

Did you have a second/vacation home?

Timeshare(s)?

How often did you take vacations?

As a couple each year?

As a family each year?

Did you dine out?

How often?

What types of restaurants did you frequent?

Did you use the regular services of a...

housekeeper?

gardener?

landscaper?

other?

how often did you use these services?

Did you lease or own your automobiles?

How often did you replace your automobiles?

Did you lease or own any other vehicles (boat, camper, motorcycle, antique cars, jet ski,

### **etc.)? 4. Health of the respective parties**

How is your present health?

Are you under the care of a physician?

specialist?

If so, for what condition?

When did you receive this diagnosis?

How is it treated, such as medication, acupuncture, chiropractic care, or physical therapy?

Have you undergone any surgeries during your marriage?

When?

If so, for what condition(s)?

Did it impact your ability to work?

How so?

Did it impact your ability to parent?

How so?

How is your spouse's present health?

Is your spouse under the care of a physician?  
specialist?

If so, for what condition?

When did your spouse receive this diagnosis?

How is it treated, such as medication, acupuncture, chiropractic care, or physical therapy?

Has your spouse undergone any surgeries during your marriage?  
When?

If so, for what condition(s)?

Did it impact your spouse's ability to work?

How so?

Did it impact your spouse's ability to parent?

How so?

**5. Occupation of the respective parties**

**6. Vocational skills of the respective parties**

**7. Employability of the respective parties**

**8. Opportunities available to the respective parties for future acquisition of capital 9.**

**Opportunities available to the respective parties for future acquisition of income**

(a) If you are working outside of the home ...

Who is your employer?

What is your job title?

What are your responsibilities?

How long have you held this position?

Is it full time or part time?

Please explain your compensation package, including  
salary  
benefits  
entertainment allowance

vehicle allowance  
company credit cards  
retirement accounts  
stock options

(b) If you have held other positions during your marriage, for each position state (please attach a résumé, if possible, or please answer the following questions for each position):

Who was your employer?

What was your job title?

What were your responsibilities?

How long had you held this position?

Was it full time or part time?

Please explain your compensation package, including

salary

benefits

entertainment allowance

vehicle allowance

company credit cards

retirement accounts

stock options

Why did you leave each position?

(c) Are you presently seeking different employment?

Why? What position?

(d) How do you see your career advancing/changing after divorce?

How do you see your compensation advancing/changing after divorce?

(e) If your spouse is working outside of the home

Who is your spouse's employer?

What is your spouse's job title?

What are your spouse's responsibilities?

How long has your spouse held this position?

Is it full time or part time?

Please explain your spouse's compensation package, including

salary

benefits

entertainment allowance

vehicle allowance

company credit cards  
retirement accounts  
stock options

(f) If your spouse has held other positions during your marriage, for each position state (please attach a résumé, if possible, or please answer the following questions for each position):

Who was your spouse's employer?

What was your spouse's job title?

What were your spouse's responsibilities?

How long had your spouse held this position?  
Was it full time or part time?

What was your spouse's compensation package, including  
salary  
benefits  
entertainment allowance  
vehicle allowance  
company credit cards  
retirement accounts  
stock options

Why did your spouse leave this position?

(g) Is your spouse presently seeking different employment?

Why?  
What position?

(h) How do you see your spouse's career advancing/changing after divorce?

How do you see your spouse's compensation advancing/changing after divorce?

**10. Occupation of the respective parties**

**11. Vocational skills of the respective parties**

**12. Employability of the respective parties**

(a) Did you complete high school?

Where?  
When (date/year of graduation or completion)?

Did you attend college?

Where?  
When (date/year of graduation or completion)?

What was your academic focus (major/minor)?

What degree did you earn?

Did you attend any post college graduate or professional school?

Where?

When (date/year of graduation or completion)?

What was your academic focus?

What degree did you earn?

(b) Did your spouse complete high school?

Where?

When (date/year of graduation or completion)?

Did your spouse attend college?

Where?

When (date/year of graduation or completion)?

What was your spouse's academic focus (major/minor)?

What degree did your spouse earn?

Did your spouse attend any post college graduate or professional school?

Where?

When (date/year of graduation or completion)?

What was your spouse's academic focus?

What degree did your spouse earn?

**13. Amount and sources of income of the respective parties**

**14. Liabilities of the respective parties**

**15. Needs of the respective parties**

Please update your financial statement. If you have any income or expenses not reflected on your financial statement, please explain these to us, especially personal loans you may have sought to cover any expenses during the pendency of your divorce, like attorneys fees.

**16. Estates of the respective parties**

**17. Opportunities available to the respective parties for future acquisition of capital 18. Opportunities available to the respective parties for future acquisition of income 19. Contributions of the respective parties in the acquisition, preservation or appreciation in value of their estates.**

(a) Did you receive any gifts of cash or real estate during your marriage?

If so, from whom?

When was each gift received?

What type of gift was received?

What was the approximate value of gift received?

What was done with each gift received?

Did you receive any inheritance during your marriage?

If so, from whom?

When was each inheritance received?

What type of inheritance was received?

What was the approximate value of inheritance received?

What was done with each inheritance received?

To the best of your knowledge, are you the beneficiary to anyone's will?

If so, whose will?

Who are the other recipients?

In what anticipated shares?

What do you expect to receive?

What is the approximate value of your expectancy?

To the best of your knowledge, are you the beneficiary of any trust?

If so, whose trust?

Who are the other beneficiaries?

In what shares?

Have you ever accessed any trust assets during your marriage?

When?

How much?

For what purpose?

What do you receive from trust at the present time?

Do you have access to trust assets at the present time?

Do you anticipate receive or requesting any trust assets while your divorce is pending?

When?

How much?

Do you anticipate receiving or requesting any trust assets after your divorce?

When?

How much?

For what purpose?

Under what circumstances?

(b) Did your spouse receive any gifts of cash or real estate during your marriage?

If so, from whom?

When was each gift received?

What type of gift was received?

What was the approximate value of gift received?

What was done with each gift your spouse received?

Did your spouse receive any inheritance during your marriage?

If so, from whom?

When was each inheritance received?

What type of inheritance was received?

What was the approximate value of inheritance received?

What was done with each inheritance your spouse received?

To the best of your knowledge, is your spouse the beneficiary to anyone's will?

If so, whose will?

Who are the other recipients?

In what anticipated shares?

What does your spouse expect to receive?

What is the approximate value of your spouse's expectancy?

Is your spouse the beneficiary of any trust?

If so, whose trust?

Who are the other beneficiaries?

In what shares?

Has your spouse ever accessed any trust assets during your marriage?

When?

How much?

For what purpose?

What does your spouse receive from trust at the present time?

Does your spouse have access to trust assets at the present time?

Does your spouse anticipate receiving or requesting any trust assets while your divorce is pending?

When?

How much?

Does your spouse anticipate receiving or requesting any trust assets after your divorce?



When?  
How much?  
For what purpose?  
Under what circumstances?

(c) Did you liquidate any assets such as investments, retirement accounts, or stocks during your marriage?

When?  
How much?  
For what purpose?

Did your spouse liquidate any assets such as investments, retirement accounts, or stocks during your marriage?

When?  
How much?  
For what purpose?

Did you and/or your spouse complete any major renovations or repairs on your marital home during your marriage?

When?  
Who initiated the job?  
What was done?  
Who handled the job?  
Who paid for the cost?  
From what funds?

## **20. Contributions of respective parties as homemaker**

When you and your spouse still lived together...

Who cared for your children during the week?  
Who cared for your children on weekends?  
If you shared responsibility for your children, please explain your 'division of labor'.  
Who arranged for your children's health appointments?  
Who took them to these appointments?  
Who arranged for their social activities?  
Who took them to these social activities?

Who attended parent-teacher conferences?

Has this 'division of labor' changed since your separation? If yes, how so?

When you and your spouse still lived together...

Who managed household finances?

Who handled household chores?

If you and your spouse shared chores, please explain your arrangements in detail.

**21. Conduct of respective parties during the marriage**

Please explain any incidents including physical violence, sexual abuse, emotional abuse, drug or alcohol dependencies, gambling problems, adultery, misuse of assets or any other conduct you have disapproved of or found to be offensive.

**22. Current needs of the minor children of the marriage**

**23. Future needs of the minor children of the marriage**

If you have children:

Is each child in good health?

Does any child experience any emotional or medical issues requiring special treatment?

If so, what is the diagnosis?

When was he/she diagnosed?

What is course of treatment?

What medications/services does he/she receive?

Who arranged for this care?

Does any child experience any academic difficulties or learning disabilities?

If so, what is the nature of his/her difficulties?

What special services does he/she receive?

Who arranged for these services?

Do you expect any child to attend private pre school? elementary? high school?

Where?

What is anticipated cost?

How is this cost paid?

Do your children have any assets of their own for use toward these educational costs?

If so, what type?

What is approximate value?

From whom?

Do you expect any child to / does any child attend college?

Where?

What is anticipated cost?

How is this cost paid?

Do your children have any assets of their own for use toward their educational costs?

If so, what type?

What is approximate value?

From whom?