

THE STATE OF NEW HAMPSHIRE

General Instructions for Completing the Financial Affidavit Form (AOC 613-00 B & C)

- A. When this form is needed** – You must fill out and file this form with the court:
- If you are the husband or wife in a divorce or legal separation case.
If you are the mother or father in an after-divorce, custody, child support, or paternity case.
If either side is requesting child support or alimony or a change in an existing support or alimony order.
If a person's ability to pay an obligation is an issue.
Any other time that a Court may require.
- B. If you need more space** – If you need more space for any answer, either add an attachment and note it at section 13, or use section 14. When using section 14, put in the number of the answer needing more space, and then the information.
- C. The importance of the oath** – This form must be sworn to under oath and signed before a Notary Public or N.H. Justice of the Peace. All information must be true, accurate, and complete, to the best of your knowledge and belief, under the pains and penalties of perjury.
- D. Monthly Expenses form (AOC 613-002 C 3/99)** – You must always fill out and attach the monthly expenses form in the following cases:
- If child support is an issue and either side claims that the child support guidelines should not apply.
If either side is requesting alimony or payment of college expenses.
If you and the other side don't agree how to divide your debts.
If either side requests it.
If the Court requires it.
- It is not required on *other* cases, if both sides agree by checking the box in section 13, or if the Division of Child Support Services (DCSS) doesn't request it and the Court approves.
- E. Duty to update** – You must fill out and file a new Financial Affidavit for *every* hearing.
- F. Use of Forms** – You may use the Financial Affidavit (AOC 613-002 B 3/99) and monthly expenses (AOC 613-002 C 3/99) forms provided by the Court, or your own forms, as long as the format and content are identical to the Court version. The Court prefers that the forms be on green paper. You may design other attachments as you see fit.
- G. Child Support**- If child support is an issue, read the Uniform Support Order (SC-US-96) and its Instructions.

Specific Instructions for Numbered Sections of the Financial Affidavit Form

- 1. General Information** – *Street address* means your complete residence address. If you have filed a Domestic Violence Petition, or if there are restraining orders, you do *not* have to give your address. The last two lines in section 1 apply only to divorce and post-divorce cases.
- 2. Children of the Parties** – Fill in the first and last name, with middle initial, if any, for each child. Give date of birth and Social Security number.
- 4. Monthly Income – Miscellaneous** – List all public assistance income, including AFDC, TANF, food stamps SSI, APTD, and general assistance from town or county. If your dependent children receive income from employment, investments, or other sources, list it here. This income is *excluded* when calculating child support.
- 5. Monthly Guidelines Calculation Income** – List *all* income, except from those sources specified in section 4. If you are paid weekly, multiply the weekly amount by 4.33 to get monthly. If you are paid every 2 weeks, multiply the weekly amount by 2.17 to get monthly. If income is occasional or irregular, fill in the average amount. Overtime may or may not be counted towards monthly guidelines calculations income. See Instruction to Child Support Guidelines Worksheet, line 3.

- 6. Monthly Guidelines Calculation Expenses** – *Support for others* means child support or alimony you are paying under court order for other children other than the children of the parties, or for alimony for another ex-spouse. *Health Insurance* means the actual amount paid for medical insurance coverage for the children of the parties.
- 7/8. Asset information** - you must list all of your assets in these sections. In section 7, the first column is for your good-faith estimate of the total fair market value of assets in each category. *Fair Market Value* is what you would sell an asset for, *not* the purchase price or replacement cost. It is not necessary to have every asset appraised. However, you must consider all factors known to you when stating values. The second column is to list any debts that are owed against the asset, such as a mortgage or vehicle loan. You may put any additional information in the third column.
- Motor Vehicles* means cars, trucks, motorcycles, airplanes, boats, snowmobiles, and the like.
Investments means savings accounts, certificates of deposit, stocks, savings bonds, other bonds, money market accounts, and the like.
Life insurance means the *cash value* of any life insurance policy that you own or have an interest in.
Pension means a defined benefit retirement plan. What you receive is based on years of service and pay.
Retirement Account means a defined contribution plan or other retirement account in your name. Examples are: 401(k) plans, thrift/savings plans, Keoghs, IRAs.

The extra lines are for other categories of assets that are not listed on the form, or for providing more details on listed assets. You must list *all assets*. Assets include, but are not limited to, the following:

Any asset in which you have an interest, but that is being held in the name of someone else. For example, if a relative is holding money or an asset that you own, or can get back under any circumstances, you must include it.

Any assets that are owned partly by you and partly by someone else, such as a jointly owned bank account, motorcycle, or piece of real estate.

Any asset of substantial value that you either gave away or sold for less than fair market value, within 6 months of the date of the Financial Affidavit.

Any debt that anyone owes you, whether or not repayment is expected or likely.

- 9. Tax Return Information** – Total W-2s and 1099s refer to those tax forms from work done by you and from assets in your name. Do *not* include those that result from your spouse's income.
- 10. Insurance** – List all insurance coverage you have. *Description* means any deductibles and co-pays.
- 11. Debts** – List all debts in your name or joint names. *Debt* means loans, credit cards, past due bills, and the like. For each debt, list the name of the person or business you owe the debt to, whether the debt is in your name or in joint names, and the amount currently owed.
- 12. Pension and Retirement Accounts** – Name your retirement plans or accounts. On the second line, note if your retirement account is a 401(k) plan, profit-sharing plan, defined benefit plan, or other specific type of plan. A defined benefit plan is one where what you receive is based upon years of service and pay. *Value at filing* refers to the value of your retirement plan at the time the divorce was filed, and need be filled in only in divorce cases.
- 13. List of attachments** – Check off which forms and documents you are attaching to your Financial Affidavit. If the attachment is not listed, check off *other* and write in what it is.
- 14. Additional Information** – Use this space to provide information that will not fit in prior sections and to provide additional information that you wish the Court to consider.

Certification of Copies – You must give a copy of your Financial Affidavit with all attachments to the other side. The *other side* means the lawyer representing your spouse, ex-spouse, or the other parent. If he or she does not have a lawyer, give it to your spouse, ex-spouse, or the other parent. If the State is a party, also give a copy to Division of Child Support Services (DCSS). Write in the names of each person you have given a copy to.

Monthly Expenses – Section D above explains who must complete the Monthly Expenses form.