

# Motion for Spouse to Pay Lawyer's Fees Proposed Order, Notice and Request for Financial Statement with instructions

If you cannot afford lawyer fees and your spouse can, use this motion to ask the court to order your spouse to pay your lawyer fees.

## Instructions

### Fill in your case information

1. On the line in the top left corner of the form before "\_\_\_\_\_, ss", write the county where the court is located.
2. Write the docket number on the "Docket no.\_\_\_\_\_" line. Find this number on other court papers. If you did not file for divorce yet, leave it blank.
3. Write the name of the plaintiff. The plaintiff is the person who filed the divorce.
4. Write the name of the defendant. The defendant is the other spouse in the case.

### Fill in your motion

5. Write your name after the word "I". Write your spouse's name on the 2<sup>nd</sup> blank line.
6. Check the boxes next to the issues you and your spouse do not agree on in your divorce.
7. Write the amount a lawyer told you they need to start working on your case.
8. Sign and date the form.

### Fill in the proposed order

9. Follow steps 1-4 to fill in your case information.
10. Leave the rest of the form blank.

### Notice and Request for Financial Statement

11. Follow steps 1-4 to fill in your case information.
12. Write your name after the word "I" and write your spouse's name on the next line.
13. Sign and date the form.

### Fill in the Certificate of Service

The Certificate of Service tells the court you gave your spouse or your spouse's lawyer a copy of everything you filed in court.

14. Write your name.
15. Write the date you are mailing or delivering copies of the documents to your spouse or their lawyer.
16. Check the boxes next to the documents you are sending.
17. Write the name and address of your spouse.
18. Check 'hand delivery' or 'first class mail' to show how you are

serving your spouse or their lawyer.

Some courts may allow you to serve your spouse by email if you get permission. Call the court and ask.

19. Date and sign the Certificate of Service.

### File the motion with the court

20. If you file your Financial Statement at the same time as your motion, you have to complete your financial statement first. See [How to fill out a Financial Statement](#).  
Important: If the court impounded your address and phone number, write "Impounded" in the spaces for your address and phone number.
21. Make 2 copies of everything! One copy is for you.
22. Mail or take the original motion and proposed order to court.  
If you are filing your Financial Statement at the same time, include your Financial Statement.

### Serve your spouse

23. Deliver the motion, proposed order, and Request for Financial Statement to your spouse or their lawyer.  
Deliver the documents by the method you checked in the Certificate of Service.  
You can include your Financial Statement when you serve your spouse **or** you can wait. Make sure they get it at least **2 days** before the hearing.
24. Go to court on the hearing date.  
See [What happens when I get to Probate and Family Court for a hearing?](#)

**COMMONWEALTH OF MASSACHUSETTS**  
**TRIAL COURT**  
**PROBATE AND FAMILY COURT DEPARTMENT**

\_\_\_\_\_, ss.

Docket No. \_\_\_\_\_

\_\_\_\_\_,  
**Plaintiff**

v.

\_\_\_\_\_,  
**Defendant**

**Motion for  
Spouse to Pay  
Lawyer's Fees**

I, \_\_\_\_\_, respectfully ask this Court to order my spouse,  
\_\_\_\_\_, to pay my lawyer's fees in this divorce case.

My reasons are as follows:

1. I **do not** have enough income or assets to pay my lawyer's fees.
2. My spouse **does** have enough income and assets to contribute towards my lawyer's fees.
3. These issues need to be decided in our divorce case:

<input type="checkbox"/> the grounds for divorce,	<input type="checkbox"/> custody of our minor child(ren),
<input type="checkbox"/> child support,	<input type="checkbox"/> parenting time with our minor child(ren),
<input type="checkbox"/> alimony,	<input type="checkbox"/> division of our marital property and debts,
<input type="checkbox"/> tax issues,	<input type="checkbox"/> medical insurance and expenses
<input type="checkbox"/> Other: _____	
4. I need \$ \_\_\_\_\_ to pay my lawyer's fees.

THEREFORE, I ask this honorable Court to order my spouse to pay my lawyer's fees or a reasonable amount to be determined by the Court, as an allowance for me to pay my lawyer's fees. Respectfully Submitted by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

**COMMONWEALTH OF MASSACHUSETTS**  
**TRIAL COURT**  
**PROBATE AND FAMILY COURT DEPARTMENT**

\_\_\_\_\_, ss.

Docket No. \_\_\_\_\_

\_\_\_\_\_,  
**Plaintiff**

v.

\_\_\_\_\_,  
**Defendant**

**Proposed**  
**Order to Pay**  
**Lawyer's Fees**

After a hearing on the matter and a finding of good cause, it is ordered that:

\_\_\_\_\_, the ☐ Plaintiff ☐ Defendant, in the above entitled

action, shall immediately pay the sum of \$ \_\_\_\_\_ to the ☐ Plaintiff ☐ Defendant

to pay their lawyer's fees. The payment shall be made:

- directly to the ☐ Plaintiff ☐ Defendant,
- to the Court Probation Office which shall disburse the payment upon the following terms and conditions \_\_\_\_\_

- Other \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Justice of the Probate and Family Court

**COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT**

\_\_\_\_\_, ss.

Docket No. \_\_\_\_\_

\_\_\_\_\_ ,

**Plaintiff**

**v.**

\_\_\_\_\_ ,

**Defendant**

**NOTICE AND REQUEST  
FOR FINANCIAL STATEMENT**

Each party is required to file and provide the other party with a complete, accurate and sworn Financial Statement no less than two business days prior to the hearing on this Motion.

THEREFORE: I, \_\_\_\_\_, request that \_\_\_\_\_

deliver a Financial Statement to the Probate and Family Court and to me within 2 days of the hearing pursuant to Massachusetts Supplemental Rules of the Probate Court 401(b).

\_\_\_\_\_  
date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

## MOTION FOR LAWYER'S FEES

### CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that on \_\_\_\_\_ a copy of  
your name date

- Motion to for lawyer's fees
- Proposed order for lawyer's fees
- Notice and Request for Financial Statement
- My Financial Statement
- Blank Financial Statement

was served on \_\_\_\_\_  
spouse or spouse's lawyer

- in-hand
- by mail at

\_\_\_\_\_  
spouse or spouse's lawyer's address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature