

EXEMPT INCOME

The Supreme Judicial Court has promulgated amendments to Trial Court Rule III, the Uniform Small Claims Rules effective October 1, 2009, in the Boston Municipal, District and Housing Court Departments. As a result of these amendments, the court may **only** accept a written agreement for judgment or for a payment order on the official court form. See attached "AGREEMENT FOR JUDGMENT AND FOR PAYMENT ORDER" form (DC-SC-8).

The second page of the form lists income sources that are exempt by law and also provides a worksheet on which the defendant may calculate the exempt portion of his or her wages or retirement payments. The form includes a certification by the parties that *"This payment order will not be satisfied with any exempt income listed on pg. 2 of this form."* The information and certification included in the official form protects the court from unwittingly ordering or endorsing any payment agreement that relies on exempt income.

To ensure that parties who participate in alternative dispute resolution receive the same protections as those who appear before the court, the following certification will be required from programs seeking approval to provide services to the Boston Municipal Court and District Court:

**CERTIFICATION REQUIRED FOR PROGRAMS SEEKING APPROVAL IN THE
BOSTON MUNICIPAL COURT AND THE DISTRICT COURT DEPARTMENTS**

I certify that in every small claim in which an agreement for judgment and/or payment order is reached, our neutrals will use and submit to the court the official "Agreement for Judgment and for Payment Order" (DC-SC-8) form, signed by all parties, which states that no payment order will be satisfied from exempt income. If a separate mediation agreement form is also used, the neutral will append that agreement to the official court form.

I also certify that in every small claim in which an agreement for payment is reached that is not to be reduced to a court judgment and/or payment order, our neutrals will have all parties sign a written agreement that includes a certification that each such payor understands that the court cannot require him or her to make any payment from exempt income, and our neutrals will give each such payor a court-provided list of income sources that are exempt by law. The certification shall be signed by each payor and shall read: *"I understand that the court cannot require me to make any payment from exempt income, and that I have been provided with a list of income sources that are exempt by law."*

Signature

Print Name

Title

Program

Date