

## MAINE JUDICIAL BRANCH

Plaintiff

DISTRICT COURT

Location (Town): \_\_\_\_\_

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

V.

Defendant

Defendant's address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

## FAMILY MATTER SUMMONS AND PRELIMINARY INJUNCTION

19-A M.R.S. §§ 852, 903

**TO DEFENDANT:** Plaintiff has started an action against you for one of the following: divorce, judicial separation, annulment, parentage, parental rights and responsibilities, child support, or grandparent visitation. If you want to oppose this action, **you must serve a written answer to the complaint or petition and, if there are minor children, a completed child support affidavit** on the plaintiff within 21 days after the day this summons, the attached complaint or petition, and any child support affidavit were served on you. You or your attorney **must** serve your answer and child support affidavit as follows:

- If the plaintiff **has an attorney**, you must serve a copy on the plaintiff's attorney in one of the following ways: (1) by delivering a copy in person, (2) by sending a copy by mail, or (3) by sending a copy by email (see attorney's address and email below); or
- If the plaintiff does **not have an attorney**, you must serve a copy on the plaintiff in one of the following ways: (1) by delivering a copy in person; (2) by sending a copy by mail; or (3) by sending a copy by email, **but only if** the plaintiff has completed the Notice Regarding Electronic Service (CR-CV-FM-255) to opt into electronic receipt of documents.

Within the same 21 days, you must also file your original answer and child support affidavit with the Court by mailing it to:

Name and address of Court:

## PRELIMINARY INJUNCTION

(FOR DIVORCE AND JUDICIAL SEPARATION ACTIONS ONLY)

Pursuant to 19-A M.R.S. §§ 852 and 903, it is **ORDERED** that, unless the parties agree otherwise in writing or unless the court orders otherwise:

1. Except as specifically allowed by subparagraph (a) below, each party is prohibited from damaging, destroying, transferring, encumbering, concealing, selling, or otherwise disposing of any property owned or claimed by either or both of the parties, regardless of whose name the property is in or who holds title to the property. Violations of this subparagraph include but are not limited to the following: (i) withdrawing from or borrowing from or against all or any part of the cash surrender value of a life insurance policy of either party or of a child of the parties;

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**Language Services:** For language assistance and interpreters, contact a court clerk or [interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov).

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(ii) withdrawing from or borrowing from or against all or any party of the retirement, profit-sharing, pension, death, or other employee benefit plan or from an employee savings plan, an individual retirement account or a "Keogh" retirement account; and (iii) intentionally or knowingly damaging or destroying the personal property of the parties, including but not limited to any electronically stored materials, electronic communications, financial records and documents that represent or embody anything of value.

- a. Subparagraph 1 does not prohibit a party from accessing funds or incurring debt for the following purposes:
i. To continue the regular operations of an ongoing business;
ii. To pay for the necessities of life, including housing, utilities, food, transportation, school, childcare and medical expenses,
iii. To retain an attorney for the legal separation or divorce proceeding; and
iv. To make regular withdrawals or required minimum withdrawals in the normal course of retirement.
2. Each party is prohibited from canceling or voluntarily removing the other party or a child of the parties from a policy of health, dental, or disability insurance that provides coverage for the other party or the child of the parties and each party is required to comply with any annual renewal requirement or deadlines necessary for the maintenance of such policies;
3. Each party is prohibited from canceling or changing in any way, including by changing a beneficiary of, a casualty, life, or motor vehicle policy insuring a party of the party's property;
4. Each party is prohibited from opening, tampering with, destroying, deleting, or withholding mail, e-mail, or text messages or any other form of communication addressed to the other party; and
5. Each party is prohibited from signing the other party's name on any negotiable instrument, check, or draft, including but not limited to a tax refund, security deposit, insurance payment, or dividend.

WARNING: This is an official Court Order. If you disobey this order, the Court may find you in contempt of court. This Court Order is effective until the earliest of the following: (1) the Court revokes or modifies it; (2) a final divorce judgment or decree of judicial separation is entered; or (3) the action is dismissed.

Date (mm/dd/yyyy): \_\_\_\_\_

▶ \_\_\_\_\_
Clerk of the District Court

This Summons (and Preliminary Injunction) are issued by:

Name: \_\_\_\_\_
[ ] Plaintiff [ ] Attorney for Plaintiff

Bar No. (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

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### IMPORTANT INFORMATION FOR DEFENDANT

If you do not serve and file an answer to the complaint or petition and, in cases involving minor children, the child support affidavit, or if you do not appear in Court when you are notified to do so, the Court may grant the plaintiff's request in your absence.

If you do not want to serve and file an answer to the complaint or petition, but you do want the court to listen to you on the issues of child support, parental rights and responsibilities, division of marital property, spousal support (alimony), or attorney fees, you must file an Entry of Appearance form (FM-020) and a child support affidavit with the Court and appear at all Court conferences and hearings. You must give the plaintiff a copy of your Entry of Appearance and child support affidavit. Those forms may be obtained at the Court Clerk's office or on the Maine Judicial Branch website.

If you believe you have a defense to the plaintiff's complaint or petition or a claim of your own against the plaintiff, you should talk to an attorney. The Court Clerks are not allowed to give you legal advice.

### NOTICE TO PARTIES

**In all cases involving minor children, the parties are required to attend a case management conference at the Court.** Within two weeks after the plaintiff files with the Court proof of service of the summons, complaint or petition, and child support affidavit, the Court will notify you of the date and time of the case management conference. The notice will be sent by regular mail. You must promptly notify the Court in writing of your correct email address and any changes to your address. If you do not, you may not receive any notices from the Court, including notice of the case management conference.

### IMPORTANT WARNING

**You have the right to appear and be heard at all Court events (trial, hearing, conference, mediation). If you fail to appear at any or all court events without good cause, action may be taken on your case even though you are not there.** This means that the Court may, in your absence, enter an interim/temporary order, OR hold a final hearing and enter a final default order or judgment regarding any or all of the issues in your case, including but not limited to paternity or parentage, parental rights and responsibilities for children (custody, residence, visitation, etc.), child support, spousal support (alimony), attorney fees, and distribution of marital and non-marital property (debt, real estate, vehicles, pension and retirement accounts, etc.). The Court may also dismiss any pleading that you have filed if you do not appear. It is your own responsibility to be sure the Court has your correct address. Any change of address must be in writing and delivered to the Court Clerk's office by hand or regular mail.

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STATE OF MAINE

County of \_\_\_\_\_, ss.

On (mm/dd/yyyy) \_\_\_\_\_, I served the Complaint, Summons and Preliminary Injunction, and Child Support Affidavit upon the defendant by delivering a copy of the same at the following address:

\_\_\_\_\_

- to the above-named defendant in hand.
- to \_\_\_\_\_ (name), a person of suitable age and discretion who was then residing at the defendant’s usual residence.
- to \_\_\_\_\_ (name), who is authorized to receive service for the defendant.
- by (describe other manner of service):

\_\_\_\_\_

**COST OF SERVICE**

Service: \$ \_\_\_\_\_  
 Travel: \$ \_\_\_\_\_  
 Postage: \$ \_\_\_\_\_  
 Other: \$ \_\_\_\_\_



\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title

**OR**

I, the  plaintiff  defendant, have completed service by:

- Certified Mail, Restricted Delivery, Return Receipt;
- Acceptance of Service;
- Signed Acknowledgment Form

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