

MAINE JUDICIAL BRANCH

_____ Plaintiff

DISTRICT COURT

V.

Location (Town): _____

_____ Defendant

Docket No.: _____

_____ Other party, if any

MOTION TO MODIFY

Child Support Only

19-A M.R.S. §§ 951-A, 1501-1510, 1653, 1657, 2001-2011

PLEASE NOTE: If either party wishes to keep an address confidential, that party may complete an Affidavit for Confidential Address (FM-057). This form is available at the Clerk's Office or at www.courts.maine.gov.

1. I am the plaintiff defendant in this case and I now reside in (town) _____, (county) _____, (state) _____.

Please write "confidential" in the space above if you are filing an Affidavit for Confidential Address.

2. The other party now resides in (town) _____, (county) _____, (state) _____.

OR

Residence of the other party is unknown and I have used reasonable efforts and cannot locate the other party.

3. Circumstances have changed substantially since the Court's Judgment or Order in this case, dated (mm/dd/yyyy) _____. The changes concern the following issues (check all that apply):

Parental rights and responsibilities;

Primary residential care of the minor child(ren). (I have filed FM-050 Child Support Affidavit with the Court and exchanged a copy with all other parties);

Rights of contact or visitation with the minor child(ren);

Child support (I have filed FM-050 Child Support Affidavit with the Court and exchanged a copy with all other parties);

Spousal support (alimony); and/or

Other: _____

IF THIS CASE DOES NOT INVOLVE MINOR CHILDREN, PLEASE SKIP TO NUMBER 9.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

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4. Plaintiff and defendant are the parents of the following children:

| Full name | Date of birth (mm/dd/yyyy) | Present address(es) (do not list if confidential to other party) |
|-----------|-------------------------------|--|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

5. List below where and with whom the child(ren) have lived within the **past 5 years**, in order from the most recent, 19-A M.R.S. § 1753 (attach an additional page if more space is needed):

| Name of person with whom child(ren) lived | Present address of the person that child(ren) lived with (do not list if confidential to other party) | Dates lived with that person (mm/yy) – (mm/yy) | Town/State where child(ren) lived with that person |
|---|---|--|--|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

6. No one other than the plaintiff or defendant has physical custody of the child(ren), or claims to have custody or visitation rights with respect to the child(ren) except: _____

7. Plaintiff has not been involved in any way in, and has no information about, another Court case in Maine or in any other state concerning custody of the minor child(ren) except as follows:

- Protection from Abuse (provide docket number): _____
- Probate matter (provide docket number): _____
- Other (describe what kind of case and provide docket number): _____

8. No public assistance benefits (MaineCare or TANF) have ever been received for the child(ren).

OR

Public assistance benefits (MaineCare or TANF) have been, are now, or will be received for the child(ren).

AND

The Department of Health and Human Services **has** issued a child support order regarding the child(ren). (If such an order has been issued, a copy of the order must be attached to this motion.)

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9. **SUBSTANTIAL CHANGE IN CIRCUMSTANCES.**

- I do not have to show any change in circumstance because:
 - I am only seeking to modify child support, and a child support order was not issued or modified within the last three years. 19-A M.R.S. § 2009(3).
 - Other: _____

OR

Describe below the substantial change in circumstances that has occurred since the Judgment or Order and why you believe these changes should cause the Court to change the Judgment or Order:

10. I am asking the Court to review the Judgment or Order and make the following changes:

11. **WHEREFORE**, I ask the Court to modify those portions of the Judgment or Order as requested in number ten of this motion; and

Order the other party to pay my court costs, reasonable attorney fees, and grant such other relief as the Court deems just and proper.

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.

Date (mm/dd/yyyy): _____

▶ _____
Signature of plaintiff defendant

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MAINE JUDICIAL BRANCH

Attorney: _____
Bar No.: _____
Address: _____

Telephone: _____
Email: _____

Name: _____
 Address is confidential (if so, leave blank below)
Address: _____

Telephone: _____
Email: _____

STATE OF MAINE

_____ County

Personally appeared the above named party, _____, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date (mm/dd/yyyy): _____

▶ _____
 Attorney at Law Notary Public Clerk

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_____ Plaintiff

DISTRICT COURT

v.

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IMPORTANT WARNING TO RESPONDING PARTY

If this motion asks the Court to modify (change) a child support order and you object to the motion, you must file a written response with the Court within 30 days after the date the motion was served on you. You must also file with the Court a completed child support affidavit. This form is available at the Clerk's office or online at www.courts.maine.gov. You must send copies of your response and affidavit to all the other parties and their attorneys, if any.

If this motion does not involve child support, you must file a written objection to the motion with the Court within 21 days after it was served on you. You must also send a copy of your objection to the other parties or their attorneys, if any.

NOTICE TO BOTH PARTIES

If this motion involves minor children, you are required to attend a case management conference at the court. Within two weeks after the moving party files with the Court proof of service of the motion to modify and child support affidavit, the Court will notify you of the date and time of the conference. The notice will be sent by regular mail.

You have the right to appear and be heard at all court events (trial, hearing, conference, mediation, etc.). If you fail to appear at any or all court events without good cause, action may be taken in 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 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 (decision-making, residence, contact, etc.), child support, spousal support (alimony), and attorney fees. The Court also has the option to dismiss any pleading that you have filed if you do not appear in Court. It is your own responsibility to be sure that the Court has your correct mailing address. Any change of address must be in writing and delivered to the Clerk's office by hand or regular mail.

The District Court is located at:

Empty rectangular box for court location.

STATE OF MAINE

County of _____, ss.

On (mm/dd/yyyy) _____, I served the Motion to Modify 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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