

## MAINE JUDICIAL BRANCH

### PARENTAL RIGHTS AND RESPONSIBILITIES CASE: What to do with these Court Forms

#### Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly.
  - Fillable versions of the forms are available on our website at: [http://courts.maine.gov/fees\\_forms/forms](http://courts.maine.gov/fees_forms/forms).
- You will file each form with the Court. Before you do that, make copies of your completed forms—one for yourself and one copy for each of the other parties. You will need to find a place to make copies (like a library). The court clerk cannot make copies for you.

#### **STEP ONE: Fill out the Forms**

##### **Family Matter Summary Sheet (FM-002)**

This form is required for the clerk to start an action. In order to fill out this form you need to enter contact information for yourself and for the defendant.

##### **Complaint for Determination of Parentage, Parental Rights & Responsibilities, Child Support (FM-006)**

The section at the top of the form is called the "caption." Fill in the location of the District Court (for example: "Bangor"). The clerk will fill in the Docket Number later. You are the plaintiff and the other party is the defendant. If there are other parties involved, they will be listed as "Other Party." Write your full legal name in the blank before "Plaintiff." Write the other party's full name in the blank before "Defendant." Fill in the other blanks on the form. Near the end, where it says, "Plaintiff requests," check all the boxes that apply. (If you are not sure, check the box; you can drop that request later.) You must sign this form in front of a notary public. You can find a notary at a bank, a legal services office, through your town office, or at the court clerk's office.

##### **Child Support Affidavit (FM-050)**

Fill out the "caption" the same way that you did on the complaint form. Fill out the rest of the form to the best of your knowledge. Note that you list last year's earned income and this year's expected earned income separately under #1. Also note that you list other income under #2 and in-kind income under #3. You may have to look at your records to get financial information. After the defendant gets your complaint, the Court will ask the defendant to fill out the same financial form and send you a copy.

##### **Family Matter Summons and Preliminary Injunction (FM-038)**

You must use the **original** form you got from the clerk. It has the clerk's original signature and seal. You cannot use a photocopy or on-line version of this form.

Fill out the "caption" as you did on the complaint. Fill in the name and address of the Court. Date and sign the form. Leave the spaces on the second page empty.

##### **Social Security Number Disclosure Form (CV-CR-FM-PC-200)**

You are required by both State and Federal law to provide your social security number along with your children's social security numbers. This information is collected on the Social Security Number Disclosure form, which will be confidential in the court file. This form is included in your packet.

**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](mailto:accessibility@courts.maine.gov), or a court clerk.

**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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### Notice Regarding Electronic Service (CR-CV-FM-255)

This packet contains **two** copies of this form. **You have the choice** to allow the opposing party to serve documents on you by email. To do this, you must complete one of the copies of the Notice Regarding Electronic Service (CR-CV-FM-255) and include that in the packet of forms that you serve on the opposing party. Make sure to also include the second blank copy of this form in the packet of forms that you serve on the opposing party. If the opposing party wants to allow you to serve documents by email, the opposing party must complete the form and send it back to you. Do **not** file this form with the court.

**PLEASE NOTE:** Receiving filings by email in your case is **completely optional**. If you wish to receive paper filings in your case, you do **not** have to complete this form. However, if you do complete the form, you do **not** need to file it with the court.

### **STEP TWO: Serve the Forms**

Now you must give copies to the other party or parties. This is called "serving" the court papers. Court rules say you can do this in one of three ways: (1) You can mail the papers, asking the other party to agree to "service;" (2) you can send the papers by certified mail, restricted delivery; or (3) you can pay a sheriff to give the copies to the other party. You must file proof of service with the court.

If the child for whom you are seeking to determine parentage has or may have parents or guardians other than the party to the proceeding you must also serve the other possible parents or guardians with all of your pleadings. For example, if you are bringing a parentage case for a child and a court has already determined that another person is the child's parent, you must serve your action on that adjudicated parent. You must also serve your pleadings on any intended or presumed parents.

#### **Service by Mail**

Mail or hand-deliver these papers to the other party or parties:

- Copy of Complaint
- Copy of Summons and Preliminary Injunction
- Copy of Child Support Affidavit
- Two copies of Acknowledgment of Receipt of Summons and Complaint (after you have filled in the "caption" on both copies)
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)
- Stamped, self-addressed envelope

The Acknowledgment of Receipt form asks the other party to sign it, showing he/she got the papers, and to return the form to you within 20 days. If you get the signed Acknowledgment back within 20 days, go on to Step 3. If not, then you will need to serve the papers another way.

#### **Service by Certified Mail, Restricted Delivery**

Take these papers to the post office along with an envelope:

- Copy of Complaint
- Copy of Summons and Preliminary Injunction

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- Copy of Child Support Affidavit
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)

Tell the postal clerk that you want to send the papers by certified mail. Make sure you ask for a "Return Receipt" and "Restricted Delivery." This costs more and involves a few extra steps. The certified restricted mail forms are available at your post office. File with the court clerk the green card you get back from the post office, to prove that the other party got the papers.

### Service by Sheriff

Mail or take to your county sheriff's office:

- Copy of Complaint
- The original Summons and Preliminary Injunction, plus one copy
- Copy of Child Support Affidavit
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Completed copy of the Notice Regarding Electronic Service (CR-CV-FM-255) (only if you want to agree to email receipt of documents filed by the opposing party in your case)

In a letter, or in person, ask the sheriff's office to serve the papers on the other party (the defendant). Give the defendant's home address. If you think the defendant will be hard to find at home, give the defendant's work address. The deputy who "serves" the papers will complete page two of the Summons and return the original to you. There is a charge for this service - please contact the sheriff's office for the county where the defendant lives to get information on costs of service.

### STEP THREE: File the Forms

Within 20 days after serving the other party or parties, file these forms with the court:

- Summary Sheet**
- Complaint**
- SSN Disclosure Form**
- Child Support Affidavit**
- Summons** (REQUIRED regardless of how service was completed, and should be filed with deputy's signature if you used sheriff's service)
- Acknowledgment of Receipt** (if you used service by mail)
- Green card you got back from the post office** (if you used certified mail for service)

***Please note: you must file at least one type of proof of service for each other party to the case.***

The Court charges a fee to file your papers. Later you may be charged a mediation fee (shared by the parties). You should contact the court clerk for exact fee amounts. If you cannot afford the court fees, you can ask the clerk for an Application to Proceed Without Payment of Fees and an Affidavit. Then file the forms with the clerk along with your other papers. A judge will review your financial information and decide whether you qualify for a fee waiver. If the waiver is denied, you must pay the filing fee within 7 days. If the waiver is granted, you won't have to pay some or all of the court fees.

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### WHAT IS NEXT?

Once the court receives a complete filing, the clerk will schedule the first court event with a family law magistrate called a case management conference. **For more information on this and the rest of the court process, please visit the Family and Children page at the Maine Judicial Branch website listed below or read “A Guide to Family Separation in Maine” that is provided to every party at the start of a case.**

### Forms Required After Initial Filing

**Whenever you file with the court any of these forms, or any other document, you must send a copy to the opposing party.**

#### **Child Support Worksheet (FM-040) and, if applicable, Supplemental Worksheet (FM-040-A)**

Parties must complete a Child Support Worksheet (FM-040) and file it with the Court no later than 3 days before a court hearing, whether contested or uncontested. It is recommended that a party file a Child Support Worksheet with the Child Support Affidavit at the time of filing. There are instructions on the worksheet for how to complete it. Parties who share substantially equal care of the minor child(ren) as defined in 19-A M.R.S. § 2006(5)(D-1) must also complete and file a Supplemental Worksheet (FM-040-A) at the same time they file a Child Support Worksheet.

#### **Federal Affidavit (FM-052)**

If the defendant has not entered an appearance or appeared in court for the parental rights and responsibilities proceedings by the time of the final hearing, the plaintiff must file a Federal Affidavit (FM-052) stating under oath that the defendant is not serving in the military or an affidavit signed by defendant waiving rights conferred by the Service Members Civil Relief Act.

### HELPFUL RESOURCES

**A Guide to Family Separation in Maine:** This guide will help you better understand the court process in family law cases such as divorce and parental rights and responsibilities (PR&R) cases. PR&R cases involve parties who have a child, but are not married. You can get a copy of this guide at the court or access it online [www.courts.maine.gov](http://www.courts.maine.gov).

**Maine Judicial Branch website:** The Families and Children page of the website includes information on many different types of family cases. Please visit that page for information on what to expect from the court process and issues that may come up in your case.

**Mediation:** A mediator may be able to help you and the other party or parties reach an agreement on issues relating to your case. Mediation can be arranged through the court or a private mediator.

**Parent education:** A parent education program specifically designed for divorcing or separating parents may help you focus on the needs of your children. The court may order you to attend one of these programs.

**Child Support Table:** These guidelines, by law, are issued by DHHS and are used to help determine child support obligations according to income. This table is available online at: [http://courts.maine.gov/fees\\_forms/forms/index.shtml](http://courts.maine.gov/fees_forms/forms/index.shtml) or from any District Court clerk's office.

For more information about these resources, speak with the court clerk or visit the Maine Judicial Branch website at: [www.courts.maine.gov](http://www.courts.maine.gov).

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