

MAINE JUDICIAL BRANCH

MOTION TO MODIFY: 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://www.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 any other party.

Motion to Modify (FM-062)

The section at the top of the form is called the "caption." Look at the caption on your original Court Order and copy the court location, docket number and names of Plaintiff and Defendant. (This information stays the same. If you were the defendant before, you are still the defendant, even though you are the one filing the motion to modify.) If you can't find your original order, you can obtain a copy from the clerk. If you are trying to change the amount of child support only, check that box that reads "Child Support Only" under the words "Motion to Modify." Please complete pages 1 through 3 as instructed. You must sign page 4 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.

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 placed in a confidential envelope in the court file. This form is included in your packet.

Child Support Affidavit (FM-050) (if child support is an issue)

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 fringe benefits under #3. You may have to look at your records, if you have them, to get financial information. You must sign this form in front of a notary public. After the responding party gets your Motion to Modify, the Court will ask the responding party to fill out the same financial form and send you a copy. The court may also require you to complete a Child Support Worksheet (form FM-040), which is available on the Maine Judicial Branch website at www.courts.maine.gov.

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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STEP TWO: Serve the Forms

Now you must give copies to the defendant. 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.

Service by Mail

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

- Copy of Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- Two copies of Acknowledgment of Receipt of Summons and Complaint (after you have filled in the "caption" on both copies)
- Stamped, self-addressed envelope
- 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)

The Acknowledgment of Receipt form asks the other party to sign it, showing that the other party 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 Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- 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. Get forms and help from 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:

- The original and one copy of the Motion to Modify
- Copy of Child Support Affidavit (if child support is an issue)
- 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. Give the other party's home address. If you think the other party will be hard to find at home, give the other party's work address. There is a charge for this service - please contact the appropriate sheriff's office for information on costs of service. **The deputy who "serves" the papers will complete page 5 of the motion and return the original to you.**

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STEP THREE: File the Forms

Within 20 days after serving the other party, hand-deliver or mail to the court clerk these original forms:

- Summary Sheet**
- Motion**
- SSN Disclosure Form**
- Child Support Affidavit** (if child support is an issue)
- Return of Service on page 5 of the Motion to Modify indicating method of service** (the deputy's signature is required on this page if the sheriff's office served the papers)
- Acknowledgment of Receipt** (this is required only if you used service by mail)
- Green card you got back from the post office** (this is required only 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). If you cannot afford the court fees, you may ask the clerk for an Application to Proceed Without Payment of Fees and an Affidavit. Fill out these forms and sign them in front of a Notary Public. 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 will not have to pay, or you will pay some of the court fees.

WHAT IS NEXT?

Once the court receives a complete filing, the clerk will schedule the first court event with a family law magistrate (for cases with children) or judge (for cases without children). **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.**

Federal Affidavit (FM-052)

If the responding party has not entered an appearance or appeared in court for the Motion to Modify proceedings at the time of the final hearing, the moving party must file a Federal Affidavit (FM-052) stating under oath that the responding party is not serving in the military or an affidavit signed by the responding party waiving rights conferred by the Service Members Civil Relief Act.

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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.

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 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.

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