

## MAINE JUDICIAL BRANCH

### MOTION FOR CONTEMPT: What to do with these Court Forms

#### Here are 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](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 the defendant.

##### **Motion for Contempt (FM-068)**

The section at the top of this form is called the "caption." Look at the caption from your original Court Order and copy the court location, docket number and name of Plaintiff and Defendant. (This information stays the same. If you were the Defendant before, you are still the Defendant, even if you are the one filing the Motion now.) If you can't find your original order, you can buy a copy from the clerk.

Check the "Child Support Only" box if child support is the **only** issue. Fill in the other blanks on the form. At the top of page 2, check the boxes to show what you want the Court to order.

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.

##### **Subpoena for Hearing on Motion for Contempt (CV-037)**

You must use the 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.**

Copy the caption at the top of the page from your **Motion** form. On the next line, after "To:" write the other party's name. Then check the box, to show whether the other party is the Plaintiff or Defendant. For now, leave the middle section, notice of hearing, blank. If you want the other party to bring any documents to the hearing, list them in the next section. On the next line, check whether you are the Plaintiff or Defendant. Leave the rest of the form blank.

##### **Scheduling Order (FM-137)**

Fill out the caption as you did on the other forms. In the large boxes write your address and the other party's address. Leave the rest blank for the Court to fill out.

**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: File the Forms**

Take these original forms back to the clerk:

- Summary Sheet
- Motion for Contempt
- Subpoena for Hearing on Motion for Contempt
- Scheduling Order

The Court charges a fee to file your Motion. (If your Motion is for payment of child support only, you don't have to pay this fee.) If you cannot afford court fees or Sheriff's service, you can ask the clerk for an Application to Proceed Without Payment of Fees and a Financial Affidavit. Fill out these forms and sign them. Then file these two forms with your Motion. A judge will review your financial information and decide whether you will 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 some or all of the court fees.

**Make a copy of your motion before you give the original to the clerk.** The clerk will show your papers to a judge. If you have done everything correctly, the Court will set a date and time for a hearing and sign the Scheduling Order. The clerk will return the Subpoena and a copy of the signed Scheduling Order to you. The clerk may fill in the hearing time and court location on the Subpoena for you. If not, add that information to the Subpoena by copying it from the Scheduling Order.

### **STEP THREE: Serve the Forms**

Now you must "serve" the papers on the other party. First, make two copies of the Subpoena (with copies of your Motion and the Scheduling Order attached). Keep one copy. Give the original Subpoena and the other copy to the sheriff for service.

In a letter, or in person, ask the sheriff's office to deliver to the other party the following:

- Subpoena
- Motion for Contempt
- Scheduling Order
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)

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- 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)

Give the other party's home address. If you think the other party will be hard to find at home, give a work address.

**Remind the deputy that the papers must be served at least 10 days before the hearing date.**

If you did not get a "fee waiver" (see above), the sheriff's office will charge you for this service - please contact the sheriff's office for the county where the other party lives to get information on costs of service. If the Court gave you a fee waiver, give the sheriff a copy of the Court's Order so that you will not be billed for this service.

### **STEP FOUR: File the Subpoena**

After the other party has been "served," file the Subpoena, the Motion and the Scheduling Order you got back from the sheriff's office with the court. The judge cannot hear your case until this is filed, showing that the other party has been "served."

### **STEP FIVE: Court Hearing**

This is a formal court hearing. The judge will hear each side. You can testify for yourself, bring witnesses, and present documents. All parties must follow the rules of evidence and court procedure.

Prepare for the hearing by planning what you need to say. It will be your burden to prove that the other party has failed or refused to follow the earlier court order. You must also show, by "clear and convincing evidence," that the other party has the ability to comply with what the Court ordered. Go to the hearing, be on time, and be prepared.

### **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.**

Federal Affidavit (FM-052) If the responding party has not entered an appearance or appeared in court by the time of the final hearing, the filing 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 responding party 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.

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