

MAINE JUDICIAL BRANCH

_____ Plaintiff

DISTRICT COURT

V.

Location (Town): _____

Docket No.: _____

_____ Defendant

ANSWER & COUNTERCLAIM FOR ANNULMENT

With minor children No minor children

19-A M.R.S. §§ 701, 751-753, 1653, 1843, 2001-2011

ANSWER TO ANNULMENT COMPLAINT

1. Defendant admits paragraphs # _____ of plaintiff's complaint for annulment.
2. Defendant denies paragraphs # _____ of plaintiff's complaint for annulment.
3. In further answer to plaintiff's complaint, defendant states as follows:

COUNTERCLAIM FOR ANNULMENT

PLEASE NOTE: If either party wishes to keep the 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. Defendant and plaintiff entered into a purported marriage in (town) _____ (county) _____, (state) _____ on (mm/dd/yyyy) _____.
2. Defendant now resides in (town) _____, (county) _____, (state) _____. Please write "confidential" in the space above if you are filing an Affidavit for Confidential Address (FM-057).
3. Plaintiff now resides in (town) _____, (county) _____, (state) _____
 OR
 Residence of the plaintiff is unknown and the defendant has used reasonable efforts and cannot locate the plaintiff.

IF THIS CASE DOES NOT INVOLVE MINOR CHILDREN, PLEASE SKIP TO NUMBER 11.

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MAINE JUDICIAL BRANCH

4. Plaintiff and defendant are the parents of the following child(ren):

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 child(ren) lived with	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. Other possible parents (check one):

- The child(ren) do not have any other acknowledged, adjudicated, intended, de facto, or presumed parents.
OR
 The child(ren) have another acknowledged, adjudicated, intended, de facto, or presumed parent.

Quick Reference Guide:

An **acknowledged** father is a person who is the genetic father of the child(ren) and signed a valid acknowledgment of paternity with the intent to establish paternity. 19-A M.R.S. § 1861.

An **adjudicated** parent is a person determined to be a parent of the child(ren) by a court order. 19-A M.R.S. § 1832(2).

A **presumed** parent is a person who was married to the other parent when the child was conceived or born; or a person that resided in the same household with the child and openly held out the child as that person’s own from the time the child(ren) was born or adopted and for a period of at least 2 years thereafter and assumed personal, financial, or custodial responsibilities for the child(ren). 19-A M.R.S. § 1881.

A **biological** parent is a person who is the genetic parent of the child.

A **de facto** parent is a person who is recognized as a parent of the child. A person seeking to be adjudicated a de facto parent of a child must complete and file **FM-232** (instead of this complaint) with an affidavit alleging under oath specific facts to support the existence of a de facto parent relationship with the child. 19-A M.R.S. § 1891.

An **intended** parent is a person married or unmarried, who manifests the intent to be legally bound as the parent of a child resulting from assisted reproduction or a gestational carrier agreement. In the case of a married couple, any reference to an intended parent includes both spouses. 19-A M.R.S. §§ 1921-1939.

7. 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 as follows: _____

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MAINE JUDICIAL BRANCH

8. 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 child(ren) except as follows:
 Protection from Abuse (provide docket number): _____
 Probate matter (provide docket number): _____
 Other (describe what kind of other case and provide docket number) _____

9. If you are asking that the court change the child(ren)'s names, please explain why there is good cause to do so (19-A M.R.S. § 1843(3)). If this does not apply, please leave blank: _____

10. 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 issued, a copy of the order must be attached to this complaint.)*

11. The purported marriage is void or voidable because the validity of the marriage is doubted for the following reasons:

(please attach an additional page if necessary)

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MAINE JUDICIAL BRANCH

12. DEFENDANT REQUESTS that the court (check all boxes that apply):

- Annul the parties' marriage;
Change defendant's name to: _____; and

If the parties have minor children:

- Determine parental rights and responsibilities for the minor child(ren) pursuant to 19-A M.R.S. §1653, including child support (file and exchange FM-050); and/or
Change the child(ren)'s names as follows:
A. The child's name is _____. I ask that the child's name be changed to _____.
B. The child's name is _____. I ask that the child's name be changed to _____.
C. The child's name is _____. I ask that the child's name be changed to _____.
D. The child's name is _____. I ask that the child's name be changed to _____.
E. The child's name is _____. I ask that the child's name be changed to _____.
F. The child's name is _____. I ask that the child's name be changed to _____.

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): _____

Defendant's signature _____

Defendant Attorney: _____

Address: _____

Telephone: _____

Email: _____

Defendant: _____

Address is confidential (if so, leave blank below)

Address: _____

Telephone: _____

Email: _____

STATE OF MAINE

_____ County

Personally appeared the above named defendant, _____, and made Oath that the foregoing statements are true.

Before me,

Date (mm/dd/yyyy): _____

Attorney at Law Notary Public Clerk

PLEASE NOTE: Plaintiff has 21 days after being served with this complaint to file an answer with the Court. In addition, the plaintiff must provide copies of all filings to every other party.

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