

MAINE JUDICIAL BRANCH

_____ Plaintiff
V.
_____ Defendant

DISTRICT COURT
Location (Town): _____
Docket No.: _____

COMPLAINT FOR JUDICIAL SEPARATION

- With minor children No minor children
 Title to real estate is involved

19-A M.R.S. §§ 851-852, 1501-1510, 1653, 1843, 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. Plaintiff was lawfully married to defendant in (town) _____, (county) _____, (state) _____, on (mm/dd/yyyy) _____.

2. Plaintiff 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. Defendant now resides in (town) _____, (county) _____, (state) _____.

OR

Residence of the defendant is unknown and the plaintiff has used reasonable efforts and cannot locate the defendant.

4. The court has jurisdiction because (check all the statements that apply):

- Plaintiff has lived apart from the defendant for a period in excess of 60 continuous days; or
- Plaintiff desires to live apart from the defendant for a period in excess of 60 continuous days.

5. Neither plaintiff nor defendant has filed for judicial separation, divorce, or annulment from the other before this complaint;

OR

A complaint for divorce, judicial separation, or annulment was filed before in (court name, town and state of court): _____

Docket No.: _____

That case: Was dismissed on (date mm/dd/yyyy): _____
 Is still pending.

6. The parties have personal property, **AND**

- Either or both parties has/have an interest in real estate, (file and exchange form FM-056).
- Neither party has an interest in real estate.

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

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IF THIS CASE DOES NOT INVOLVE MINOR CHILDREN, PLEASE SKIP TO NUMBER 14.

7. 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)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. 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 the other party)	Dates lived with that person (mm/yy) – (mm/yy)	Town/State where child(ren) lived with that person
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. 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) do not have any other acknowledged, adjudicated, intended, de facto, or presumed parents.

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.

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10. 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: _____

11. 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): _____

12. 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: _____

- 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 complaint.)

14. PLAINTIFF REQUESTS that a judicial separation be granted and that the Court (check all boxes that apply):
Set apart the non-marital property to each party and divide the marital property (file and exchange form FM-043);
Order that spousal support be paid to plaintiff by defendant (file and exchange form FM-043);
Award reasonable attorney fees to plaintiff's attorney (file and exchange form FM-043); 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 _____.

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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 \$5,000.00 if I give false information to the court.

Date (mm/dd/yyyy) _____

▶ _____
Plaintiff's Signature

Plaintiff Attorney: _____
Address: _____

Telephone: _____
Email: _____

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

Telephone: _____
Email: _____

STATE OF MAINE

_____ County

Personally appeared the above named plaintiff, _____, 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

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

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