

MAINE JUDICIAL BRANCH

Plaintiff
V.

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

Defendant(s)

COMPLAINT FOR DETERMINATION OF DE FACTO PARENTAGE

19-A M.R.S. §§ 1891, 1653, 2001-2012

M.R. Civ. P. 10(a), 101

PLEASE NOTE: If any 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 now resides in (town) _____, (county) _____
(state) _____.

Please write “confidential” in the space above if you are filing an Affidavit for Confidential Address.

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

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

OR

Residence of the defendant(s), (name) _____, is unknown
and the plaintiff has used reasonable efforts and cannot locate the defendant(s).

3. The defendant(s) in this matter are the parent(s) of the following child(ren):

Full name	Date of birth (mm/dd/yyyy)	Present address(es) (do not list if confidential to other party)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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4. 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 with whom child(ren) lived	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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. The court has jurisdiction because (check all of the statements that apply):
- Defendant(s) resided with the child(ren) in Maine.
 - Defendant(s) resided in Maine and provided prenatal expenses and support for the child(ren).
 - Defendant(s) engaged in intercourse in Maine and the child(ren) may have been conceived by that act of intercourse.
 - The child(ren) reside in Maine as a result of the acts or directives of defendant.
 - Defendant(s) consent(s) to jurisdiction.
 - Any other basis for personal jurisdiction in Maine: _____.

6. Defendant One, (name) _____, is the child(ren)'s (check one):
- Biological mother
 - Biological father
 - Presumed parent
 - Acknowledged parent
 - Adjudicated parent
 - De facto parent
 - Intended parent
 - Other (state the nature of the parental relationship to the child(ren): _____)

7. Defendant Two, (name) _____, is the child(ren)'s (check one):
- Biological mother
 - Biological father
 - Presumed parent
 - Acknowledged parent
 - Adjudicated parent
 - De facto parent
 - Intended parent
 - Other (state the nature of the parental relationship to the child(ren): _____)

Quick Reference Guide:
 An **acknowledged** parent is a person who signed a valid acknowledgment of parentage with the intent to establish parentage. 19-A M.R.S. § 1861.
 An **adjudicated** parent is a person determined to be a parent of the child 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 was born or adopted and for a period of at least 2 years thereafter and assumed personal, financial, or custodial responsibilities for the child. 19-A M.R.S. § 1881.

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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 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.

- 8. 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, indented, de facto, or presumed parent.
9. 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:
10. 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):
11. 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:
12. [] 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.)
13. As part of filing a complaint for de facto parentage, the plaintiff must file an affidavit along with the complaint addressing the specific facts supporting a de facto relationship with the child(ren).
[] I have attached an affidavit describing the specific facts to support the existence of a de facto parent relationship with the child(ren). 19-A M.R.S. § 1891.
14. PLAINTIFF REQUESTS that the Court (check all boxes that apply):
[] Enter an interim order concerning contact between the plaintiff and child(ren);
[] Adjudicate the plaintiff as a de facto parent of the child(ren);

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- 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);
Determine the amount of any past child support and order payment of the past support;
Award reasonable attorney fees; 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): ... Plaintiff's Signature

Plaintiff's Attorney: ... Plaintiff: ...
Maine Bar No.: ... Address is confidential (if so, leave blank below)
Mailing Address: ... Mailing Address: ...
Home phone: ...
Phone: ... Cell phone: ...
Email: ... 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: Each defendant has 21 days after being served with this complaint to file an answer with the court. In addition, each defendant must provide copies of all filings to every other party.

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