

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.
- 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, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or 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.

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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MAINE JUDICIAL BRANCH

FAMILY AND PROBATE MATTER SUMMARY SHEET

This form is used for entering basic information about the case and the parties into court records. You must complete and file this form with the Clerk when you file your Complaint or Motion.

PLEASE NOTE: You are not required to give a copy of this form to the other party.

COURT LOCATION (where you are filing this action):

TYPE OF ACTION (*select one*):

- | | |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Divorce – real estate involved | <input type="checkbox"/> Divorce – no real estate |
| <input type="checkbox"/> Parental Rights & Responsibilities (unmarried parents) | <input type="checkbox"/> Parentage (determining parents of a child) |
| <input type="checkbox"/> Judicial Separation | <input type="checkbox"/> Annulment |
| <input type="checkbox"/> Adoption of a minor | <input type="checkbox"/> Guardianship of a minor |
| <input type="checkbox"/> Name change of a minor | <input type="checkbox"/> Registration of foreign judgment or order |
| <input type="checkbox"/> Other family matter | |

TYPE OF FILING (*select one*):

- ☐ Original proceeding ☐ Case transferred from probate court. Original docket number:

- ☐ Post-Judgment Motion: Original docket number: _____
- ☐ to Modify ☐ to Enforce ☐ for Contempt ☐ to Terminate Parental Rights
- ☐ Other:

Plaintiff/Petitioner Information: (Person starting the action or if post-judgment, name of person who was the plaintiff or petitioner in the original case.)

Name: First	Middle	Last	Maiden
Mailing Address:		City	State Zip
Physical Address:		City	State Zip
Gender:	Date of Birth (<i>mm/dd/yyyy</i>):	SS Number Disclosure Required on separate form	
Home Telephone:		Work Telephone:	
Email:			
Attorney's Name:		Bar ID#:	

Plaintiff/Petitioner Information: (A second plaintiff or petitioner, or person starting the case, if applicable.)

Name: First	Middle	Last	Maiden
Mailing Address:		City	State Zip
Physical Address:		City	State Zip
Gender:	Date of Birth (<i>mm/dd/yyyy</i>):	SS Number Disclosure Required on separate form	

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Home Telephone:	Work Telephone:
Email:	
Attorney's Name:	Bar ID#:

Defendant/Respondent Information: (Person being served or if post-judgment, name of person who was the defendant or respondent in the original case.)

Name: First	Middle	Last	Maiden
Mailing Address:		City	State Zip
Physical Address:		City	State Zip
Gender:	Date of Birth (mm/dd/yyyy):	SS Number Disclosure Required on separate form	
Home Telephone:		Work Telephone:	
Email:			
Attorney's Name:		Bar ID#:	

Defendant/Respondent Information: (A second defendant or respondent, or person being served, if applicable.)

Name: First	Middle	Last	Maiden
Mailing Address:		City	State Zip
Physical Address:		City	State Zip
Gender:	Date of Birth (mm/dd/yyyy):	SS Number Disclosure Required on separate form	
Home Telephone:		Work Telephone:	
Email:			
Attorney's Name:		Bar ID#:	

Other Party Information: (if applicable):

Name: First	Middle	Last	Maiden
Mailing Address:		City	State Zip
Physical Address:		City	State Zip
Gender:	Date of Birth (mm/dd/yyyy):	SS Number Disclosure Required on separate form	
Home Telephone:		Work Telephone:	
Email:			
Attorney's Name:		Bar ID#:	

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MAINE JUDICIAL BRANCH

Minor Children (of above parties):

Full name

Date of Birth
(mm/dd/yyyy)

Gender

			SS Number Disclosure Required
			SS Number Disclosure Required
			SS Number Disclosure Required
			SS Number Disclosure Required
			SS Number Disclosure Required
			SS Number Disclosure Required

Parentage Issues (if any):

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

OR

☐ The child(ren) have an acknowledged, adjudicated, intended, de facto, or presumed parent. (You must complete a separate summary sheet for every additional parent that your child has, and all parents must be served with a copy of the Complaint and made a party to your action.)

Date (mm/dd/yyyy): _____

Signature of ☐ party ☐ party's attorney

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____ Plaintiff DISTRICT COURT
v. Location (Town): _____
____ Defendant Docket No.: _____
____ Other party, if any

MOTION FOR CONTEMPT

☐ Child Support Only

19-A M.R.S. §§ 951-A, 1501-1510, 1653, 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. I am the ☐ plaintiff ☐ defendant in this case and I now reside in (town) _____
(county) _____, (state) _____.

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

2. ☐ The other party now resides in (town) _____, (county) _____,
(state) _____.

OR

☐ Residence of the other party is unknown and I have used reasonable efforts and cannot locate the other party.

3. I claim that the other party is in contempt for willfully failing or refusing to obey the Court's Judgment or Order in this case, dated (mm/dd/yyyy) _____, concerning the following issues (check all that apply):

- ☐ Child support;
☐ Spousal support (alimony);
☐ Primary residential care of the minor child(ren);
☐ Rights of contact or visitation with the minor child(ren);
☐ Distribution of property;
☐ Responsibility for debts; and/or
☐ Other: _____

IF THIS CASE DOES NOT INVOLVE MINOR CHILDREN, PLEASE SKIP TO NUMBER 9.

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4. Plaintiff and defendant are the parents of the following children:

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 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

6. 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: _____

7. 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): _____

8. ☐ 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 motion.)*

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MAINE JUDICIAL BRANCH

9. **CONTEMPT.**

I claim that the other party is in contempt for willfully failing or refusing to obey the Court's Judgment or Order in the following way (attach an additional piece of paper, signed under oath, if necessary):

10. I claim that it is within the other party's power to obey the Court's Judgment or Order.

11. I ask the Court to schedule a hearing on my motion and order that a contempt subpoena be served on the other party. I also ask that the subpoena include an order that the other party bring the following document(s) to the hearing:_____

12. **WHEREFORE**, I ask the Court to find the other party in contempt of the Judgment or Order and enter an order that:

- ☐ The other party immediately and permanently stop such contempt;
- ☐ The other party obey and comply with the Judgment or Order;
- ☐ Where appropriate, remedial sanctions be imposed pursuant to M.R. Civ. P. 66(d)(3);
- ☐ The other party pay my costs of this case, including reasonable attorney fees;
- ☐ Other: _____; and
- that I be granted such other and further relief as the Court feels right and just.

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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 if I give false information to the court.

Date (mm/dd/yyyy): _____



Signature of ☐ plaintiff ☐ defendant

Attorney: _____

Name: _____

Address: _____

☐ Address is confidential (if so, leave blank below)

Address: _____

Telephone: _____

Telephone: _____

Email: _____

Email: _____

STATE OF MAINE

_____ County

Personally appeared the above named party, _____, 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

WARNING TO RESPONDING PARTY: If you fail to appear in person at the hearing as ordered by the contempt subpoena served on you, you may be arrested, and the Court may enter a default Judgment or Order against you. If, after a hearing, the Court finds that you are in contempt, the Court may impose sanctions against you that may include fines, imprisonment, or both. You may file a written response to this motion with the Court within 21 days after being served with this motion. If you do, you must also provide copies of all filings to every other party, or their attorneys, if any.

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MAINE JUDICIAL BRANCH

Plaintiff(s)

"X" the court for filing:☐ Superior Court ☐ District Court☐ Unified Criminal Docket

County: _____

Court Location (Town) _____

Docket No.: _____

V.

Defendant(s)

SOCIAL SECURITY NUMBER
CONFIDENTIAL DISCLOSURE FORM

My Social Security account number is _____ - _____ - _____.

Date (mm/dd/yyyy): _____

☐ Plaintiff ☐ Defendant**Family Matter Cases Only (divorce, separation, parental rights & responsibilities)**

1. If this case is a Family Matter case, the child(ren) involved must also have their Social Security Number disclosed:

Child's Name	Social Security Number

2. ☐ A Protective Custody case is currently pending. The Court/Docket Number:**PLEASE NOTE: This form is confidential and shall not be disclosed unless ordered by the court.****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.

MAINE JUDICIAL BRANCH

Plaintiff
V.

Defendant

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

SCHEDULING ORDER

IT IS ORDERED that

1. **MOTION HEARING.** A hearing on the Motion for Contempt filed by ☐ plaintiff ☐ defendant in this action is scheduled at the above-referenced court location, as follows:

Date (mm/dd/yyyy): _____
Time: _____

PLEASE NOTE: You must be present and prepared for your hearing on the date and time listed above, including being prepared to call any witnesses you may have. However, if this matter will require more than 30 minutes for hearing, at the judge's discretion, a pretrial conference instead of a hearing **may** be held on this date.

2. **SUBPOENA:** A subpoena shall be served by the moving party on the other party no later than 10 days before the hearing. Unless otherwise ordered by the court, the subpoena shall include an order that the other party bring to the hearing the documents requested in the motion for contempt.

3. **DOCKET ENTRY.** The clerk is directed to make the following entry in the civil docket pursuant to M.R. Civ. P. 79(a).

"Order Scheduling contempt hearing filed. This Order is incorporated into the docket by reference at the specific direction of the court."

Dated (mm/dd/yyyy): _____

► _____
Judge, Maine District Court

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Complete the caption that applies to your case:

☐ _____ Plaintiff/Petitioner

V.

_____ Defendant/Respondent

_____ Other Party

"X" the court for filing:

☐ Superior Court ☐ District Court☐ Unified Criminal Docket☐ Supreme Judicial Court

County: _____

Location (Town): _____

Docket No.: _____

OR

☐ IN RE: _____**NOTICE REGARDING ELECTRONIC SERVICE**

NOTICE TO PARTIES: All parties who are represented by an attorney are subject to the requirements of Electronic Service under Rule 5 of the Maine Rules of Civil Procedure, and Rule 49(d) of the Maine Rules of Unified Criminal Procedure.

OPT IN: If you do not have an attorney, papers that must be served on you by other parties in this case will be sent to you through the regular mail to your address of record. But **you have a choice** to allow other parties to serve you by sending documents electronically to your designated email address.

PLEASE NOTE: Any electronic service that you opt into applies only to papers served on you by other parties. It does not apply to documents that are sent to you by the court or documents that you file with the court.

Even if you opt in to allow service by email, you can only send documents to the other parties by email if (1) they also opt in by completing this form, and (2) you can scan and create .pdf files of documents.

If you choose not to opt in, you do not need to do anything. If you would like to receive papers electronically, you must meet the requirements set forth below. Check the appropriate box(es), sign, and mail or email the form to all other parties in the case. Do not file this form with the Court.

☐ **Electronic Receipt:** I choose to OPT IN to allow other parties to email me documents in this case. I have reviewed and meet all of the following electronic receipt requirements:

- ☐ I have a trusted email account and I have daily access to this account;
- ☐ I understand that **I will receive time-sensitive documents** through this email address including documents that may require me to take action in this case;
- ☐ This email account has available electronic storage of at least 1 gigabyte;
- ☐ This email account accepts emails with attachments of up to 10 megabytes; and
- ☐ I will be able to maintain this email account throughout this case.

Date (mm/dd/yyyy): _____



Signature of Self-Represented Party
(You do not have to print and sign this form. Typing your name above after /s/ will be accepted as an electronic signature.)

Print name: _____

Print email address: _____

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Complete the caption that applies to your case:

☐ _____ Plaintiff/Petitioner

V.

_____ Defendant/Respondent

_____ Other Party

"X" the court for filing:

☐ Superior Court ☐ District Court☐ Unified Criminal Docket☐ Supreme Judicial Court

County: _____

Location (Town): _____

Docket No.: _____

OR

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PLEASE NOTE: Any electronic service that you opt into applies only to papers served on you by other parties. It does not apply to documents that are sent to you by the court or documents that you file with the court.

Even if you opt in to allow service by email, you can only send documents to the other parties by email if (1) they also opt in by completing this form, and (2) you can scan and create .pdf files of documents.

If you choose not to opt in, you do not need to do anything. If you would like to receive papers electronically, you must meet the requirements set forth below. Check the appropriate box(es), sign, and mail or email the form to all other parties in the case. Do not file this form with the Court.

☐ **Electronic Receipt:** I choose to OPT IN to allow other parties to email me documents in this case. I have reviewed and meet all of the following electronic receipt requirements:

- ☐ I have a trusted email account and I have daily access to this account;
- ☐ I understand that **I will receive time-sensitive documents** through this email address including documents that may require me to take action in this case;
- ☐ This email account has available electronic storage of at least 1 gigabyte;
- ☐ This email account accepts emails with attachments of up to 10 megabytes; and
- ☐ I will be able to maintain this email account throughout this case.

Date (mm/dd/yyyy): _____



 Signature of Self-Represented Party
(You do not have to print and sign this form. Typing your name above after /s/ will be accepted as an electronic signature.)

Print name: _____

Print email address: _____

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MAINE JUDICIAL BRANCH

____ Plaintiff
V.
____ Defendant

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

FEDERAL AFFIDAVIT
50 U.S.C. § 3911

UNDER OATH and subject to the penalties of perjury, I hereby state on my own knowledge and belief that:

As of the date of this Affidavit, defendant is not in the Military Service of the United States, as defined in the Servicemember's Civil Relief Act of 2003, (50 U.S.C. § 3911), based on the following facts:

- ☐ Defendant resides in Maine in the Town of _____; or
☐ Defendant is employed at (*name of employer*) _____
in Maine in the Town of _____; or
☐ Other facts showing defendant is not in the military _____.

AND

this action has been filed in the proper court because:

- ☐ Plaintiff resides in Maine in the Town of _____; or
☐ Defendant resides in Maine in the Town of _____.

☐ 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): _____

► _____
Signature of ☐ plaintiff ☐ plaintiff's attorney

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

NOTICE: This form must be filed if the defendant has failed to answer the complaint or file a notice of appearance.

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