

PENOBSCOT NATION JUDICIAL SYSTEM

DIVORCE WITH MINOR CHILDREN CASES: What to do with these Court Forms

Here are a few tips for filing out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly.
- 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.

Complaint for Divorce (FM-004)

The section at the top of the form is called the “caption.” Fill in the location of the District Court (for example: “Bangor”). The clerk will fill in the docket number later. You are the plaintiff and your spouse is the defendant. Write your full legal name in the blank before “Plaintiff.” Write your spouse’s full name in the blank before “Defendant.” If you or your spouse owns a house or other real estate or land, check the box next to “Title to Real Estate Involved.” **You should check this box even if title to the real estate is only in one party’s name.** Fill in the other blanks on the form. Near the end, where it says, “Plaintiff requests,” check all the boxes that apply. (If you are not sure, check the box; you can drop that request later.) 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 own town office, or at the court clerk’s office. **Please note: parties must use the same form whether or not the divorce involves minor children.**

Family Matter Summons and Preliminary Injunction (FM-038)

You must use the original 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.

Fill out the “caption” as you did on the complaint. Fill in the name and address of the court. Date and sign the form. Leave the spaces on the third page empty.

Social Security Number Disclosure Form (CV-CR-FM-PC-200)

You are required by both state and federal law to provide your social security number along with your children’s social security numbers. This information is collected on the Social Security Number Disclosure form, which will be confidential in the court file. This form is included in your packet.

Child Support Affidavit (FM-050)

Fill out the “caption” the same way that you did on the complaint form. Fill out the rest of the form to the best of your knowledge. Note that you list last year’s earned income and this year’s earned income separately under #1. Also note that you list other income under #2 and fringe benefits under #3. You may have to look at your records to get financial information. You must sign this form in front of a notary public. After the defendant gets your complaint, the Court will ask the defendant to fill out the same financial form and send you a copy.

STEP TWO: Serve the Forms

Now you must give copies to the defendant. This is called “serving” the court papers. Court rules say you can do this in one of three ways: (1) You can mail the papers, asking the defendant to agree to “service;” (2) you can send the papers by certified mail, restricted delivery; or (3) you can pay a sheriff to give the copies to the defendant. You must file proof of service with the court.

Service by Mail

Mail or hand-deliver these papers to the defendant:

- Copy of Complaint
- Copy of Summons and Preliminary Injunction
- Copy of Child Support Affidavit
- Two copies of Acknowledgement of Receipt of Summons and Complaint (after you have filled in the “caption” on both copies)
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- Complete 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)

Tell the postal clerk that you want to send the papers by certified mail. Make sure you ask for a “Return Receipt” and “Restricted Delivery.” This costs more and involves a few extra steps. Get forms and help from your post office. File with the court clerk the green card you get back from the post office, to prove that the other party got the papers.

Service by Sheriff

Mail or take to your county sheriff’s office:

- Copy of Complaint
- The original Summons and Preliminary Injunction, plus one copy
- Copy of Child Support Affidavit
- Blank copy of the Notice Regarding Electronic Service (CR-CV-FM-255)
- 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)

In a letter, or in person, ask the sheriff’s office to serve the papers on the other party (the defendant). Give the defendant’s home address. If you think the defendant will be hard to find at home, give the defendant’s work address. The deputy who “serves” the papers will complete page two of the Summons and return the original to you. There is a charge for this service—please contact the sheriff’s office for the county where the defendant lives to get information on costs of service.

STEP THREE: File the Forms

Within 20 days after serving the other party, file these forms with the court:

- ☐ Summary Sheet
- ☐ Complaint
- ☐ SSN Disclosure Form
- ☐ Child Support Affidavit
- ☐ Summons (REQUIRED regardless of how service was completed, and should be filed with deputy’s signature if you used sheriff’s service)
- ☐ Acknowledgment of Receipt (if you used service by mail)
- ☐ Green card you got back from the post office (if you used certified mail for service)

PLEASE NOTE: you must file at least one type of proof of service for each party to the case.

The Court charges a fee to file your papers. Later you may be charged a mediation fee (shared by the parties). If you cannot afford the court fees, you may ask the clerk for an Application to Proceed Without Payment of Fees and an Affidavit. Then file the forms with the clerk along with other papers. A judge will review your financial information and decide whether you 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.

WHAT IS NEXT?

Once the court receives a complete filing, the clerk will schedule the first court event with a family law magistrate (for cases with children) or judge (for cases without children).

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.

Financial Statement (FM-043)

You must file a Financial Statement if you and the defendant disagree about how to divide your property, about spousal support (alimony), or about attorney’s fees. This form is available through the Court. After filling it out, file it with the clerk and send a copy to the defendant. The defendant must also file one of these forms and give you a copy. There will be a court order setting the deadline for the filing of this form.

Certificate in Lieu of Financial Statement (FM-042)

If there is no dispute about personal property, real estate, spousal support or attorney’s fees, you should file the Certificate in Lieu of Financial Statement. This form is available through the Court. After filing it out, file it with the clerk and send a copy to the defendant.

Certificate Regarding Real Estate (FM-056)

In every divorce action in which a party has an interest in real estate, each party must file with the Court a Certificate Regarding Real Estate (FM-056), **at least 7 days before the final hearing**, containing the following information: the street address of the property, the date of the Deed and which parties’ name are on the Deed, the book and page number of the applicable Registry of Deeds where the Deed is recorded, the date of the parties’ marriage, and whether the property was acquired by gift or inheritance.

Federal Affidavit (FM-052)

If the defendant has not entered an appearance or appeared in court for the divorce proceedings at the time of the final hearing, the plaintiff must file a Federal Affidavit (FM-052) stating under oath that the defendant is not serving in the military or an affidavit signed by defendant waiving rights conferred by the Service Members Civil Relief Act.

Child Support Worksheet (FM-040) and, if applicable, Supplemental Worksheet (FM-040-A)

Parties must complete a Child Support Worksheet (FM-040) and file it with the Court no later than 3 days prior to a court hearing, whether contested or uncontested. It is recommended that a party file a Child Support Worksheet with their Child Support Affidavit at the time of filing. There are instructions on the worksheet for how to complete it. Parties who share substantially equal care of the minor child(ren) as defined in 19-A M.R.S. § 2006(5)(D-1) must also complete and file a Supplemental Worksheet (FM-040-A) at the same time they file a Child Support Worksheet.