

PENOBSCOT NATION TRIBAL COURT

PARENTAL RIGHTS AND RESPONSIBILITIES CASES:

What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- 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.

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 the defendant.

Complaint for determination of Parentage, Parental Rights & Responsibilities, Child Support (FM-006)

The section at the top of the form is called the "caption." The clerk will fill in the docket number later. You are the plaintiff and the other party is the defendant. If there are other parties involved, they will be listed as "Other Party." Write your full legal name in the blank before "Plaintiff." Write the other party's full name in the blank before "Defendant." 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 town office, or at the court clerk's office.

Child Support Affidavit (FM-50)

Fill out the "caption" the same way you did on the complaint form. Fill out the rest of the form to the best of your knowledge. Note that you list year's earned income and this year's expected 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.

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 second page empty.

Social Security Number 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.

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 the sheriff to give the copies to the defendant. You must file proof of service with the court.

If the child for whom you are seeking to determine parentage has or may have parents or guardians other than the party to the proceeding you must also serve the other possible parents or guardians with all of your pleadings. For example, if you are bringing a parentage case for a child and a court has already determined that another person is the child's parent, you must serve your action on that adjudicated parent. You must also serve your pleadings on any intended or presumed parents.

Service by Mail

Mail or hand-deliver these papers to the defendant:

- Copy of the Complaint
- Copy of the Summons and Preliminary Injunction
- Child Support Affidavit
- Two copies of Acknowledgment of Receipt of Summons and Complaint (after you have filled in the "caption" on both copies)
- Stamped, self-addressed envelope

The Acknowledgement of Receipt form asks the other party to sign it, showing that the other party got the papers, and to return the form to you in 20 days. If you get the signed Acknowledgement back within 20 days, go on to Step 3. If not, then you will need to serve the papers another way.

Service by Certified Mail, Restricted Delivery

Take these papers to the post office along with an envelope:

- Copy of the Complaint
- Copy of the Summons and Preliminary Injunction
- Copy of Child Support Affidavit

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

the 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 the Complaint
- Copy of the Summons and Preliminary Injunction
- Copy of Child Support Affidavit

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)
- ☐ **Acknowledgement of Receipt** (if you used service by mail)
- ☐ **Green card if 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.

The court receives a complete filing, the clerk will schedule the first court event with judge.

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 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.