

DIVORCE WITH CHILDREN : What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly. If you have access to the Internet, you may be able to fill out the forms on-line at www.ptla.org.
- You must file each form with the Court. Before you do that, make at least two copies of your completed forms—one for yourself and one for your spouse. The original forms must be filed with the court. You will need to find a place to make copies (like a library). The court clerk cannot make copies for you.

STEP ONE: Filling out the forms

Divorce Complaint :

The section at the top is called the “caption.” Fill in the location of the District Court (for example: “Bangor”). The clerk will fill in the Docket No. 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 own a house or other real estate or land, check the box next to “Title to Real Estate Involved.” Fill in the other blanks on the form. Near the end, where it says “Plaintiff Requests...” check all the boxes that apply. (If you’re 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.

If any of your children by this marriage receive (or have received) AFDC, TANF or Medicaid, make an extra copy of the Complaint and mail it to the Department of Human Services. The address is on the complaint form. You should also do this if you have asked DHS to collect child support for you.

Child Support Affidavit :

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 expected earned income** separately under #1. Also note that you list **other income** under #2 and **in-kind income** under #3. You may have to look at your records, if you have them, to get financial information. You must sign this form in front of a Notary Public.

After your spouse gets your Complaint, the Court will ask him/her to fill out the same financial form and send you a copy.

Family Matter Summons and Preliminary Injunction:

You must use the original form you got from the clerk which contains the clerk’s signature and seal. **(You cannot use a photocopy.)** 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.

STEP TWO: Serve the Forms

Now you must provide copies to your spouse. This is called “serving” the court papers. Court rules say you can do this in one of two ways. You can mail the copies, asking your spouse to agree to “service.” Or, you can pay a sheriff to give the copies to your spouse.

Service by Mail

Mail or hand-deliver these papers to your spouse:

- Copy of **Complaint**
- Copy of **Summons and Preliminary Injunction**
- Copy of **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 **Acknowledgment of Receipt** form asks your spouse to sign it, showing he/she got the papers. It must be returned to you within 20 days.

If you get the signed **Acknowledgment** back within 20 days, go on to Step 3. If not, then you will need to pay for service by a sheriff.

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**

In a letter, or in person, ask the sheriff's office to serve the papers on your spouse. Give your spouse's home address. If you think the other party will be hard to find at home, give your spouse's work address. The deputy who "serves" the papers will complete page two and return the original summons to you.

STEP THREE: Filing the papers

After you have completed "service" of the papers on your spouse, file the original papers with the court clerk. First, fill out the **Summary Sheet**, which has its own instructions. The clerk won't accept your papers for filing without a completed **Summary Sheet**.

Within 20 days after serving your spouse, hand-deliver or mail to the court clerk these **original forms**:

- **Summary Sheet**
- **Complaint**
- **Child Support Affidavit**
- **Summons** (with deputy's signature if you used sheriff's service)
- **Acknowledgment of Receipt** (if you used service by mail)

You must pay a \$60 filing 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 Indigency**

Affidavit. Fill out these forms and sign them in front of a Notary Public. Then file the forms with the clerk. 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 won't have to pay certain court fees.

STEP FOUR: Case Management Conference

You and your spouse are required to attend a case management conference at the court. Within two weeks after you file in court proof of service of the summons, complaint and child support affidavit, the court will notify you of the date and time of the conference. Included in this packet is an information sheet about the conference called **Important Information Regarding Case Management Conference.**

Before coming to the conference, you must fill out the **Child Support Worksheet** and file it with the court clerk's office. Use the instructions on the back of the form and the **Child Support Table.** You must provide your spouse with a copy of the completed worksheet. Your spouse is also required to complete the worksheet and give you a copy of it. If you have trouble with the calculations, write down your questions and ask for help at the first court conference.

If you and your spouse agree on temporary arrangements for your children (such as how they will be supported and where they will reside), you may file a completed form called **Certificate in Lieu of Case Management Conference** with the court. This form is available at the court clerk's office. You and

your spouse must both sign the **Certificate.** You may not have to attend the case management conference if you file the **Certificate** in advance of the conference date. You will be notified by mail if you do not need to attend the conference.

HELPFUL RESOURCES

Video. The court has a video that explains the court process and your rights and responsibilities.

Mediation. A mediator may be able to help you and the other party reach an agreement on issues relating to your case. The court has a video explaining what mediation is. Mediation can be arranged through the court or a private mediator.

Parent education. A parent education program specifically designed for divorcing or separating parents may help you focus on the needs of your children.

For more information about these resources, speak with the court clerk.

