

MOTION TO MODIFY: 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 a computer, 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 the other party. 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

Motion to Modify:

The section at the top is called the “caption.” Look at the caption from your original Court Order and copy the court location, docket number and names of Plaintiff and Defendant. (This information stays the same. If you were the Defendant before, you are still the Defendant, even though you are the one filing the Motion.) If you can’t find your original order, you can buy a copy from the clerk.

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

If you are trying to change the amount of child support only, check that box under the words

“Motion to Modify”. Complete pages 1 & 2 of the form and leave page 3 blank.

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.

Child Support Affidavit :

Fill out the “caption” the same way that you did on the Motion. 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 the other party gets your Motion, the Court will ask him/her to fill out the same financial form and send you a copy.

***If you are asking for a change in child support, Maine Law requires you to fill out 3 more forms: a Child Support Worksheet, a proposed Child Support Order, and a proposed Immediate Income Withholding Order. These forms are available at the court clerk’s office.**

STEP TWO: Serve the forms

Now you must provide copies to the other party. 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 the

other party to agree to “service.” Or, you can pay a sheriff to give the copies to the other party.

Service by Mail

Mail or hand-deliver these papers to the other party:

- Copy of **Motion to Modify**
- Copy of **Child Support Affidavit**
- Two copies of **Acknowledgment of Receipt** (after you have filled in the caption on both copies);
- Stamped, self-addressed envelope

If you are asking for a change in child support, also include copies of these forms:

- **Child Support Worksheet**
- **Proposed Child Support Order**
- **Proposed Immediate Income Withholding Order**

The Acknowledgment of Receipt form asks the other party to sign it to show 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:

- The original **Motion to Modify**, plus one copy
- One copy of each of the other forms, listed above for service by mail (except for the Acknowledgment form)

In a letter, or in person, ask the sheriff's office to serve the papers on the other party. Give the other party's home address. If you think the other party will be hard to find at home, give the other party's work address. The deputy who "serves" the papers will complete page 2 and return the original summons to you.

STEP THREE: Filing the papers

After you have completed "service" of the papers on the other party, 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.

After the other party has been provided with the papers, hand-deliver or mail to the court clerk these **original forms**:

- **Summary Sheet**
- **Motion to Modify** (with deputy's signature if you use sheriff's service)
- **Acknowledgment of Receipt** (if you use service by mail)
- **Child Support Affidavit**
- If you are asking for a change in child support, also file the **Child Support Worksheet and two Proposed Orders**.

If you are asking for a change in child support only, there is no filing fee. Otherwise, the filing fee is \$25.00. 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 the other party are required to attend a case management conference at the court. Within two weeks after you file in court proof of service of the Motion 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**.

HELPFUL RESOURCES

Video. The court has a video that explains the court process for modifying or enforcing a judgment.

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.