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.
 - Fillable versions of the forms are available on our website at: <u>http://courts.maine.gov/fees_forms/forms</u>.
- 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 any other party.

Motion to Modify (FM-062)

The section at the top of the form is called the "caption." Look at the caption on 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 to modify.) If you can't find your original order, you can obtain a copy from the clerk. If you are trying to change the amount of child support **only**, check that box that reads "Child Support Only" under the words "Motion to Modify." Please complete pages 1 through 3 as instructed. You must sign page 4 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.

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 placed in a confidential envelope in the court file. This form is included in your packet.

Child Support Affidavit (FM-050) (for cases with minor children)

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 must list last year's earned income and this year's expected earned income separately under #1. Also note that you must list other income under #2 and fringe benefits 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 defendant gets your Complaint, the Court will ask the defendant to fill out the same financial form and send you a copy.

Notice Regarding Electronic Service (CR-CV-FM-255)

This packet contains <u>two</u> copies of this form. <u>You have the choice</u> 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 <u>not</u> 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: 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 other party 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 other party. You must file proof of service with the court.

Service by Mail

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

- Copy of Motion to Modify
- Copy of Child Support Affidavit (for cases with minor children)
- Two copies of Acknowledgment 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)
- 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)
- Stamped, self-addressed envelope

The Acknowledgment 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 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 serve the papers another way.

Service by Certified Mail, Restricted Delivery

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

- Copy of Motion to Modify
- Copy of Child Support Affidavit (for cases with minor children)
- 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)

Tell the postal clerk that you want to send the papers by certified mail. <u>Make sure you ask for a "Return Receipt" and</u> <u>"Restricted Delivery.</u>" 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:

- The original and one copy of the Motion to Modify
- Copy of Child Support Affidavit (for cases with minor children)
- 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. 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 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 other party lives for information on costs of service. **The deputy who "serves" the papers will complete page s of the motion and return the original to you.**

STEP THREE: File the Forms

Within 20 days after serving the other party, hand-deliver or mail to the court clerk these original forms:

	Summary Sheet
	Motion
	SSN Disclosure Form
	Child Support Affidavit
	Summons (included in the motion on page 5) (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 other party to the case.
he Cou	rt charges a fee to file your papers. Later you may be charged a mediation fee (shared by the parties). If

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 your 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, or you will pay some 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). For more information on this and the rest of the court process, please visit the Family and Children page at the Maine Judicial Branch website listed below or read "A Guide to Family Separation in Maine" that is provided to every party at the start of a case.

Forms Required After Initial Filing

Whenever you file with the court any of these forms, or any other document, you <u>must</u> send a copy to the opposing party.

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

If the motion to modify involves child support, parties must complete a Child Support Worksheet (FM-040) and file it with the Court no later than 3 days before a court hearing, whether contested or uncontested. It is recommended that a party file a Child Support Worksheet with the 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.

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 <u>www.courts.maine.gov</u>.

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.

Mediation: A mediator may be able to help you and the other party or parties reach an agreement on issues relating to your case. 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. The court may order you to attend one of these programs.

Child Support Table: These guidelines, by law, are issued by DHHS and are used to help determine child support obligations according to income. This table is available online at: http://courts.maine.gov/fees_forms/forms/index.shtml or from any District Court clerk's office.

For more information about these resources, speak with the court clerk or visit the Maine Judicial Branch website at: <u>www.courts.maine.gov</u>.

FAMILY AND PROBATE MATTER SUMMARY SHEET

This form is used for entering basic information about the case and the parties into court records. <u>You must complete</u> 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):	
Divorce – real estate involved	Divorce – no real estate
Parental Rights & Responsibilities (unmarried parents)	Parentage (determining parents of a child)
Judicial Separation	Annulment
Adoption of a minor	Guardianship of a minor
Name change of a minor	Registration of foreign judgment or order
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:	

<u>Plaintiff/Petitioner Information</u>: (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			t		Maid	en		
Mailing Address:			City			State	Zip	
Physical Address:			City St			State	Zip	
Gender:	Gender: Date of Birth (<i>mm/dd/yyyy</i>):				SS Number Disclosu	ure Rec	quired on s	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 Disclosu	ure Red	quired on s	separate form	

MAINE JUDICIAL BRANCH

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 Mid			Last			Maiden		
Mailing Address:			City		State	Zip		
Physical Address:				City			State	Zip
Gender:	ender: 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#:			

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

Name: First		Middle	Last	t		Maid	en	
Mailing Address:				City			State	Zip
Physical Address:				City			State	Zip
Gender:	der: Date of Birth (<i>mm/dd/yyyy</i>):				SS Number Disclosure Required on separate form			separate form
Home Telephone:					Work Telephone:			
Email:								
Attorney's Name:					Bar ID#:			

Other Party Information: (if applicable):

Name: First		Middle	Last Maid			aiden		
Mailing Address:				City State Zip			Zip	
Physical Address:				City State Zip			Zip	
Gender:	Date of Birth (mm/a	ld/yyyy):			SS Number Disclosure Required on separate form			
Home Telephon	e:				Work Telephone:			
Email:								
Attorney's Name:					Bar ID#:			
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, <u>accessibility@courts.maine.gov</u> , or a court clerk. Language Services: For language assistance and interpreters, contact a court clerk or <u>interpreters@courts.maine.gov</u> .								

Minor Children (of above parties):

Full name	Date of Birth (<i>mm/dd/yyyy</i>)	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

	Plaintiff	DISTRICT COURT Location (Town):
Ι.		Docket No.:
	Defendant	
	Other party, if a	ηγ
19-A M.R.S	MOTION TO N Child Supp 5. §§ 951-A, 1501-151	-
	ddress (FM-057). T	ddress confidential, that party may complete his form is available at the Clerk's Office
(county)	, (state)	ow reside in <i>(town)</i> are filing an Affidavit for Confidential Address.
(state) OR		, (county) ve used reasonable efforts and cannot locate the
(<i>mm/dd/yyyy</i>) Parental rights and respons Primary residential care of with the Court and exchanged Rights of contact or visitation	The changes co ibilities; the minor child(ren). (a copy with all other p on with the minor chil ed FM-050 Child Supp and/or	

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

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

Full name	Date of birth (<i>mm/dd/yyyy</i>)	Present address(es) (s) (do not list if confidential to other party)		
5. List below where and most recent, 19-A M			within the past 5 years , if more space is neede		
Name of person with	Present address	of the person	Dates lived with	Town/State	
whom child(ren) lived	that child(ren) li	ved with (do not list	that person	where child(ren)	
	if confidential to	other party)	(<i>mm/yy</i>) – (<i>mm/yy</i>)	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.)

TANTIAL CHANGE IN CIDCUMSTANCES 9 CLIDC

I do not have to show any change in circumstance because:	
I am only seeking to modify child support, and a child support order was not issued or modified within the last three years. 19-A M.R.S. § 2009(3).	
Other: Other:	
Describe below the substantial change in circumstances that has occurred since the Judgment or Order and why you believe these changes should cause the Court to change the Judgment or Order:	
10. I am asking the Court to review the Judgment or Order and make the following changes:	
11. WHEREFORE, I ask the Court to modify those portions of the Judgment or Order as requested in number ten of this motion; and	
Order the other party to pay my court costs, reasonable attorney fees, and grant such other relie as the Court deems just and proper.	۶f
I swear under penalty of perjury that the above statements are true and correct. I understand that the statements are made for use as evidence in court and that I am subject to prosecution for perjury punisha	
by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.	
Date (<i>mm/dd/yyyy</i>):	
Date (<i>mm/dd/yyyy</i>): Signature of plaintiff defendant	
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.

Attorney: Address:	
Telephone: Email:	
County	STATE OF MAINE
Personally appeared the above named that the foregoing statements are true	
	Before me,
Date (<i>mm/dd/yyyy</i>):	Attorney at Law Notary Public Clerk

_____ Plaintiff

DISTRICT COURT	
Location:	
Docket No :	

Defendant

_ Other party, if any

IMPORTANT WARNING TO RESPONDING PARTY

If this motion asks the Court to modify (change) a child support order and you object to the motion, you must file a written response with the Court within <u>30 days</u> after the date the motion was served on you. You must also file with the Court a completed child support affidavit. This form is available at the Clerk's office or online at <u>www.courts.maine.gov</u>. You must send copies of your response and affidavit to all the other parties and their attorneys, if any.

If this motion does not involve child support, you must file a written objection to the motion with the Court within **<u>21</u>** days after it was served on you. You must also send a copy of your objection to the other parties or their attorneys, if any.

NOTICE TO BOTH PARTIES

If this motion involves minor children, you are required to attend a case management conference at the court. Within two weeks after the moving party files with the Court proof of service of the motion to modify and child support affidavit, the Court will notify you of the date and time of the conference. The notice will be sent by regular mail.

You have the right to appear and be heard at all court events (trial, hearing, conference, mediation, etc.). If you fail to appear at any or all court events without good cause, action may be taken in your case even though you are not there. This means that the Court may, in your absence, enter an interim (temporary) order, or hold a final hearing and enter a final order or judgment regarding any or all of the issues in your case, including but not limited to, paternity or parentage, parental rights and responsibilities for children (decision-making, residence, contact, etc.), child support, spousal support (alimony), and attorney fees. The Court also has the option to dismiss any pleading that you have filed if you do not appear in Court. It is your own responsibility to be sure that the Court has your correct mailing address. Any change of address must be in writing and delivered to the Clerk's office by hand or regular mail.

County of	STATE OF MAINE
On (<i>mm/dd/yyyy</i>)	, ss, I served the Motion to Modify upon the respondent by delivering a copy of the
to the above-named respondent	
to by (describe other manner of serv	(name), who is authorized to receive service for the respondent. vice):
COST OF SERVICE: Service \$	
Travel \$ Postage \$ Other \$	Signature of person making service
OR I, the plaintiff defendant, have	Title e completed service by: 1, Return Receipt; Acceptance of Service; Signed Acknowledgment Form
commodation contact the Court Acces	complies with the Americans with Disabilities Act (ADA). If you need a reasonable as Coordinator, accessibility@courts.maine.gov, or a court clerk. nce and interpreters, contact a court clerk or <u>interpreters@courts.maine.gov</u> .

v.

MAINE JUDICIAL BRANCH

V.	_ Plaintiff(s) _	<i>"X" the court for filing:</i> Superior Court District Court Unified Criminal Docket County: Court Location (Town) Docket No.:
	_ Defendant(s)	
	- SOCIAL SECURITY NI NFIDENTIAL DISCLOS	-
My Social Security account number is		
Date (<i>mm/dd/yyyy</i>):	► Plair	ntiff 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.

Complete the caption that ap	pplies to your case: Plaintiff/Petitioner	<i>"X" the court for filing:</i> Superior Court District Court Unified Criminal Docket Supreme Judicial Court
V.		County:
	Defendant/Respondent	Location (Town):
	Other Party	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 <u>by other parties</u> in this case will be sent to you through the regular mail to your address of record. But <u>you have a choice</u> 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.

<u>If you choose not to opt in, you do not need to do anything</u>. 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. <u>Do not file this form with the Court</u>.

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:

Complete the caption that ap	pplies to your case: Plaintiff/Petitioner	<i>"X" the court for filing:</i> Superior Court District Court Unified Criminal Docket Supreme Judicial Court
V.		County:
	Defendant/Respondent	Location (Town):
	Other Party	Docket No.:
OR		

IN RE:_____

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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.

<u>If you choose not to opt in, you do not need to do anything</u>. 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. <u>Do not file this form with the Court</u>.

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:

	MAINE JUDICIA	MAINE JUDICIAL BRANCH	
	Plaintiff	<i>"X" the court for filing:</i>	
		🗌 Superior Court 🗌 District Court	
٧.		County:	
		Location (Town):	
	Defendant	Docket No.:	

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT, POST-JUDGMENT MOTION, OR NOTICE OF REGISTRATION OF FOREIGN JUDGMENT

M.R. Civ. P. 4(c)(1)

Please sign the acknowledgment below and return this form to the sender in the enclosed self-addressed stamped envelope so the sender will get it within 20 days from the day it was mailed to you. If you do not do this, you may be required by the Court to pay for the cost of having the sheriff serve the Summons and Complaint, or Post-Judgment Motion, or Notice of Registration of Foreign Judgment on you.

(If you are the party sending this document to serve the opposing party, keep a copy of this form and a copy of the documents you are serving for your records.)

STATEMENT

By signing, dating and returning this form, I state that I received a copy of the Summons and Complaint, the Post-Judgment Motion, or Notice of Registration of Foreign Judgment with accompanying documents and that I understand the applicable statements below.

AS TO CIVIL CASES, I understand that if I do not file an answer to the Complaint or an objection to the Motion within the time limits established by statute or court rule and appear at all court conferences and hearings, then a judgment may be entered against me in my absence, and Plaintiff or the moving party may request that other orders be entered against me.

AS TO INTITIAL FAMILY MATTERS (DIVORCE, PARENTAL RIGHTS AND RESPONSIBILITIES, PARENTAGE, GRANDPARENTS' VISITATION RIGHTS, JUDICIAL SEPARATION, ANNULMENT, AND TERMINATION OF PARENTAL RIGHTS UNDER 19-A M.R.S. § 1658) AND POST-JUDGMENT MOTIONS ARISING FROM THOSE ACTIONS, I understand that:

 If I was served with a complaint or petition, I may file an answer, counterclaim, or response (forms FM-186, FM-187, FM-229, or FM-225 are available for this at the clerk's office or at <u>www.courts.maine.gov</u>) within 21 days of being served. If I am filing response to a petition for grandparent visitation rights or a complaint for de facto parentage, I must file an affidavit with my response;

- If I was served with a post-judgment motion, I understand that I may file a cross-motion or objection within 21 days of being served, except that I may file a response to a motion to modify only child support within 30 days after being served;
- If I do not want to file an answer, counterclaim, response, cross-motion, or objection, but I do want to be heard on issues applicable to my case including parental rights and responsibilities, child support, spousal support, attorney fees, and the division of marital and non-marital property, I must (1) appear at all court conferences and hearings, and (2) file an Entry of Appearance (form FM-020) if I am not represented by an attorney; and
- If I do not enter an appearance or appear at court, judgment may be entered against me in my absence, and the plaintiff or petitioner may request that other orders be entered against me.

AS TO NOTICES OF REGISTRATION OF FOREIGN JUDGMENT, I have read the Notice of Registration (form CV-FM-110) and understand that if I want to contest the validity of the registered foreign judgment, I must request a hearing within the time specified on the Notice of Registration using the Request for Hearing Form (form CV-FM-203). I understand that if I do not contest the validity or enforcement of the registered foreign judgment, the court will confirm and enforce the judgment, including any alleged arrearages, and I will not be able to contest the judgment later.

Date (<i>mm/dd/yyyy</i>):	•	Signature	
Bar No.	Printed Name: Attorney for: (<i>if applicable</i>): ailing Address:	:	
	Phone: Email:		

<u>IMPORTANT WARNING</u>: You are responsible for notifying the court clerk of any changes to your address and telephone number. If you do not inform the clerk of any changes to either your address or telephone number, it may not be possible for you to get notices of court conferences and hearings.

MATION MAINE JUDICIA	MAINE JUDICIAL BRANCH	
Plaintiff	<i>"X" the court for filing:</i> Superior Court District Court	
	County:	
	Location (Town):	
Defendant	Docket No.:	
	MAINE JUDICIA Plaintiff	

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT, POST-JUDGMENT MOTION, OR NOTICE OF REGISTRATION OF FOREIGN JUDGMENT

M.R. Civ. P. 4(c)(1)

Please sign the acknowledgment below and return this form to the sender in the enclosed self-addressed stamped envelope so the sender will get it within 20 days from the day it was mailed to you. If you do not do this, you may be required by the Court to pay for the cost of having the sheriff serve the Summons and Complaint, or Post-Judgment Motion, or Notice of Registration of Foreign Judgment on you.

(If you are the party sending this document to serve the opposing party, keep a copy of this form and a copy of the documents you are serving for your records.)

STATEMENT

By signing, dating and returning this form, I state that I received a copy of the Summons and Complaint, the Post-Judgment Motion, or Notice of Registration of Foreign Judgment with accompanying documents and that I understand the applicable statements below.

AS TO CIVIL CASES, I understand that if I do not file an answer to the Complaint or an objection to the Motion within the time limits established by statute or court rule and appear at all court conferences and hearings, then a judgment may be entered against me in my absence, and Plaintiff or the moving party may request that other orders be entered against me.

AS TO INTITIAL FAMILY MATTERS (DIVORCE, PARENTAL RIGHTS AND RESPONSIBILITIES, PARENTAGE, GRANDPARENTS' VISITATION RIGHTS, JUDICIAL SEPARATION, ANNULMENT, AND TERMINATION OF PARENTAL RIGHTS UNDER 19-A M.R.S. § 1658) AND POST-JUDGMENT MOTIONS ARISING FROM THOSE ACTIONS, I understand that:

 If I was served with a complaint or petition, I may file an answer, counterclaim, or response (forms FM-186, FM-187, FM-229, or FM-225 are available for this at the clerk's office or at <u>www.courts.maine.gov</u>) within 21 days of being served. If I am filing response to a petition for grandparent visitation rights or a complaint for de facto parentage, I must file an affidavit with my response;

- If I was served with a post-judgment motion, I understand that I may file a cross-motion or objection within 21 days of being served, except that I may file a response to a motion to modify only child support within 30 days after being served;
- If I do not want to file an answer, counterclaim, response, cross-motion, or objection, but I do want to be heard on issues applicable to my case including parental rights and responsibilities, child support, spousal support, attorney fees, and the division of marital and non-marital property, I must (1) appear at all court conferences and hearings, and (2) file an Entry of Appearance (form FM-020) if I am not represented by an attorney; and
- If I do not enter an appearance or appear at court, judgment may be entered against me in my absence, and the plaintiff or petitioner may request that other orders be entered against me.

AS TO NOTICES OF REGISTRATION OF FOREIGN JUDGMENT, I have read the Notice of Registration (form CV-FM-110) and understand that if I want to contest the validity of the registered foreign judgment, I must request a hearing within the time specified on the Notice of Registration using the Request for Hearing Form (form CV-FM-203). I understand that if I do not contest the validity or enforcement of the registered foreign judgment, the court will confirm and enforce the judgment, including any alleged arrearages, and I will not be able to contest the judgment later.

Date (<i>mm/dd/yyyy</i>):	•	Signature	
Bar No.	Printed Name: Attorney for: (<i>if applicable</i>): ailing Address:	:	
	Phone: Email:		

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MAINE JUDICIAL BRANCH

V.	Plain	I	DISTRICT COURT Location (Town): Docket No.:
		ndant r Party (if any)	
		SUPPORT AFFIDAV M.R.S. § 2004(1)(A	
Name:	(Parent filling out this affidavi	Date c	f birth (<i>mm/dd/yyyy</i>)
	SS Number Discl	osure required on	separate form
1.	GROSS INCOME FROM WAGES, SALARY Current employment information Employer name: Employer address:		Self-employed
►	Required (if applicable): I have attac tax return or 1099 form if self-employed	• •	ecent W-2 form and two (2) pay stubs, or
	A. How much did you earn last year?B. How much do you currently earn?		
	Salary and wages (gross pay) \$		everyweek biweeklymonth other
			(1B) \$ Put the amount expected this year
2.	OTHER GROSS INCOME Do not include TANF, SSI, general assiste	ance, or food stamp	25.
		Expected this y	vear
	Unemployment benefits	\$	
	Workers' compensation	\$	
	Social Security	\$ <u></u>	
	Disability	\$	
	Pension or annuity	\$	
	tice: The Maine Judicial Branch complies with the nodation, contact the Court Access Coordinator, a		

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

Spousal support (alimony)	\$
Rental or mortgage income	\$
Bonuses	\$
Commissions/tips	\$
Other:	\$
	\$

Total: (2) \$_____

3. EMPLOYMENT FRINGE BENEFITS

Total value of employment benefits you expect to receive this year that reduce your living expenses (car, housing, cell phone, meals, etc.)

(3) \$_____

4. TOTAL GROSS INCOME EXPECTED THIS YEAR

(4) \$_____ (Add 1B, 2, and 3) Put here and on line 2 of the Child Support Worksheet

5. YEARLY SUPPORT YOU PAY FOR OTHER CHILDREN

Child support you pay for children who are not involved in this case.

Name of Child	To whom paid	Amount
		\$
		\$
		\$\$
		\$
		\$

6. HEALTH INSURANCE COST

Required (if applicable): I have attached a copy of my health insurance premium sheet.

A. Cost of health insurance for yourself only: \$_____

B. Additional cost you pay for health insurance for the children in this case.

(6B) \$_____

Put this amount on line 9 of the Child Support Worksheet

Amount paid: weekly biweekly monthly other:

7. CHILD CARE COSTS

		Required (if applicable):	I have attached documentation	n showing the cost of child care.
--	--	---------------------------	-------------------------------	-----------------------------------

Child care costs you pay so you can work or train to work.

(7) \$_____

Put this amount on line 10 of the Child Support Worksheet

Amount paid: weekly biweekly monthly other:	Amount paid:	weekly	biweekly	monthly	other:	
---	--------------	--------	----------	---------	--------	--

8. EXTRAORDINARY MEDICAL EXPENSES

Amount you actually pay for each child's permanent or recurring illness.

Name of Child	To whom paid	Amount د
		\$
		\$
		\$
		\$
	(8)\$
		Put total here and on line 11 of the Child Support Worksheet
Amount paid: 🗌 weekly 🗌 biweekly 🗌 n	nonthly 🗌 other:	
OTHER CHILDREN IN YOUR HOME Other children living in your home who are to support.	not involved in this case and	d whom you are legally obligated

Child Name	DOB (<i>mm/dd/yyyy</i>)	Relationship to you

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9.

MAINE JUDICIAL BRANCH

10. OTHER INFORMATION (check all that apply)

Other benefits received on behalf of the child a	nd amount (such as adoptic	on subsidies):
Other facts you think the court should know the	at may affect the amount of	f child support ordered:
11. ASSETS AND DEBTS		
<i>Current value</i> of your assets:		
Real estate	\$	
Cash/bank accounts	\$\$	
Retirement plans/IRAs/401(k)s/pensions/annuities	\$	
Other (such as business interest or life insurance)		
Current balance of your debts:		
Mortgages \$	Loans \$	
Mortgages \$ Credit Cards \$	_ Other \$	
statements are made for use as evidence in court and that by up to 5 years in prison and a fine of up to \$5,000.00 if I Date (<i>mm/dd/yyyy</i>):	• •	e court.
STATE OF	Name and Bar No. (if applic MAINE	able)
COUNTY		
Personally appeared the above named, foregoing statements are true under penalty of perjury.		, and made oath that the
	Before me,	
Date (<i>mm/dd/yyyy</i>):	Before me,	
Date (<i>mm/dd/yyyy</i>):	Before me,	otary Public 🗌 Clerk

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

V.	Plaintiff	Locatio	T COURT n (Town): No.:	
	Defendant			
	CHILD SUPPORT WORK Supplemental worksheet 19-A M.R.S. §§ 2001-20	attached		
 a. Primary care provider (parent children line If parents provide substantially equal care b. Parent providing health insurance for the c. Parent providing weekly child care exper- d. Parent providing extraordinary medical extrao	e, higher income parent sho e children: Ises for the children:] puld be sho [[[Plaintiff Defenda wn as the non-primary Plaintiff Defenda Plaintiff Defenda Plaintiff Defenda	care provider. nt Neither nt Neither
Child's Name:			Date of Birth (mm/dd	////////
Yearly Amounts	Primary Care Provider	Se	Primary Care Provider elf-support reserve elow poverty level	Combined Income
3. Gross income	\$	\$		
4. Minus other obligations, 19-A M.R.S. §				
2001(5)(E): a. Support paid to former spouse under a pre- existing court order	a.	a.		
b. Support paid for other children under a pre-existing obligation	b.	b.		
5. Obligor Gross Income		\	ract lines 4a and 4b line 3.)	_
 Other children living with non-primary care provider (See instructions on page 3.) 				
7. Adjusted Gross Income	a. (Subtract lines 4a and 4 from line 3.)	4b b. (Su 5.)	btract line 6 from line	c. (Add lines 7a and 7b.)
 Share of Adjusted Income (Divide each parent's income by combined 	a. %	b.	%	

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income)

MAINE JUDICIAL BRANCH

9. Basic weekly support for all children up to 18 years (or up to 19 years if still in high school) (See instructions on page 3.) Total number of children (a) _____ multiplied by amount from table (b) _____ = 9c. ____

 Weekly health insurance cost for children Name & amount per child per week 	\$	
	\$	
	\$	
	\$	
	\$	
		Total: 10
11. Weekly child care expenses		
Name & amount per child per week	\$	
	\$	
	\$	
	ې	
	\$	
		 Total: 11
12. Extraordinary medical expenses		
Name & amount per child per week	\$	
	\$\$	
	\$	
	\$\$	
	\$	
		Total: 12
 *If parents provide substantially equal care, cont 13. TOTAL WEEKLY BIWEEKLY OBLIGATION 14. WEEKLY BIWEEKLY PARENTAL SUPPO 	N (Add lines 9c, 10, 11 and 12; if biw	
a. Primary Care Provider	b. Non-Primary Care Provid	er's support obligation S
Spends directly \$		(Multiply line 8b by line 13)
(Multiply line 8a by line 13)	Non-Primary Care Provid	-
		Non-Primary Care Provider)
	Weekly health insurand Weekly child care (line	· · · · · · · · · · · · · · · · · · ·
	Extraordinary Medical	Expenses (line 12) - \$
	Non-Primary Care Provider	pays as support = \$
Date (mm/dd/yyyy):	Prepared by:	
	Attorney for Plaintiff De	fendant 🗌 Magistrate 🗌 Judge 🗌 Mediator
ADA Notice: The Maine Judicial Branch complies		
accommodation contact the Court Access Coordin		
Language Services: For language assistance and in	nerpreters, contact a court cierk of	merpreters@courts.mame.gov.

MAINE JUDICIAL BRANCH

CALCULATING "AMOUNT FROM TABLE" FOR LINE 9 OF THE WORKSHEET

- 1. Look at the Child Support Table.
- 2. Circle the amount in the Table under "Parents' Combined Annual Income" that is closest to the "Combined Adjusted Gross Income" on **Line 7c** of the Worksheet.
- 3. In the "Number of Children" column, circle the TOTAL number of children in this case. Draw a line from the circled number of children down the column until it meets the circle you drew for parents' yearly combined income. Circle the number and write the number you circled in the space after "amount from table" on Line 9b of the Worksheet.
- 4. For example, if you have two children and a combined adjusted gross income of \$18,000, use the column for 2 children. The "Parents' Combined Annual Income" and the "Number of Children" lines should meet at \$54.
 - Using this example, you would write the following on the Worksheet:
 - 9. Total number of children 2 multiplied by amount from table \$ 54 = \$ 108 .

NON-PRIMARY CARE PROVIDERS WITH VERY LOW INCOMES

When the non-primary care provider's income is very low, different rules for calculating child support apply. If the annual gross income of the non-primary care provider is less than the federal poverty guidelines, the non-primary care provider's weekly parental support obligation may not exceed 10% of the non-primary care provider's weekly gross income, regardless of the amount of the parties' combined annual gross income. No additional amounts such as health insurance, child care, or extraordinary medical expenses should be added to this total. Please note this amount is calculated assuming a household of one person.

If the non-primary care provider's annual gross income, without adjustments, is in the self-support reserve for the total number of children for whom support is being determined, the amount listed in the self-support reserve multiplied by the number of children is the non-primary care provider's basic support obligation for the children, regardless of the parties' combined annual gross income. The non-primary care provider's proportional share of childcare, health insurance premiums, and extraordinary medical expenses is added to this basic support obligation. This paragraph does not apply if its application would result in a greater support obligation than a support obligation determined without application of this paragraph.

If the non-primary care provider's income falls in the self-support reserve (the shaded area of the Child Support Table), check the box in the non-primary care provider column next to "self-support reserve" on the child support worksheet. If the non-primary care provider's income is lower than all income amounts listed in the Child Support Table, check the box next to "below poverty level" on the child support worksheet.

CALCULATING AMOUNT FOR LINE 6 OF THE WORKSHEET (OTHER CHILDREN LIVING WITH NON-PRIMARY CARE PROVIDER)

If the non-primary care provider has a legal obligation to support other children living in his/her home, the non-primary care provider is entitled to an adjustment. The amount of the adjustment is written on line 6. To determine the adjustment to be entered on Line 6, follow the steps in paragraphs 1, 2, 3, and 4, with some changes. In step 2, circle the amount in the Table under "Parents' Combined Adjusted Gross Income" that is closest to the non-primary care provider's gross income at Line 5. Do not circle the combined adjusted gross income of both parties in this case. In step 3, in the "Number of Children" column, circle the total number of other children living with the non-primary care provider that the non-primary care provider has a legal obligation to support. Do not circle the total number of children in this case.

Warning: If there is an existing child support order for the children in this case, the adjustment may not apply.

CALCULATING THE NON-PRIMARY CARE PROVIDER ADJUSTMENT FOR SECTION 14b OF THE WORKSHEET

If the non-primary care provider pays directly out of pocket the cost of the child(ren)'s health insurance, child care for children under the age of 12 (or otherwise eligible), and/or extraordinary medical expenses, that parent's weekly support obligation must be adjusted. The amount of the adjustment is the cost of the health insurance for the children (line 10), the cost of child care for the child(ren) under the age of 12 (or otherwise eligible) (line 11), and the cost of extraordinary medical expenses for the child(ren) (line 12). Subtract lines 10, 11, and 12 from the Non-Primary Care Provider's support obligation to determine the amount that must be paid as support.

If the primary care provider pays the cost of the children's health insurance, child care for children under the age of 12 (or otherwise eligible), or extraordinary medical expenses, or if neither parent pays for health insurance, child care for children under the age of 12 (or otherwise eligible), or extraordinary medical expenses, enter 0 on the line next to "Non-Primary Care Provider Adjustment."

MAINE JUDICIAL BRANCH

_____ Plaintiff

V.

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

Defendant

SUPPLEMENTAL CHILD SUPPORT WORKSHEET

PLEASE NOTE: This form must be used when parents provide substantially equal care. A Child Support Worksheet (FM-040)
must be prepared first.

Higher income parent is the Plaintiff Defendant (higher of line 7a and 7b).

Higher income parent's share of basic weekly support		
(higher of line 8a and 8b) x	(line 9c)	= 15
16. Enhanced weekly support entitlement		
(line 9c) x 1.5		= 16
17. Lower income parent's share of enhanced weekly support entitlement		
(lower of line 8a and 8b) x	(line 16)	= 17
(1 1 1 1 1 1 1)	()	
18. Higher income parent's share of enhanced weekly support entitlement		
(higher of line 8a and 8b) x	(line 16)	= 18.
	(inte 10)	- 18.
10 Enhanced Support Obligation		
19. Enhanced Support Obligation		
(line 18)(line 17)		= 19.
20. Presumptive Parental Support Obligation		
Enter the amount from line 15 or line 19, whichever is less		= 20

21. Additional expenses to be shared by parents in proportion to their incomes:

Expense	Weekly Amount	Parent Paying	HIP Share*	LIP Share*
Health Insurance			\$	\$
(enter amount from line 10)				
Child Care			\$	\$
(enter amount from line 11)				
Extraordinary Medical Expenses			\$	\$
(enter amount from line 12)				
*HIP = higher income parent	*LIP = lower income parent	TOTAL:	\$	\$

Adjudgment for additional expenses (If HIP pays the expense(s), subtract LIP share. If LIP pays the expense(s), add HIP share.) = 21.____

22. Total weekly support obligation of HIP to be paid to LIP

= 22._____

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www.courts.maine.gov

Plaintiff

V.

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

_____ Defendant

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; or; Other facts showing defendant is not in the military; 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 (<i>mm/dd/yyyy</i>):
Date (<i>mm/dd/yyyy</i>): 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 (<i>mm/dd/yyyy</i>): 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.
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, <u>accessibility@courts.maine.gov</u> , or a court clerk.
Language Services: For language assistance and interpreters, contact a court clerk or <u>interpreters@courts.maine.gov</u> .

IMPORTANT INFORMATION REGARDING CASE MANAGEMENT CONFERENCE

Your family case has been scheduled for a case management conference. Trial counsel and parties are required to attend unless:

- A Certificate in Lieu of Conference (form FM-054) is filed with the court in advance of the conference date and the court waives the conference. This form, which can be found on the Judicial Branch's website at: <u>http://www.courts.maine.gov/fees_forms/forms</u> or from any Maine District Court clerk's office may only be filed when the parties agree on interim arrangements for the children;
- The Case Management Conference is deferred in accordance with M.R. Civ. P. 110A(b)(3)(A)(ii); or
- The parties agree on a modification of an existing judgment or order and file the appropriate paperwork with the court in advance of the conference date.

PLEASE NOTE: You may be ordered to attend mediation. Please come to the case management conference prepared to pay your portion of the mediation fee.

The following matters will be discussed at the case management conference, and an order may be entered at that time, or at a subsequent hearing, even if a motion for interim relief has not been filed:

- 1. Interim arrangements for the children, including residence, parent/child contact, health insurance and child support; interim responsibility for payment of periodic debts; and interim spousal support (if applicable). You must file form FM-050, Child Support Affidavit. It is due no later than 3 days prior to the case management conference;
- 2. Issues in dispute;
- 3. Deadlines for moving the case to resolution, exchange of information (discovery), and mediation;
- 4. Payment of fees, including any court mediation fee and attorney fees;
- 5. Date and time of the next court event. If one party is defaulted or if the case involves the establishment or enforcement of a child support obligation, a brief hearing may take place on the day of the case management conference;
- 6. Referral to a judge. When parental rights and responsibilities are in dispute, the parties may exercise their right to have a judge determine interim parental rights and responsibilities. To do this, a party must file a written request with the court clerk before or at the time of the case management conference under M.R. Civ. P. 110A(b)(4)(A);
- 7. Other matters pertinent to the case including, but not limited to, attendance at a parent education program; genetic testing; a job search; the appointment of a guardian ad litem; and/or a psychological evaluation.

The Magistrate will enter a Case Management Order following the case management conference that will determine the course of the proceedings and may enter other orders, such as an interim order, or an order enforcing a child support obligation.

<u>WARNING TO PARTIES</u>: If you are the responding party and wish to object to the complaint or motion, a response must be filed within the time limits established by statute or court rule. Do not wait until the time of the case management conference to state your objections.

You have the right to appear and be heard at all court events (trial, hearing, conference, mediation). If you fail to appear at any or all court events without good cause, action may be taken on your case even though you are not there. This means that the Court may, in your absence, enter an interim/temporary order OR hold a final hearing and enter a final default order or judgment regarding any or all of the issues in your case, including but not limited to paternity or parentage, parental rights and responsibilities for children (custody, residence, visitation, etc.), child support, name change, spousal support/alimony, attorney fees, and distribution of marital and non-marital property (debt, real estate, vehicles, pension and retirement accounts, etc.). The Court also may dismiss any pleading that you have filed if you do not show up.