

## **RULE 124. REMOVAL TO SUPERIOR COURT**

When the Maine Constitution or the United States Constitution provides a right to a trial by jury in any action or on any issue in an action brought pursuant to this chapter, that action or issue may be removed to the Superior Court for jury trial. When such a removal is authorized, the removal shall be governed by Rule 76C, provided that once the constitutional action or issue is resolved by verdict of the jury, the matter shall be remanded to the District Court for such further proceedings as are authorized or required by this chapter.

### **Advisory Notes June 2008**

As a result of court unification, the District Court has exclusive jurisdiction of Family Division actions. Cases in categories such as divorce, separate support, and paternity may no longer be removed, as a matter of right, to the Superior Court. The rule does not, however, impose an absolute prohibition on removal. It leaves the possibility of removal, but only in those cases where there may be a right to jury trial of all or a portion of a Family Division action. The rule also provides that once the matter as to which there is a constitutional jury trial right is resolved by verdict of the jury, the matter is to be remanded to the District Court for further proceedings as authorized by these rules. *See* Rule 100.