



in your absence on any or all 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 the case you filed if you do not show up.

Mediation

You might be scheduled for mediation in your case. Mediation is a meeting with the other side, with the help of a mediator, who helps parties explore their options without taking sides. If you are scheduled for mediation, you will be ordered to pay a mediation fee,

unless you are eligible for a fee waiver if you cannot pay the fee. The court will schedule mediation, and the session will take place at the courthouse or online on Zoom. If you have safety concerns, please alert the court so that this can be considered in scheduling mediation.

Legal Help

Court staff are not allowed to give legal advice. If you want legal help with your case, you may hire a lawyer. You may also visit the court's website, which has a page called "Legal Help & Guides" that has information about how to get legal help. Some of the services are free or low-cost for low-income parties.

You may also want to review the court's **Guide to Family Separation in Maine**. This guide will help you better understand the court process in divorces and parental rights cases. You can get a copy of this guide at the court or access it at www.courts.maine.gov.



To learn more about a divorce or parental rights and responsibilities case please visit:
www.courts.maine.gov/courts/family

HOW TO START A DIVORCE OR PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY) CASE



Maine Judicial Branch
Administrative Office of the Courts

Divorce cases involve parties who want to end a marriage. Parental rights and responsibilities (custody) cases involve parties who have a child but are not married.

Steps to Start a Divorce or PR&R Case

There are **four steps** to start a divorce or a parental rights and responsibilities case.

1. **Complete the forms.**
2. **“Serve” your spouse or the other parent.**
3. **File the papers with the District Court.**
4. **Go to court on the scheduled day.**

1. Complete the forms

You can get court forms to start a divorce or parental rights and responsibilities case from any District Court clerk’s office or you can download them from the Judicial Branch website at www.courts.maine.gov/forms. In the “Forms Packets” section, download the packet that you need. There are different packets for:

- Divorces with children;
- Divorces without children; and
- Parental rights and responsibilities cases.

If you choose to get the forms online, you will still need to get one original, paper form called the “Family Matters Summons and Preliminary Injunction” from the clerk’s office because it has an official court seal. There is a small fee for this form. If you qualify because of your financial circumstances, the court may waive your filing fees.

Fill out the forms. When filling out the forms, you will be the “plaintiff” because you are starting the case and the other spouse or parent will be the “defendant.” Make two copies when you are done.

2. Serve the Papers

“Service” is how you give your spouse or the other parent (referred to as the “defendant”) notice that you are filing a case. In most cases, service can happen in one of three ways:

1. Service by hand or mail: You can hand-deliver or mail the papers to the defendant and ask the defendant to sign and return to you an “Acknowledgment of Receipt of Summons and Complaint (CV-036).” Mail or deliver two blank copies of this form and a copy of the papers to your spouse or the other parent of your child(ren) – they will complete and sign both Acknowledgment forms, keep one copy, and send the other one back to you.

2. Service by certified mail, restricted delivery: You can mail the papers by certified mail, restricted delivery to the defendant. You will receive a green slip from the post office with the defendant’s signature showing the defendant received the papers.

3. Service by Sheriff: You can also pay a sheriff to give a copy of the papers to the defendant. The sheriff will send you a document showing the papers were delivered to the defendant.

What you get back is called the “return of service:” (1) the signed acknowledgment form, (2) the green

card from the post office, or (3) the document sent by the sheriff. It is proof that the other side received their copy of the paperwork. It is important. Keep this return of service to later file with the court.

3. File the Papers with the Court

File the summons, the packet of forms you filled out, and the return of service with the court.

There is a fee to start a divorce or parental rights case. You pay this at the time you file. There is a small fee for this form. If you qualify because of your financial circumstances, the court may waive your filing fees.

4. Go to Court

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). It is very important that you go to court on the scheduled day. If you do not go to the scheduled court event, the court may enter orders

