

MAINE JUDICIAL BRANCH

\_\_\_\_\_ Plaintiff
V.
\_\_\_\_\_ Defendant
\_\_\_\_\_ Other party (if any)

DISTRICT COURT
Location (Town): \_\_\_\_\_
Docket No.: \_\_\_\_\_

ANSWER AND COUNTERCLAIM FOR DETERMINATION OF PARENTAGE,
PARENTAL RIGHTS & RESPONSIBILITIES, AND CHILD SUPPORT
19-A M.R.S. §§ 1831-1938, 1653, 2001-2012

ANSWER TO COMPLAINT FOR DETERMINATION OF PARENTAGE, PARENTAL RIGHTS & RESPONSIBILITIES,
AND CHILD SUPPORT

- 1. Defendant admits paragraphs # \_\_\_\_\_ of plaintiff's complaint for determination of parentage, parental rights and responsibilities, and child support.
2. Defendant denies paragraphs # \_\_\_\_\_ of plaintiff's complaint for determination of parentage, parental rights and responsibilities, and child support.
3. In further answer to plaintiff's complaint, defendant states as follows:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

COUNTERCLAIM FOR DETERMINATION OF PARENTAGE, PARENTAL RIGHTS & RESPONSIBILITIES,
& CHILD SUPPORT

PLEASE NOTE: If either party wishes to keep an address confidential, that party may complete an Affidavit for Confidential Address (FM-057). This form is available at the Clerk's Office or at www.courts.maine.gov.

1. Defendant now resides in (town) \_\_\_\_\_, (county) \_\_\_\_\_, (state) \_\_\_\_\_.

Please write "confidential" in the space above if you are filing an Affidavit for Confidential Address.

2. [ ] Plaintiff now resides in (town) \_\_\_\_\_, (county) \_\_\_\_\_, (state) \_\_\_\_\_.

OR

[ ] Residence of the plaintiff is unknown and the defendant has used reasonable efforts and cannot locate the plaintiff.

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3. Plaintiff and defendant are the parties of the following children:

Full name	Date of birth (mm/dd/yyyy)	Present address(es) (do not list if confidential to other party)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. List below where and with whom the child(ren) have lived within the **past 5 years**, in order from the most recent, 19-A M.R.S. § 1753 (attach an additional page if more space is needed):

Name of person child(ren) lived with	Present address of the person that child(ren) lived with (do not list if confidential to other party)	Dates lived with that person (mm/yy) – (mm/yy)	Town/State where child(ren) lived with that person
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. The court has jurisdiction because (check all of the statements that apply):

- Defendant resided with the child(ren) in Maine.
- Defendant resided in Maine and provided prenatal expenses and support for the child(ren).
- Defendant engaged in intercourse in Maine and the child(ren) may have been conceived by that act of intercourse.
- The child(ren) reside in Maine as a result of the acts or directives of defendant.
- Defendant consents to jurisdiction.
- Any other basis for personal jurisdiction in Maine: \_\_\_\_\_.

6. Plaintiff is the child(ren)'s (check one):

- |  |   |
|--|---|
| <input type="checkbox"/> Biological mother   | <input type="checkbox"/> Adjudicated parent   |
| <input type="checkbox"/> Biological father   | <input type="checkbox"/> De facto parent*   |
| <input type="checkbox"/> Presumed parent     | <input type="checkbox"/> Intended parent  |
| <input type="checkbox"/> Acknowledged parent | <input type="checkbox"/> Other (state the nature of the parental relationship to the child(ren): _____) |

**\*A party filing as a de facto parent must file FM-232 with an affidavit instead of this complaint. Please see instructions.**

**(Please see the "Quick Reference Guide" on next page for definitions.)**

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7. Defendant is the child(ren)'s (check one):

- Biological mother, Biological father, Presumed parent, Acknowledged parent, Adjudicated parent, De facto parent\*, Intended parent, Other (state the nature of the parental relationship to the child(ren):

Quick Reference Guide:

An acknowledged father is a person who is the genetic father of the child(ren) and signed a valid acknowledgment of paternity with the intent to establish paternity. 19-A M.R.S. § 1861. An adjudicated parent is a person determined to be a parent of the child(ren) by a court order. 19-A M.R.S. § 1832(2). A presumed parent is a person who was married to the other parent when the child was conceived or born; or a person that resided in the same household with the child and openly held out the child as that person's own from the time the child(ren) was born or adopted and for a period of at least 2 years thereafter and assumed personal, financial, or custodial responsibilities for the child(ren). 19-A M.R.S. § 1881. A biological parent is a person who is the genetic parent of the child. A de facto parent is a person who is recognized as a parent of the child. A person seeking to be adjudicated a de facto parent of a child must complete and file FM-232 (instead of this complaint) with an affidavit alleging under oath specific facts to support the existence of a de facto parent relationship with the child. 19-A M.R.S. § 1891. An intended parent is a person married or unmarried, who manifests the intent to be legally bound as the parent of a child resulting from assisted reproduction or a gestational carrier agreement. In the case of a married couple, any reference to an intended parent includes both spouses. 19-A M.R.S. §§ 1921-1939.

8. Other possible parents (check one):

- The child(ren) do not have any other acknowledged, adjudicated, intended, de facto, or presumed parents. OR The child(ren) have another acknowledged, adjudicated, indented, de facto, or presumed parent.

9. 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:

10. Defendant 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):

11. If you are asking that the court change the child(ren)'s names, please explain why there is good cause to do so 19-A M.R.S. § 1843(3)). If this does not apply, please leave blank:

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- 12. [ ] 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 complaint.)

- 13. DEFENDANT REQUESTS that the court (check all boxes that apply):
[ ] Order genetic testing pursuant to 19-A M.R.S. § 1911;
[ ] Establish that the parties are the parents of the child(ren) listed in this complaint;
[ ] Determine parental rights and responsibilities for the minor child(ren) pursuant to 19-A M.R.S. § 1653, including child support (file and exchange FM-050);
[ ] Determine the amount of any past child support and order payment of the past support;
[ ] Allocate reimbursement of birth expenses and medical expenses for the child(ren);
[ ] Award reasonable attorney fees; and/or
[ ] Change the child(ren)'s names as follows:
A. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.
B. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.
C. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.
D. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.
E. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.
F. The child's name is \_\_\_\_\_. I ask that the child's name be changed to \_\_\_\_\_.

[ ] I hereby declare that the above statements are true to the best of my knowledge and belief. 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 \$5,000.00 for giving false information to the court.

Date (mm/dd/yyyy): \_\_\_\_\_ Defendant's Signature

Defendant Attorney: \_\_\_\_\_ Defendant: \_\_\_\_\_
Bar No.: \_\_\_\_\_ [ ] Address is confidential (if so, leave blank below)
Address: \_\_\_\_\_ Address: \_\_\_\_\_
Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_
Email: \_\_\_\_\_ Email: \_\_\_\_\_

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STATE OF MAINE

\_\_\_\_\_ County

Personally appeared the above named defendant, \_\_\_\_\_, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date (mm/dd/yyyy): \_\_\_\_\_

\_\_\_\_\_  
 Attorney at Law  Notary Public  Clerk

**PLEASE NOTE:** Plaintiff has 21 days after being served with this counterclaim to file an answer with the court. In addition, the plaintiff must provide copies of all filings to every other party.

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