

**STATE OF MAINE**

SUPERIOR COURT

DISTRICT COURT

\_\_\_\_\_ ss.

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

Docket No. \_\_\_\_\_

\_\_\_\_\_ Plaintiff

v.

\_\_\_\_\_ Defendant

**ANSWER AND COUNTERCLAIM FOR DIVORCE**

- Title to Real Estate Is Involved
- Children Involved

COMES NOW the Defendant and for his/her Answer and Counterclaim for divorce states as follows:

**ANSWER**

1. Defendant admits paragraphs # \_\_\_\_\_ of Plaintiff's complaint for divorce.

2. Defendant denies paragraphs # \_\_\_\_\_ of Plaintiff's complaint for divorce.

3. In further answer to Plaintiff's complaint Defendant states:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**COUNTERCLAIM FOR DIVORCE**

1. Defendant was lawfully married to the Plaintiff in (town) \_\_\_\_\_, (county) \_\_\_\_\_, (state) \_\_\_\_\_, on \_\_\_\_\_ (mo/date/yr.)

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

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

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

- A. Defendant resided in Maine in good faith for six months before filing this Complaint;
- B. Defendant is a resident of Maine and the parties were married in Maine;
- C. Defendant is a resident of Maine and the parties resided in Maine when the grounds for divorce arose;
- D. Plaintiff is a resident of Maine.

5. Neither party has filed for divorce or annulment from the other before the filing of Plaintiff's complaint in this case except:

A complaint for divorce or annulment was filed before in *(court name, town and state of court)* \_\_\_\_\_, Docket

No. \_\_\_\_\_.

That case:

- Was dismissed on \_\_\_\_\_.
- Is still pending.

6. The parties have personal property, **AND**

Either or both parties has an interest in real estate,

**OR**

Neither party has an interest in real estate.

7. Defendant hereby states that the grounds for divorce in this case is that irreconcilable marital differences exist between the parties

8. Defendant and Plaintiff are the parents of the following child(ren):

<i>Name</i>	<i>Date of Birth</i>	<i>Present Address</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

A. The children have lived in the following places at the following times in the **past 5 years**:

Name and present address of Person child(ren) lived with	Dates child(ren) lived with that person	Town and State where child(ren) lived with that person
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Defendant has not been involved in any way in, and has no information about, another court case in any state concerning the custody of the child(ren) except as follows:

- Protection from Abuse
  - Protective Custody
  - Other (describe what kind of other case)\_\_\_\_\_
- 
- 

9. (Check all boxes that apply)

No public assistance benefits have ever been received for the child(ren).

**OR**

Public assistance benefits have been, are now, or will be received for the child(ren).

**AND**

Defendant has sent a copy of this complaint to the Department of Human Services at the following address: *Support Enforcement Division, Central Office Supervisor, State House Station 11, Augusta, ME 04333-0011.* (A copy must be sent when the child(ren) have been, are now or will be receiving public assistance benefits.)

The Department of Human Services **has** issued a child support order regarding the child(ren). (*If such an order has issued, a copy of the order must be attached to this Complaint.*)

The Department of Human Services **has** been contacted to set up, review, change or enforce a child support order regarding the child(ren).

WHEREFORE, DEFENDANT REQUESTS that a divorce be granted and that the Court; (Check all boxes that apply)

Determine parental rights and responsibilities regarding the minor child(ren), including child support;

Set apart the non-marital property to each party and divide marital property;

Order the alimony be paid to the Defendant by the Plaintiff;

Award reasonable attorney's fees to Defendant's attorney; and

Change Defendant's name to \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Attorney for Defendant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Bar Number: \_\_\_\_\_

AFFIDAVIT

I have read the Answer and Counterclaim in this case, and to the best of my knowledge and belief the facts stated above are true.

\_\_\_\_\_  
(Defendant's signature)

Defendant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_ County

Personally appeared the above named Defendant, \_\_\_\_\_, and made Oath that the foregoing statements are true.

Before me,

Date: \_\_\_\_\_

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