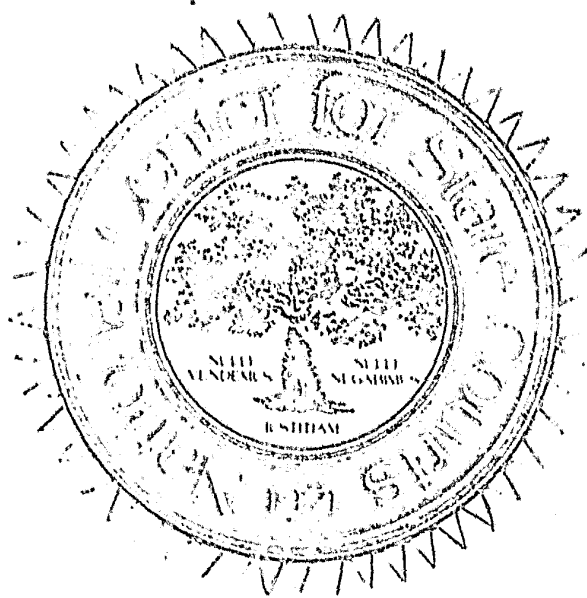


National Center for State Courts

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MAINE SUPERIOR COURT CLERKS' MANUAL

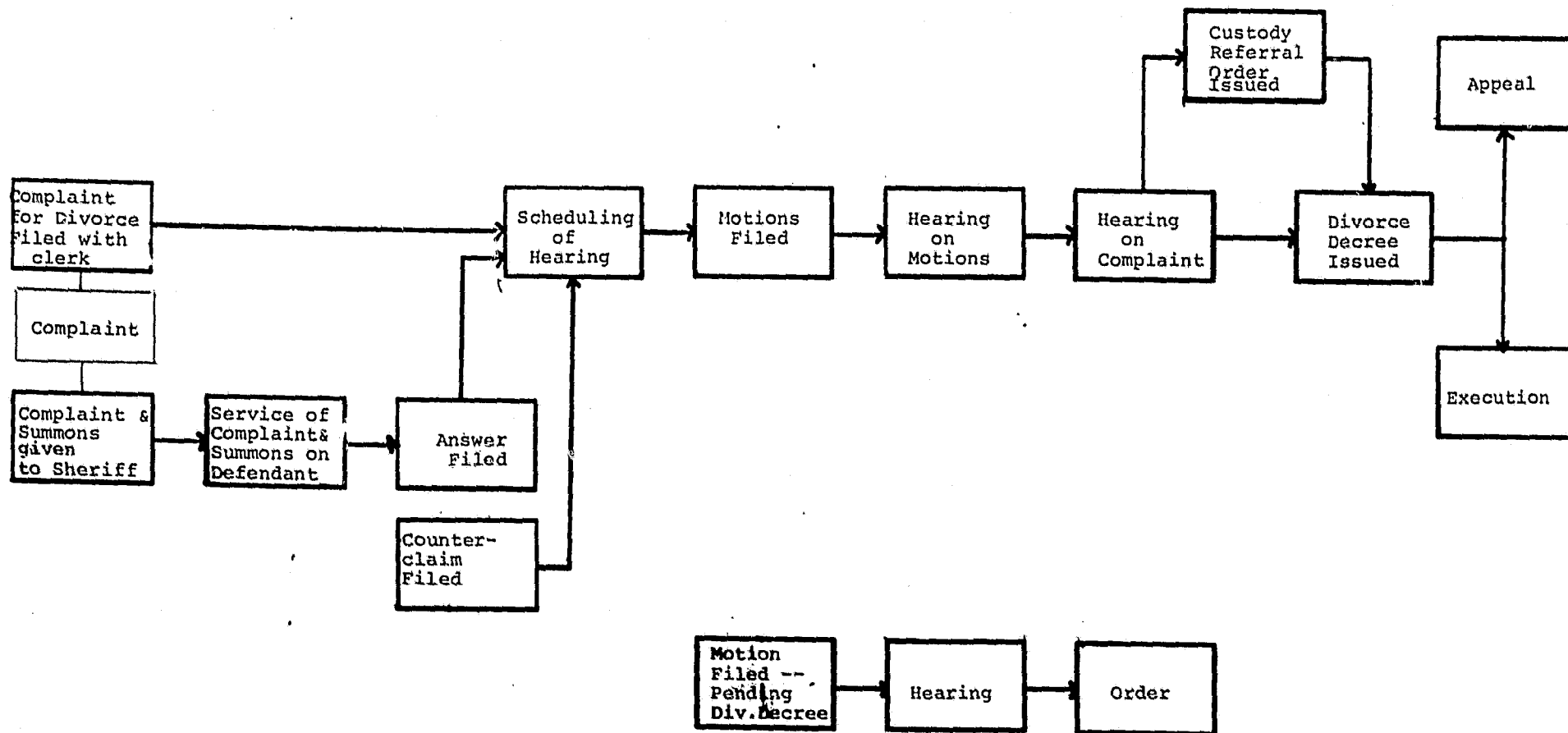
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April 15, 1975

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CIVIL PROCEDURE - DIVORCE FLOW CHART VI

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Civil Procedure
Divorce
19 MRSA 691

II. Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
II. <u>DIVORCE ACTION</u>					
A. <u>Complaint for Divorce Filed</u>	Yes	1	19 §691 Civ.R.80(a)	A. Two copies of a "complaint" for divorce are completed by the plaintiff's attorney; the original is filed with the clerk and the copy served on the defendant. The entry fee for a divorce is the same as any civil action, ten dollars (\$10). The fee should be collected when the case is filed.	The procedures outlined in the <u>ADMINISTRATION</u> section on "Accounting Procedures" should be followed.
B. <u>Creation of a Case File and Docket</u>	Yes	2 3 4	Civ.R.79(d)	B. After date stamping the complaint, the clerk should complete a divorce docket sheet (form 2) entering the plaintiff's and defendant's names, the date the complaint was filed and the name of the plaintiff's attorney. A docket number should be assigned to the case and that number written on each document filed pertaining to the case. The plaintiff's and defendant's	

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>names should be added to the alphabetical card-file index, the plaintiff's name on a blue index card and the defendant's name on a white card. The card index should state the last name, first name and middle initial of plaintiff or defendant and the case docket number. Once the docket sheet has been completed, the case file folder should be filled out noting the plaintiff's and defendant's name and case docket number.</p>	<p>The importance of a parallel plaintiff and defendant index cannot be overstated. By referencing both names, the clerk is assured of being able to locate and file case information.</p>
<p><u>Note:</u></p> <p>A separate file and docket may be maintained for divorce cases whenever possible. Mixing divorce cases with regular civil cases creates problems in terms of filing and monitoring case progress. In smaller courts, reciprocal actions, motions, and divorce cases may be incorporated in the same docket and file; however, if this method is used, individual indexes should be maintained for each type of case.</p>					
<p>C. <u>Statement of No Previous Action for Divorce</u></p>	Yes	5	Civ.R.80(g)	<p>C. Attached or incorporated in the complaint, the plaintiff must certify if any previous action for divorce or annulment has been commenced by the parties cited in the complaint. While</p>	<p>Some counties use separate forms for this certification; while others include the statement in the complaint.</p>

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
D. <u>Completion and Filing of Divorce Summons</u>	Yes	6	Civ.R.4(a) 80(b)	<p>no docket entry is required for this item, the clerk should check for its inclusion.</p> <p>D. Divorce summons are obtained from the clerk for \$.50. The plaintiff's attorney should complete the original and one copy and have both served on the defendant. Once served, the copy of the summons with the complaint attached is retained by the defendant and the original summons returned by the sheriff or whoever served it to the plaintiff's attorney, who in turn files it with the clerk.</p>	The summons may be filed with the original complaint; however, the clerk should make two separate docket entries, noting receipt of each.
E. <u>Personal Service Not Completed; Use of Alternative Service</u> 1. Federal Affidavit	Yes	7	Civ.R.4(f)	<p>1.If the defendant is known not to be in military service, the plaintiff's attorney may submit a Federal Affidavit certifying that the "Soldiers and Sailors Relief Act of 1940" does not apply.</p>	

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Military Affidavit	Yes	8		2.The plaintiff's attorney may also request the Court to issue an application to the military requesting certification of service of the defendant who is serving in the military. If this type of affidavit is issued, military certification of service must be filed with the court.	
3. Motion for service by publication	No		Civ.R.4(g) 80(1)	3.As with any civil action, if service cannot be accomplished through the use of a summons, the plaintiff's attorney may file a "motion for service by publication" which requires notice of the complaint being published in local newspapers once a week for three weeks.	See 1 MRSA 601 relating to publication of legal notices. The newspaper must be of general circulation.
4. Affidavit of service intent	Yes	9		4.The plaintiff's attorney may also file an "affidavit of service intent" certifying that a summons has been sent by registered mail to the defendant. The return receipt is attached to the affidavit and forwarded to the Clerk of the Superior Court where the complaint was filed.	

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>Note:</u> As it is incumbent upon the plaintiff to insure service of the complaint and summons, if the original summons cannot be served, one or more of the above alternatives should be explored prior to any type of default action.</p>					
F. <u>Docketing of Returned Summons</u>	No		Civ.R.4(h)	F. When and if the summons is filed with the court, the clerk should make a docket notation indicating the date and the phrase, "officer's return of service filed" (date of service). The summons should be date stamped and added to the case file.	
G. <u>Attorney's Appearance Noted</u>	Yes	10	Civ.R.79(a)	G. The plaintiff's attorney's appearance is noted when the complaint is filed; if the plaintiff is bringing the complaint "pro se," that is also noted. The defense attorney or defendant may enter his appearance through the use of form 10 or through the submission of the answer to the complaint.	

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
H. <u>Defendant's Answer Filed and Docketed</u>	No		Civ.R.7(a)	<p>H. The defendant or his attorney has 20 days to file an answer to the complaint. The defense attorney is responsible for having the answer served on the plaintiff's attorney and the original filed with the clerk of courts.</p> <p>Upon receipt of the answer, the clerk should date stamp the document, docket the date and phrase, "defendant's answer filed," and file the document in the case folder.</p>	The procedure for service of the answer is the same as service of the complaint.
I. <u>Counterclaim Entered</u>	No		Civ.R.80(e)	<p>I. The defendant has the opportunity to file a counterclaim to the suit if he feels there is sufficient cause. The defendant's attorney is responsible for filing the counterclaim as well as having it served on the plaintiff or attorney. If the defendant decides to file a counterclaim, he has 20 days from the date of receipt of</p>	A counterclaim may be filed with the answer or separately; however, it must be submitted within the twenty (20) day time limit.

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>service of the original complaint in which to do so. The clerk files and docket the counterclaim recording the date and phrase, "counterclaim filed."</p> <p><u>Note:</u> If a counterclaim is filed, the plaintiff has twenty days in which to file an answer. If after the time limit has been exceeded the party wishes to file an answer, a "Motion for Late Entry" must be entered and granted before the answer can be entered. The docket notation "motion for late entry granted (Judge's last name, J.)" must precede the entry of "defendant's answer filed."</p>					
J. <u>Filing of Motions Related to the Divorce Action, e.g.,</u> motion for late entry writ of attachment	No		19§693 §694 §722 14§4452 §7301	J..The party filing the motion is responsible for having a copy sent to the opposing party or his attorney. Upon receipt of a motion the clerk should date-stamp, docket and file the document, checking for certification of service prior to recording it.	
K. <u>Scheduling Hearings on Motions</u>	No			K. Hearings for divorce motions are scheduled for civil motion days during the regular term of court or secondary circuit day. The party filing the motion should request a hearing date	

Civil Procedure
Divorce
19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
L. <u>Notice of Hearing</u>	No			<p>from the clerk, who will then schedule the case. (A minimum of ten (10) days notice must be given the opposing party prior to the hearing such that counsel can be prepared.) The clerk should add the motion to the "civil motion" list noting the docket number, name of case, attorney filing motion, type of motion and projected length of hearing.</p> <p>The clerk should insure that a court calendar is forwarded to each attorney having a case. (Specific reference to a particular motion or case is not the responsibility of the clerk. Once the civil calendar is prepared, copies are available at the clerk's office for attorney inspection.</p> <p>If a defendant is not represented by counsel, the clerk should notify him of the hearing date.</p>	<p>Calendaring of civil motions is discussed in the administrative section on <u>Calendaring</u>.</p>

Civil Procedure
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19 MRSA 691

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
M. <u>Order on Motions</u>	<p><u>Note:</u> Orders may be prepared by the attorneys prior to the hearing or by the clerk. If the clerk prepares the order, the presiding justice may write the order on the case file folder rather than dictate one during the hearing or at the end of the day. (A written notation serves as a permanent case record and eliminates any later controversy.)</p>				
	No		Civ.R.80(c)	<p>M. The clerk should prepare an original and two copies of the order, have it signed by the judge, retain the original for the case file, and distribute copies to the plaintiff and defendant or their attorneys. The docket should be updated noting the date and the phrase "Motion for _____ (granted or denied) (judge's last name, J.) court orders". Copies are forwarded to the attorneys of record. A brief statement of the order's content should be posted followed by (judge's last name, J.)</p>	Attorneys should prepare all orders.
N. <u>Custody Referral Order</u>	Yes	11	195751 Civ.R.80(c)	<p>N. When either the court or attorneys wish to have the custody status of children in a divorce proceeding reviewed, they may request that a "custody referral order be issued"</p>	The attorneys should assist the clerk in preparing the custody referral order inasmuch as they probably are more familiar with the

Civil Procedure

Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
0. <u>Hearing on Complaint</u>	No		Civ.R.80(g)	<p>either prior to or during a hearing on the divorce. The clerk prepares an original and three copies of form 11, retaining the original and forwarding the copies to the state Department of Health and Welfare.</p> <p>When the copies are returned to the court, the judge and attorneys are notified of the return; however, the documents are retained by the clerk in a separate file alphabetically by case name.</p> <p>The clerk should make a docket entry when requesting and receiving the reports noting the date and phrase "report of Health and Welfare (requested or received)."</p> <p>O. As in the case of scheduling hearings on motions, the clerk schedules the hearing on the divorce complaint when requested to do so by the plaintiff's attorney. The hearing cannot be scheduled any sooner than sixty days following service of the summons. If one party</p>	<p>necessary names and addresses.</p> <p>Due to the sensitive nature of the information, the clerk is not authorized to send copies to the attorneys without the order of the court.</p> <p>Hearing may be requested by the defendant if a counterclaim is filed.</p>

Civil Procedure

Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
P. <u>Docketing of Hearing</u>	No		Civ.R.79 (a)	cannot appear, a motion for continuance must be filed. The clerk should notify the parties of the hearing through mailing of the court calendar to the attorneys of record or "pro se" participants.	The procedure for processing continuances is discussed in J. above.
Q. <u>Divorce Decree (Judgment) Issued</u>	Yes	12 13	Civ.R.79 (b)	P. The clerk should docket the date of the hearing and "hearing (judge's last name, J.), name of court reporter." Q. Once the judge has entered judgment either the clerk or one of the attorneys prepare the divorce decree. The clerk should retain the original in the case file and enter a docket notation citing the date and phrase "Divorce judgment filed (judge's last name, J.)." No copies of the decree can be sent out for thirty (30) days after the judgment.	Following the notation of the judgment being filed, a summary of the judgment or relief granted is added to the docket.
R. <u>Notice of Judgment for Divorce</u>	Yes	14		R. A notice of judgment for divorce is mailed to each attorney of record after the decree is issued. While this is not a legal document it	

Civil Procedure
Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
S. <u>Execution Issued</u>	Yes	15	19§722	<p>serves as notification of the court's decision.</p> <p>After mailing, the clerk should docket the date and phrase, "notice of judgment sent to each attorney of record."</p> <p>S. Forty-eight (48) hours after the judgment is final, an execution for sums ordered by the court may be issued. The clerk should prepare an original execution which is sent to the appropriate attorney.</p> <p>The docket should be updated to reflect mailing of the execution and to whom it was forwarded.</p>	<p>If the attorney wants the execution renewed or it has been paid in full (notation "satisfied in full") it is returned to the clerk's office.</p>
T. <u>Waivers of Appeal</u>	Yes	16		<p>T. Both the plaintiff and defendant must sign a "waiver of appeal" to eliminate the thirty day appeal period which must expire before the divorce decree takes effect. Without the waivers, the divorce is not in effect for the period. Receipt of the waivers must be docketed.</p>	

Civil Procedure
Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
U. Off-docketing and Completion of the Divorce or Annulment Abstract	Yes	17		<p>U. Once the judgment is entered, the docket-sheet, index cards and case file should be "off"-docketed and placed in a separate file for the thirty day appeal period. At the end of this period, the docket sheet, index card and case file should be placed in the regular "divorce off-docket."</p> <p>The "Divorce or Annulment Abstract" should be completed by the clerk and forwarded to the State Department of Health and Welfare's Office of Vital Statistics.</p>	<p>The procedure for "final case processing" described in the criminal procedure section should be followed at this time.</p> <p>This form should not be sent until the end of the 30 day appeal period.</p>

Civil Procedure
Divorce

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>Note:</u> Each motion, e.g. motion for arrearages, motion for alterations, <u>motion pending divorce</u> (Forms 18, 19, 20), is considered a new distinct case and should be docketed, filed and processed accordingly. Regardless of whether the motion applies to a pending divorce, as long as it is not specifically dependent upon that case, it is considered a unique case. Docketing, notification, scheduling and judgment procedures used for civil cases generally and divorce cases specifically should be followed when processing motions. (Only motions for alteration need to be cross-referenced with a finalized divorce since the off-docketed record is amended as a result of an approved motion. To cross-reference such a motion, the divorce index card should include the motion docket number with the notation "alteration granted - date.")</p>					

State of Maine

ss.

Superior Court

Civil Action, Docket Number

COMPLAINT FOR DIVORCE

TO THE HONORABLE JUSTICE OF THE SUPERIOR COURT:

Respectfully Represents the Plaintiff,

that he was lawfully married to

at in the County of

and State of on the day of

A. D. 19 by duly authorized to solemnize marriages;

that said Defendant is now of in the County of

of State of

That the Plaintiff and Defendant cohabited in this State after their said marriage.

That the Plaintiff resided in this State when the cause of divorce accrued as hereinafter set forth;

That the Plaintiff has resided in this State in good faith for six months prior to the commencement of these proceedings;

That the Defendant is a resident of this State;

That the Plaintiff has ever been faithful to his marriage obligations, but that the said Defendant has been unfaithful of the same;

That there is no collusion between your Plaintiff and the said Defendant to obtain a divorce;

That

That child has been born to them during their said marriage, of whom now living, viz:

Wherefore Plaintiff prays that a divorce from the bonds of matrimony between himself and the said Defendant may be adjudged, and that the care and custody of their minor child may be given to said Plaintiff.

Also that reasonable alimony may be ordered paid to your Plaintiff out of the estate of the said Defendant, or, in lieu thereof, that a specific sum may be paid to her by him.

Dated at this day of
A. D. 19

Attorney for Plaintiff

Plaintiff

COUNTY
SUPERIOR COURT
DIVORCE DOCKET

Complaint Filed

Docket No

Film Box: Date:

VS
ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

SUPERIOR COURT

No. Film Box Date

..... Pltf.
vs.

..... Deft.

FORM #3

SUPERIOR COURT

No. Vol. Page

..... Libellant
vs.

..... Libellee

Finished:

FORM # 4

STATEMENT REQUIRED BY RULE 80(G) M.R.C.P.

In Re:

I, _____ of _____
County of _____, State of Maine, on oath, depose
and state that no previous action for a divorce or an
annulment has been commenced by the parties in the
above entitled matter.

Plaintiff

Date

, ss.

Personally appeared the above named _____
and made oath to the truth of the above statement.

Justice of the Peace
Notary Public

State of Maine
SS.

Superior Court

Civil Action, Docket Number

11

DIVORCE SUMMONS

has begun a divorce action against you in this Court. You or your attorney must prepare and file a written Answer to the attached summons within the time stated below. You or your attorney must file the Answer in person or by mail to the office of the Clerk of the Superior Court, Maine. On or before the day you file your Answer, you must also mail a copy of your Answer to the Plaintiff's attorney, whose name and address appear below.

IMPORTANT WARNING: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU FILE YOUR ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT SO ORDER YOU TO DO SO, A JUDGMENT MAY IN YOUR ABSENCE BE ENTERED AGAINST YOU FOR THE DIVORCE. IF YOU DO NOT FILE AN ANSWER, YOU MUST FILE A WRITTEN APPEARANCE WITH THE CLERK IF YOU WISH TO BE HEARD ON CUSTODY OF CHILDREN OR THE AMOUNT OF ALIMONY, SUPPORT OR COUNSEL FEES. IF AN ORDER FOR PAYMENT OF MONEY IS ENTERED AGAINST YOU, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS, AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THE DIVORCE, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you have a defense to the Plaintiff's Complaint or if you believe you have a claim of your own, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may seek the assistance of a clerk of the Superior Court, at the County Courthouse, or at the County Courthouse, for information as to places where you may seek legal assistance.

Clerk of said Superior Court

Served on

date

Address

Deputy Sheriff

Subscribed

STATE OF MAINE
SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NUMBER

VS

FEDERAL AFFIDAVIT

I, _____ Plaintiff, or
attorney of record for the Plaintiff in the above-entitled action,
on oath depose and say, that the Defendant _____
is _____

(Facts, i.e.: Residence, Employment, Etc.)

and is not in the Military Service of the United States, as defined
in Article I of the "Soldiers and Sailors Relief Act of 1940" as
amended.

(Attorney for) Plaintiff

STATE OF MAINE
SS.

19

Personally appeared the above-named _____
and made oath that the foregoing affidavit by him _____
signed is true.

Before me,

JUSTICE OF THE PEACE
NOTARY PUBLIC

205

FORM # 6

207

FORM # 7

STATE OF MAINE
SUPERIOR COURT
Plaintiff
vs
Defendant
Respectfully represents _____ of _____
County of _____ State of _____, that
he was carried to _____ of _____
in the County of _____
on the _____ day of _____ A.D. 19_____
That he is unable to ascertain by reasonable diligence the
whereabouts of the said _____.
WHEREFORE, he respectfully requests that this Honorable Court
will issue an application to the Adjutant General of the U.S.
Army, the U.S. Air Force, the Bureau of Navigation, the U.S.
Navy, and the Major General Commandant of the U.S. Marine Corps,
directing them to issue a certificate provided by Section 601,
of the Soldiers & Sailors Civil Relief Act of 1940, as amended
by Public Law 732 of the 77th Congress, approved October 6, 1942.

ORDER
Upon the foregoing Petition, and after hearing it is hereby
ORDERED, ADJUDGED AND DECREED, that an application be made to the
Adjutant General of the U.S. Army, the United States Air Force;
the U.S. Navy, the Bureau of Navigation and upon the Major General
Commandant of the U.S. Marine Corps directing them to issue a
certificate provided by Section 601, of the Soldiers & Sailors
Civil Relief Act of 1940, as amended by Public Law 732 of the
77th Congress approved October 6, 1942.

JUSTICE SUPERIOR COURT

FORM # 8

208

AFFIDAVIT

STATE OF MAINE

,SS

I, _____, Attorney of Record for _____
of _____, County of _____, State of Maine hereby
certify that service of a copy of the summons and complaint in an
action for Divorce against _____ who is the
Wife
Husband of the said _____, could not, with due
diligence, be made within the State of Maine. Therefore, I served
a copy of said Complaint and Summons upon the said _____
by Registered Mail with instructions to deliver to
the addressee only. I have also caused the return receipt thereof,
together with the original Summons and Complaint in said action, to
be filed in the Superior Court for the County of _____, State of
Maine.

Attorney of Record

Subscribed and sworn to before me this _____ day of _____
A.D. 19____.

Justice of the Peace
Notary Public

FORM # 9

209

State of Maine
ss.

Superior Court
Docket No. _____

vs.

APPEARANCE

The Clerk will please enter my appearance as Counsel for _____
[Plaintiff]
[Defendant]

Dated : _____

Address : _____

Attorney

Telephone : _____

Notice : This appearance should be signed by a member of the Bar of Maine, filed with the Clerk of Courts and a Copy served upon each of the parties under Rule 5.

SUPERIOR COURT REFERRAL OF CUSTODY
CASES TO THE DIVISION OF CHILD WELFARE

Plaintiff Personal Data	Full Name - First		Middle (maiden, if wife)		Last	Age
	Street & Number		Town	County		State
	Employer		Address		Working Hours	
	Phone					
Defendant Personal Data	Full Name - First		Middle (maiden, if wife)		Last	Age
	Street & Number		Town	County		State
	Employer		Address		Working Hours	
	Phone					
This Marriage	Place of Marriage - City and State or Foreign Country					211
	Date of Marriage (Month) (Day) (Year)					
	Names of Children under 18 years of age		Address		Age	
Attorneys	Attorney's Name and Address (Plaintiff)				(Defendant)	
	Has cross libel been filed			Docket Number		
Referral	Date of Referral		Referring Justice			
	Date Report Due	Mail to: Clerk of Courts				
	County		Town		11	
Reason for Referral						FORM 12
If additional space is needed use other side						

State of Maine

, ss:

Superior Court

Civil Action, Docket Number

Dated _____

VS.

DIVORCE JUDGMENT

Notice of the pendency of the complaint in this cause of divorce has been duly and seasonably given according to law. This cause was heard before me and the allegations and the evidence were fully presented and considered. A divorce from the bonds of matrimony is hereby ordered and adjudged to this plaintiff from this defendant for the cause of

And further ordered and adjudged, that the custody and care of

Justice Superior Court

STATE OF MAINE

ss

SUPERIOR COURT

Docket No.

vs.

DIVORCE JUDGMENT

This cause was heard before me and the allegations and the evidence were fully considered. It appearing that notice of the pendency of the complaint has been duly and reasonably given according to law, it is ORDERED and ADJUDGED,

That a divorce from the bonds of matrimony is hereby decreed to this
from for the cause
of

That the custody and care of

minor child of said parties, be given to said
until further order of court, with rights of visitation to visit with and be visited by said minor
child granted to

That the name of plaintiff be changed to

And it is further ORDERED and ADJUDGED that the Defendant shall pay to the
Plaintiff the sum of \$ per , payable as in
lieu of alimony, the first payment to be due and payable ;
the sum of \$ per , payable , toward the support and
maintenance of their minor child .

the first payment to be due and payable on

And further ORDERED and ADJUDGED that Defendant shall pay to Plaintiff's
attorney the sum of \$ for
defense prosecution of this divorce complaint; capias execution therefor to issue forthwith.

Dated

Justice Superior Court

STATE OF MAINE

SS

SUPERIOR COURT
DOCKET NO. _____

VS.

NOTICE OF JUDGMENT
FOR DIVORCE

This action came on for hearing before the Court,

Honorable _____ Presiding,

and the Court on _____ 19____ Ordered that Judgment
for Divorce be entered for the Plaintiff for the cause of

It was FURTHER ORDERED that the custody of Minor Child _____

BE GIVEN TO _____

Right of visitation given to _____
at all reasonable and proper times.

Defendant _____ Ordered to pay the sum of _____
_____ per child per week, payable weekly for support
month month

of said minor child _____ first payment to be made _____

Also, Defendant _____ Ordered to pay to the

Plaintiff _____ as alimony the sum of _____

per year, payable yearly, first payment to be made _____

Also, Defendant _____ Ordered to pay to _____

_____, Esq., as Counsel fees the sum of _____

Execution to issue.

CLERK, SUPERIOR COURT

NOTICE: That portion of this Divorce Judgment having to do with
care, custody and support of minor children, or to the separate
support or personal liberty of the wife is effective immediately;
however the divorce from the bonds of matrimony is not final until
thirty days from the day of Judgment.

State of Maine

ss.

Superior Court

Civil Action Docket No.

vs.

EXECUTION

In the sheweth of our several counties or any of their deputies:

Whereas said Plaintiff

on 19 recovered judgment in the Superior Court at in the County
of against Defendant

in this action for

Dollars and Cents debt or damage and

Dollars and Cents costs of suit as appears of record, whereof execution remains to be done.

We command you that of the goods, chattels, or lands of said Debtor within your precinct you cause to
be paid and satisfy unto the said Creditor at the value thereof in money the aforesaid sums, being

Dollars and Cents with legal interest thereon from the aforesaid date of judgment,
together with for this writ and thereof also
satisfy yourself of your own fees and make return of this writ with your doings thereon within one year from
the date hereof

Clerk of said Superior Court

Dec.

19

215

FORM # 15

SS
DOCKET NO.

STATE OF MAINE

SUPERIOR COURT

PLAINTIFF

DEFENDANT

WAIVER OF APPEAL

Pursuant to Rule No. 73 of the Rules of Maine Civil Procedure

I, _____ Defendant hereby waive
my rights of appeal under said Rule.

Dated at Bangor, Maine, this _____ day of
_____ 19_____.

DEFENDANT

RECORD OF DIVORCE OR ANNULMENT

DEPARTMENT OF HEALTH AND WELFARE

HUSBAND	1. NAME OF HUSBAND — FIRST	MIDDLE	LAST
	2. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
WIFE	3. NAME OF WIFE — FIRST	MIDDLE	LAST
	4. USUAL RESIDENCE — CITY OR TOWN	COUNTY	STATE
MARRIAGE	5. PLACE OF MARRIAGE — CITY OR TOWN AND STATE		6. DATE OF MARRIAGE
DIVORCE OR ANNULMENT	7. TYPE OF DECREE DIVORCE <input type="checkbox"/> ANNULMENT <input type="checkbox"/>	8. PLAINTIFF HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/>	9. DECREE GRANTED TO HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/>
	10. DATE OF DECREE	11. LEGAL GROUNDS FOR JUDGEMENT	
MINOR CHILDREN Use Reverse Side for Additional Names	12. NAMES OF MINOR CHILDREN	13. AGES	14. CUSTODY
CERTIFICATION	15. I HEREBY CERTIFY THAT THE ABOVE ITEMS OF INFORMATION ARE TRUE AND CORRECT AS SHOWN IN THE ORIGINAL RECORD ON FILE IN THIS COURT.		
	16. SIGNATURE OF CLERK	17. NAME OF COURT	18. LOCATION OF COURT

LUPKON CONT

Petitioner
vs.

ORDER ON ARREARAGES

Report de nt

After hearing this day had:

It is ORDERED and DECREED that execution shall issue forthwith to the Plaintiff _____ in the sum of _____ Dollars, being the amount which is hereby found to be due and payable under the decree dated _____ 19____.

That from and including 19 up to and including

is to arrears in the payment of said support in the sum of _____
(\$ _____) Dollars.

19

JUSTICE, SUPERIOR COURT

218

FORM # 18

25

SUPERIOR COURT
Docket No. _____

PLAINTIFF

VS.

DEFENDANT

After hearing this day had:

It is hereby ORDERED and DECREED that the original decree dated

be and hereby is altered and amended by striking out the words

and inserting in place thereof the words _____

In all other respects the original decree to remain in full force and effect.

DATED: _____ 19 _____

JUSTICE SUPERIOR COURT

219

FORM # 19

STATE OF MAINE

SUPERIOR COURT

Docket No.

Plaintiff
vs
Defendant

Motion Pending Divorce
D E C R E E

Upon the foregoing motion after hearing this day had, the defendant appearing in person
counsel failing to appear and Federal affidavit being filed,

It is ORDERED and DECREED that the temporary care and custody of

minor child of the said Parties be given to the aforesaid
until further order of Court, with the right given to the said
to visit with said child at all reasonable and proper times.

It is further ORDERED and DECREED that the aforesaid Defendant pay to

for the Plaintiff, and toward the support of Plaintiff and their
minor child the sum of dollars per week the first payment to be
made on , 18 , and a similar sum on each and every
thereafter until further order of Court.

And it is further ORDERED and DECREED that Defendant pay to

attorney of record for said Plaintiff the sum of
dollars as and for counsel fees and costs for this motion and hearing this day had thereon, execution
therefor to issue forthwith and further, to pay to said attorney of record the sum of
dollars, as and for counsel fees and costs to enable her to prosecute — defend —
said complaint execution therefor to be stayed until the divorce has been heard and thereafter to issue.

It is further ORDERED and DECREED that pending the divorce the said

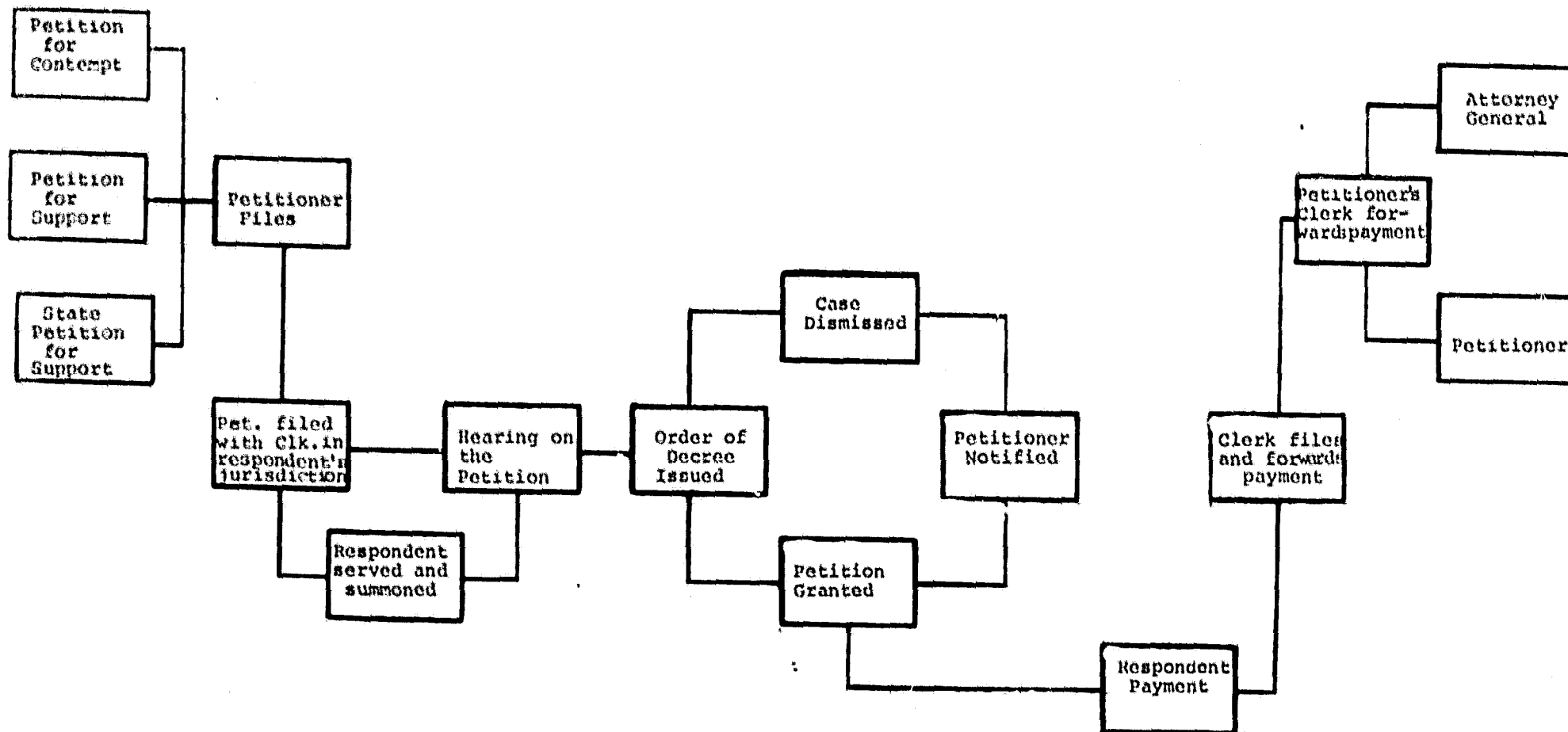
husband, is prohibited from imposing any restraint on the personal liberty of
his said wife, as prayed for in her motion.

Dated

Superior Court Justice

Seen and agreed to

Attorney for Defendant



CIVIL PROCEDURE - RECIPROCAL ACTION

FLOW CHART VII

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Civil Procedure
Reciprocal Action
19 MRSA §331 et seq.

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
A. <u>Initiating a Reciprocal Action.</u>	No		19§331 et seq.	Three possible methods exist for initiating a reciprocal action, a "Petition for Contempt," a "Petition for Support," and a "State's Petition for Support." Each method has its distinct characteristics which will be described below.	
B. <u>Petition for Contempt (Respondent Resides in Court Jurisdiction)</u>	Yes	1	19§394	1. A petition for contempt should be initiated with the district attorney. The district attorney is responsible for verifying the accuracy of the petition with the clerk. If sufficient cause is shown, e.g., lack of support payments, the district attorney will prepare an original petition and two copies, which are forwarded to the clerk. Upon receiving the petition, the clerk attests the copies and forwards them to the sheriff for service.	Verification of the non-support claims made by the petitioner is accomplished by reviewing the clerk's reciprocal ledger. No docket sheets or files are created until the "return" is filed with the clerk. This prevents the maintenance of dead files, and should only be done when the respondent resides in the particular court jurisdiction.
1. Filing of Petition for Contempt					

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Return of Service	No			2. When the sheriff returns the original petition, certified as being served, the clerk should date stamp the petition and establish a case file and docket sheet.	
3. Completion of docket sheet and docket index	Yes	2	Civ.R.79(a)	3. A regular civil docket sheet should be prepared assigning a docket number, the name of the petitioner, the name of the respondent, the name of the district attorney prosecuting the case, and the docket entry's date - "Petition for Contempt filed. Defendant served (date-month, day, year)." The docket index should also be completed. The last name of the petitioner, first name, middle initial and the case docket number should be listed on the alphabetic index at the front of the docket book. Similarly, the respondent's name should be listed on the reverse side of the correct alphabetic index sheet with	The docket number assigned should be the next sequential number. A separate reciprocal and divorce docket book should be maintained to distinguish between these cases and regular civil actions.

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
4. Case file prepared	Yes	3		the case docket number. 4. A "red" reciprocal case file should be completed, filling in the face of the file and filing all documents pertaining to the case.	Indexing the names of both the petitioner and respondent will facilitate access to the case file. An alternative method of indexing the reciprocal and divorce cases is to establish two card files, one for plaintiffs and one for defendants. The color coded index cards are filed alphabetically listing either the plaintiff's or defendant's name and the case docket number. The advantage of this system is increased ease in alphabetizing the "off-docketed" cases for the final record.
5. Hearing scheduled and Respondent notified	Yes	4		5. When the "Petition for Contempt" is served, notice of hearing should be attached. The clerk should prepare the notice, scheduling the hearing as soon as possible. The hearing can be scheduled for either the civil motion day of the term of court or for	A minimum of seven days notice before the hearing must be given the respondent.

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
6. Docket entries posted	No			<p>the day scheduled for "secondary circuit."</p> <p>6. As each document is filed for a given case, the clerk should date-stamp it and make a docket entry describing the type of the paper. The date, the classification of the document, e.g., correspondence, motion, etc. and the name of the party submitting the item should be docketed. The paper should then be included in the case file.</p>	<p>All original correspondence should be placed in the case file. If the district attorney receives any correspondence or wishes to maintain a file, only copies should be retained, originals being filed with the clerk.</p>
7. Hearing on the Petition and Court Order	Yes	5	19S403	<p>7. The date and phrase "hearing held" should be docketed by the clerk after the hearing. Additionally, the order of the court should also be docketed, an abbreviated form is sufficient, following the hearing notation. The judge's name and the phrase "order for support filed" should be included in the docket entry.</p>	<p>Motions for continuance are usually made orally at the hearing.</p>

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
8. Typing and Distribution of Order	No			8. The order will generally be given orally in the courtroom. It is the district attorney's responsibility to have the order typed and signed by the justice (typing the order may occur prior to the hearing). Once signed, it should be filed with the clerk. The clerk should forward an attested copy of the order to the court from whence the petition was initiated.	Copies of all documents filed in a case should be forwarded to the petitioner's court.
C. Petition for Contempt (petitioner lives in court's jurisdiction)					
1. Filing Petition for Contempt	Yes	1	195331 et seq. Civ.R.79 (d)	1. A "Petition for Contempt" can be initiated with either the district attorney or court clerk. Upon verification of the accuracy of the claim of non-support, the clerk will notify the court jurisdiction in which the respondent resides. The district	If the respondent lives in Maine, the petitioner must have an attorney file the petition.

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Maintenance of the case file	No			attorney shall complete the "Petition for Contempt" and file it with the clerk.	
D. Petition for Support (petitioner resides in court jurisdiction)			19S393	2. The clerk should create a case file and docket sheet and include all correspondence.	
1. Petition Filed	Yes	6		1. The petitioner files with the clerk a "Petition for Support" describing the reasons for and amount of support. The clerk date-stamps the petition and establishes a file and docket sheet. The procedure described in B.3,4 above should be followed, substituting the phrase "Petition for Support Filed" instead of "Petition for Contempt Filed."	The petition will either be completed by the district attorney or Attorney General depending on who is to directly receive the support, the petitioner or the state.
2. Court Order of Transmittal	No			2. Prior to submitting the petition to the clerk, the petitioner's attorney should present the petition to the court for review and authori-	

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>3. Copies of Petition Mailed to Clerk of Court Having Jur- isdiction Over Respondent</p> <p>4. Docketing and Filing of Case Documents</p>				<p>sation for transmittal.</p> <p>2. After docketing and filing the original petition and based on court order, the clerk should forward two attested copies of the peti- tion to the clerk of the court with jurisdiction over the respondent.</p> <p>Upon mailing the copies, the clerk should enter a docket notation of the date and to whom the copies were sent.</p> <p>4. As correspondence is received from the respondent's court, the clerk should date-stamp and docket the information. The date and general classi- fication of the documents should be noted in the docket. The papers should be filed in the case file.</p>	

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
					<p>Note: If the court, clerk, or attorney, or any other person connected with the case corresponds with the respondent's court, a copy of that correspondence should be filed with the clerk and entered in the case file and docket.</p> <p>The procedures described in B. above also apply in processing a "Petition for Support." The clerk of court receives the petition, notifies the district attorney, and has the respondent served with the petition and notification of the hearing. The docketing and file procedures described in B. apply with minor variation resulting from the specific wording used for docket entries. The title "Petition for Support" replaces "Petition for Contempt."</p> <p>When the obligee resides in Maine and is receiving assistance from the State of Maine, Department of Health and Welfare, the Attorney General's Office may file a "Petition for Support." If this is the case, the Attorney General's Office will file with the clerk of court in the wife's jurisdiction a Petition for Support for the State (Form 6), a statement of Testimony (Form 7), a Certificate of Filing (Form 8), and an Affidavit attesting to the veracity of the petition from the individual receiving state assistance (Form 9). Other than the fact that the state now becomes the petitioner and all support paid to the state, the procedures described in D. above apply, with the following variations.</p>
E. <u>Petition for Support</u> <u>(respondent resides in</u> <u>court jurisdiction)</u>					
F. <u>Petition for Support Issued</u> <u>by Attorney General's Office</u>					
1. <u>Petition for Support</u> <u>Filed</u>	Yes	7 8 9 10 11 12	19 §331-410 19§400	1. The petitioner, the state, files the petition with the clerk. The clerk then has it reviewed by the presiding justice and approved. Once signed, the original is returned to the Attorney General's office where three	

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>G. <u>Payment of Support</u></p> <p>1. Maintenance of Receipt Ledger</p>			<p><u>Note:</u> Ledger records are maintained only for those individuals residing in the court's jurisdiction.</p> <p>195405-2</p>	<p>copies are made and the forms are returned to the clerk. The clerk files the original, attests the copies and sends the copies to the respondent's court. From this point to payment the procedures described in D. above apply.</p> <p>1. Reciprocal payments should be recorded in a separate account ledger divided into two sections. One section should be assigned to petitioner receipts; the second to respondent payments.</p>	<p>The necessity for maintaining two sections in the ledger is to monitor both payments and receipts. This assists in verifying claims of contempt regardless of where the petitioner or respondent resides.</p> <p>Maintenance of a distinct ledger insures separate accounting from the fees, costs, fines, and bail.</p>

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Format of Ledgers for Petitioner and Respon- dent				2. Each case should be assigned a separate ledger sheet. The sheets should be filed alpha- betically and include the case docket number and name of the other party in the case. The columns on the ledger should include date received, check number and the amount of the check.	
3. Recording and Processing Payment by Respondent			Civ.R. 79(d)	3. The respondent must use a certified bank check, money order, or postal money order when making payment. The check or money order should be made payable to the clerk of court for that county. Upon receipt, the clerk should en- ter the date, check or money order number, and amount on the respondent ledger sheet for that individual. The clerk should then endorse the check to the appropriate in- dividual in the petitioner's court, usually the clerk.	

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
4. Recording and Processing of Payment to Petitioner				<p>To insure that the check is applied to the correct account, the clerk, after endorsing the check, should enter the docket number of the case on the check.</p> <p>After endorsing the checks, the clerk should forward them to the appropriate individual at the petitioner's court. Daily processing of such payments reduces time delays and the potential for misplacing checks.</p> <p>4. When the clerk receives the check or money order, it should be date-stamped. The check or money order should then be recorded in the petitioner reciprocal ledger, listing the date received, the check or money order number, and the amount of the check. Once recorded, the clerk should endorse the check and type the correct payee's name on the reverse side. The check should then be mailed to the petitioner unless it is the state.</p>	

Civil Procedure
Reciprocal Action

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
4. Recording and Processing of Payment to Petitioner (continued)				<p>Checks payable to the State of Maine should be retained by the clerk and mailed every two weeks with a summary sheet listing the name of the petitioner (not the state), the date the check was received and the amount. (This summary statement is taken directly from each of the case files included in the state section of the ledger.) The same endorsement procedure described above should be followed.</p> <p>The state will notify the court when cases should be entered or terminated from the state roll.</p>	

_____, TERM, 19____

PETITION FOR CONTEMPT
UNDER UNIFORM RECIPROCAL SUPPORT ACT

_____, PETITIONER

vs.,

_____, RESPONDENT

TO THE HONORABLE JUSTICE OF THE SUPERIOR COURT HOLDEN AT
AND FOR THE COUNTY OF _____

WITHIN

WHEREAS, at our said Superior Court held at said _____ on the
_____ day of _____, A. D. 19____

an action initiated by one _____
under the Uniform Reciprocal Enforcement Support Act, praying that
the said _____ of _____
in said County of _____, might be, by said Court, ordered and
directed to pay to the Clerk of Courts for said County of _____
a certain sum of money per week for the use and benefit of minor
children, _____

AND WHEREAS, after legal notice and hearing upon said Action,
it was then and there ordered and decreed by said Court as follows:
to wit, that the said _____ pay at the
office of said Clerk of Courts the sum of _____
per week for the support of said minor children, first payment to be
made _____ and each and every week thereafter
until further order of Court.

AND WHEREAS, said _____ has not complied
with and obeyed said Order and Decree of Court, but has neglected and
refused and still neglects so to comply, although being of sufficient
ability so to do.

AND WHEREAS, the sum of _____
remains due and payable in accordance with said Order and Decree,
and still unpaid, up to and including _____,
whereby the said _____ is guilty
of Contempt of said Court of its said Order and Decree,

WHEREFORE, your Petitioner _____
in his capacity as Attorney for State, duly directed by the Statute
to prosecute on behalf of said _____
Petitioner, prays that, after legal notice and hearing of this
Petition, if it shall appear that _____
Respondent is so guilty of Contempt of Court as herein alleged, that
appropriate process may thereupon issue under the seal of the Court
to imprison _____, Respondent in the common
jail of the County of _____ until said _____
_____, Respondent shall have purged himself of said
Contempt of Court, or be otherwise discharged according to law.

Attorney for the State

ss. STATE OF MAINE _____ A.D. 19____

Now comes _____ Attorney for the State on
behalf of _____ Petitioner and swears that the
foregoing signed by him is true.

Justice of the Peace

CONTINUED

1 OF 4

COUNTY
SUPERIOR COURT
RECIPROCAL DOCKET

Date entered _____
Type of case _____

Docket No. _____

	Pet'r	VS.	Resp
	RECEIVED FROM:		
	FORWARDED TO:		
	PAYMENTS TO BE FORWARDED TO:		
	NOTICE ISSUED RETURNABLE:		19
	OFFICERS RETURN OF SERVICE FILED ON:		19
	DECREE RECEIVED AND FILED, Hearing,		Ordered
	Respondent to pay into Court for Petitioner - Dependents		
	sum of \$ Weekly - Monthly, first payment DUE:		

DIVORCES
MOTIONS
RECIPROCAL

Date entered _____

PLAINTIFF _____

DEFENDANT _____

MOTION _____

ATTORNEY _____

ATTORNEY _____

DATE OF HEARING _____

ORDER _____

Justice _____

MOTION _____

DATE OF HEARING _____

ORDER _____

Justice _____

MOTION _____

DATE OF HEARING _____

ORDER _____

Justice _____

MOTION _____

DATE OF HEARING _____

ORDER _____

Justice _____

MOTION _____

DATE OF HEARING _____

ORDER _____

Justice _____

MOTION _____

DATE OF HEARING _____

ORDER _____

Justice _____

JUDGMENT _____

Justice _____

STATE OF MAINE

SS.

SUPERIOR COURT

UPON THE FOREGOING PETITION, ORDERED; That the petitioner give notice to the said respondent _____ to appear before the Justice of our Superior Court, within and for the County of _____ on _____, the _____ day of _____, A.D. 19____, at _____ o'clock in the forenoon, by serving him, said respondent, with an attested copy of said Petition and this order of Court thereon, _____ days at least prior to said _____, 19____, that he may then and there in said Court appear and show cause if any he have, why the prayer of said petitioner should not be granted.

Justice Superior Court, Presiding

STATE OF MAINE

SUPERIOR COURT

SS.

Docket No. _____

(PLAINTIFF)

OF _____

COUNTY OF _____

STATE OF _____

ORDER FOR SUPPORT

(DEFENDANT)

OF _____

COUNTY OF _____

STATE OF _____

This cause came on to be heard before the undersigned Judge on an order for hearing and issuance of summons heretofore entered. The Defendant, _____, appeared and testified orally. _____, Attorney for the State, appeared for the plaintiff, _____. The Court being fully advised of the premises and on consideration thereof, finds as follows: That the petitioner is the mother and the defendant is the father of the following minor child(ren):

BORN: _____

BORN: _____

BORN: _____

BORN: _____

BORN: _____

NOW THEREFORE, it is accordingly ORDERED, ADJUDGED AND DECREED that the Defendant do and he is hereby directed to pay the sum of _____ Dollars () per week for and on account of the support and maintenance of their minor child(ren). The first of said payments shall be due and payable on _____, 19____, and weekly thereafter until further order of Court.

That the payments shall be made payable to the Clerk of the

County Superior Court.

Done and ORDERED in the Superior Court for _____ County,

Maine, this _____ day of _____, 19____.

Justice Superior Court

COUNTY

SUPERIOR COURT

In the Matter of

Petitioner

vs.

Respondent

PETITION

FOR

SUPPORT

RESPECTFULLY REPRESENTS that _____ currently of _____ County of _____ was married to _____ currently of _____ on _____.

That said respondent and the said petitioner are the parents of the following named dependents:

1. _____ Born _____
2. _____ Born _____
3. _____ Born _____
4. _____ Born _____
5. _____ Born _____
6. _____ Born _____
7. _____ Born _____
8. _____ Born _____

That said children are in need of and entitled to support from the respondent under the provisions of the Maine Uniform Reciprocal Enforcement of Support Act, Title 19, sections 331-410, Maine Revised Statutes of 1964, a copy of which is attached hereto and made a part hereof.

That the respondent on or about _____ and subsequent thereto refused fully and neglected to provide fair and reasonable support for his dependents according to his means and earning capacity.

That upon information and belief the respondent is now residing at or is domiciled at _____ which State has enacted a law substantially similar and reciprocal to the Maine Uniform Reciprocal Enforcement of Support Act.

WHEREFORE the petitioner prays for such an order for support directed to said respondent as shall be deemed to be fair and reasonable, and for such other and further relief as the law provides.

Dated at _____, Maine, this _____ day of _____, A.D. 19____, by _____

, ss;

Subscribed and sworn to before me this _____ day of _____, 19____.

Justice of the Peace

241

FORM # 5

242

FORM # 6

SUPERIOR COURT OF THE STATE OF MAINE
CUMBERLAND COUNTY

In the Matter of *
 Petitioner *
 against *
 Respondent *

PETITION

FOR

SUPPORT

1. The petition of _____ respectfully shows that she is the _____ of the above named respondent, and that she resides at _____ in the said County of CUMBERLAND and the State of MAINE.

2. That your petitioner is the mother and the said respondent is the father of the following named dependents:

- | | |
|----------|------------|
| 1. _____ | Born _____ |
| 2. _____ | Born _____ |
| 3. _____ | Born _____ |
| 4. _____ | Born _____ |
| 5. _____ | Born _____ |
| 6. _____ | Born _____ |

3. That the petitioner and said children are in need of and entitled to support from the respondent under the provisions of the MAINE Uniform Reciprocal Enforcement of Support Act. M.R.S.A. Title 19, Sec. 331 et seq, a copy of which is attached hereto and made a part hereof.

4. That the respondent on or about _____ and subsequent thereto refused fully and neglected to provide fair and reasonable support for the petitioner and his dependents according to his means and earning capacity.

5. That upon information and belief the respondent is now residing at or is domiciled at _____

which State has enacted a law substantially similar and reciprocal to the MAINE Uniform Reciprocal Enforcement of Support Act,

WHEREFORE the Petitioner prays for an order for support directed to said Respondent as shall be deemed fair and reasonable, and for such other and further relief as the law provides.

6. Testimony in support of this petition is attached.

Petitioner

STATE OF MAINE
COUNTY OF CUMBERLAND

_____ being duly sworn, deposes and says: That she is the petitioner herein and that she has read the foregoing petition and knows the contents thereof and that the same is true of her own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters she believes it to be true.

Petitioner

Sworn to before me this _____ day
of _____ 19____

Notary Public

243

FORM # 7

244

IN THE SUPERIOR COURT OF THE STATE OF MAINE, CUMBERLAND COUNTY

Petitioner
against
Respondent

TESTIMONY OF
Index No.

_____, the Petitioner herein, being
duly sworn, testifies as follows:

- 1. Q. What is your full name?
A. _____
- 2. Q. Where do you reside?
A. _____
- 3. Q. When and where were you married to the respondent?
A. _____
- 4. Q. Are you still the wife of the respondent?
A. _____
- 5. ANSWER ONLY IF CHILDREN FOR WHOM SUPPORT IS SOUGHT WERE BORN IN WEDLOCK.
Q. Were any children born of this marriage?
A. _____
Q. What are their names, ages and dates of birth?
A. _____
Q. Are the children living with you?
A. _____
- 6. ANSWER ONLY IF CHILDREN FOR WHOM SUPPORT IS SOUGHT WERE BORN OUT OF WEDLOCK.
Q. Is respondent the father of any of your children born out of wedlock?
A. _____
Q. What are the names, ages and dates of birth?
A. _____
Q. Has the paternity of these children been judicially determined?
A. _____

- Q. When and by what court? (copy of order attached)
A. _____
- Q. If paternity has not been determined by a court, have you other evidence which would supplement your allegation of paternity? (Attach such evidence)
A. _____
- 7. Q. When did respondent last live with you?
A. _____
- 8. Q. When and how much was his last contribution for support?
A. _____
- 9. Q. Is there a complaint or an order for support in any court? If so, name court and amount.
A. _____
- 10. Q. Are you employed and, if so, what are your earnings?
A. _____
- 11. Q. Are the children in good health?
A. _____
- 12. Q. Have you any debts outstanding?
A. _____
- 13. Q. What do you require per week for the support of yourself and/or your children?
A.

	Children	Self
Rent.....	_____	_____
Groceries and household supplies.....	_____	_____
Clothes.....	_____	_____
Entertainment (this sum must be modest).....	_____	_____
Transportation.....	_____	_____
Medical.....	_____	_____
Utilities.....	_____	_____
Child Care.....	_____	_____
Incidentals.....	_____	_____
Other.....	_____	_____
TOTAL.....	_____	_____
- 14. Q. Where is respondent now living?
A. _____

FORM III (Cont'd.)

15. Q. Can you describe respondent?
A. Eyes _____ Hair _____ Race _____ Date of Birth _____
Social Security Number _____ Photograph Attached _____
Other: _____
16. Q. What is respondent's usual occupation?
A. _____
17. Q. Where is he employed and what is his salary?
A. _____
18. Q. To your knowledge does respondent have any additional income?
A. _____
19. Q. Does respondent own any property?
A. _____
20. Q. Are you receiving assistance from the (Welfare Department)?
If so, in what amount?
A. _____
21. Q. If you do not receive support from respondent, will it
become necessary for you to apply to the (Welfare Department)
and both you and your children become public charges?
A. _____
22. Q. Did you ever reside in this county with the respondent?
A. _____

Petitioner

Sworn to before me this _____ day
of _____ 19____

Justice

CERTIFICATE

SUPERIOR COURT OF THE STATE OF MAINE, CUMBERLAND COUNTY

In the Matter of *

Petitioner *

DATED: Portland, Maine

against *

Respondent *

19

The undersigned, Justice of the Superior Court of the State of MAINE, CUMBERLAND COUNTY, HEREBY CERTIFIES:

1. That on _____, 19__, a petition was verified by the above-named petitioner and duly filed in this Court in a proceeding against the above-named respondent, commenced under the provisions of the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT LAW of the State of MAINE (M.R.S.A. Title 19, Sec. 331 et seq), to compel the support of the dependent(s) named in said petition.

2. That pursuant to THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT of the State of MAINE, issuance and service of a summons upon the above-named respondent within the State of MAINE has been dispensed with for the reason that the respondent is not a resident of the State of MAINE, as evidenced by the sworn allegations of said petition.

3. That the above-named respondent is believed to be residing at _____.

4. That according to the statement of the petitioner the needs of the dependent(s) named in said petition for support from the respondent are the sum of \$ _____ per _____.

5. That in the opinion of the undersigned, the respondent should be compelled to answer such petition and be dealt with according to law.

WHEREFORE, it is hereby ordered that this Certificate, together with the three certified copies of the petition be transmitted to the _____ Court of _____.

Justice of the Superior Court
of the State of MAINE
Cumberland County

249

04938

RE:

VS:

Index No.:

Dear Sir:

Enclosed please find the petition, the testimony and the Court's certificate and recommendation in the above entitled proceeding, plus two certified copies of all papers. We request you file these papers in your Court and serve the Respondent who it is believed resides within your jurisdiction at _____.

Please acknowledge receipt of these papers and address further correspondence to: _____

Clerk of Courts, County
Maine

When the respondent is placed under a Court Order, would you kindly send a copy of this order to me and have the checks made payable to: _____

Clerk of Courts, County
Maine

Yours very truly,

Clerk of Courts

ENCLOSURES:

Judge's Certificate and two copies of same
Verified petition and two copies of same
Petitioner's testimony and two copies of same
3 copies Maine Uniform Reciprocal Enforcement of Support Act

250

State of Maine

Clerk's Office
Superior Court,

ss.

In Testimony that the foregoing is a true copy of

I make this Certificate, and hereunto set my name, and affix the Official Seal of the Court aforesaid, this

day of

, in the year of our Lord one thousand

nine hundred and

Clerk of the Superior Court within and for the County aforesaid.

STATE OF MAINE

ss.

I,

a Justice of the Superior Court for the State of Maine,

hereby certify that

whose signature is above affixed, is Clerk of the Superior Court for said County of and is by Law the proper person to make out and certify copies of all records and proceedings of said Court holden within and for said County of and that full faith and credit is and ought to be given to his acts and attestations, done as aforesaid, and that his attestations be in due form of law.

In Testimony Whereof, I have hereunto set my Hand and the Seal of said Court this

day of Anno Domini, one thousand nine hundred and one hundred and year of the Independence of the United States of America.

Justice of the Superior Court.

STATE OF MAINE

ss.

I,

Clerk of the Superior Court within and for the County of and State of Maine, the same being a court of record in and for said county and state, do hereby certify that

is a Justice of said Superior Court, for the State of Maine duly commissioned and qualified and acting as such, and is the proper person to make out and certify the foregoing and annexed certificate, and that full faith and credit is and of right ought to be given to his acts and attestations, done as aforesaid, and that his said attestation is in due form of law.

In Testimony Whereof, I have hereunto set my Hand and Seal and the Seal of said Court, this

day of A D one thousand nine hundred and one hundred and year of the Independence of the United States of America.

Clerk of the Superior Court within and for the County aforesaid.

IN THE SUPERIOR COURT OF THE STATE OF MAINE
IN AND FOR THE COUNTY OF

X

In the Matter of a Proceeding under M.R.S.A. Title 19, Sec. 331 et seq.

Index No. _____

Petitioner

- against -

PAUPER'S AFFIDAVIT

Respondent

X

STATE OF MAINE)
) SS.:
COUNTY OF)

_____, in the County and State
aforesaid, being by me first duly sworn, deposes and says:

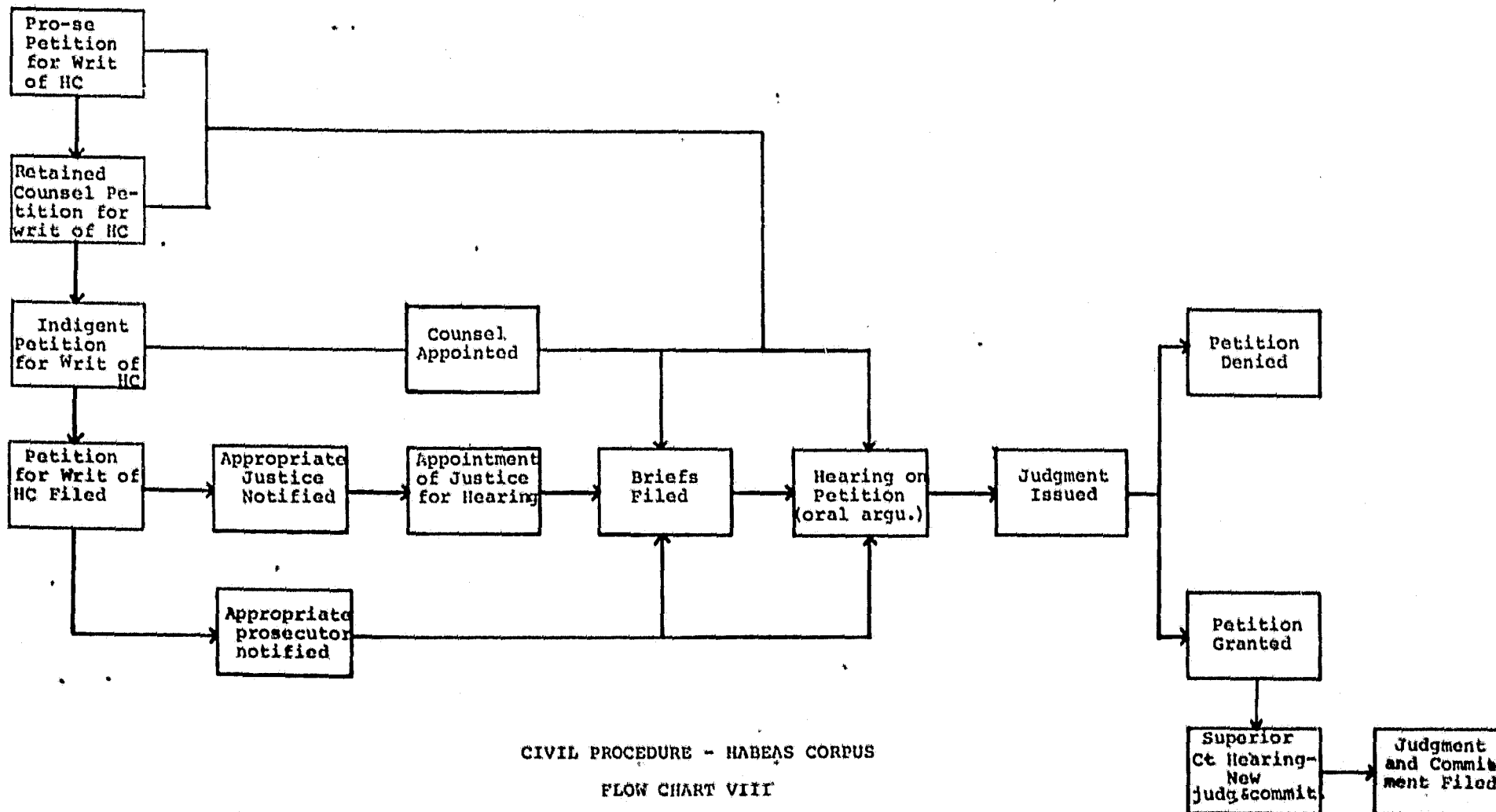
That _____ is the Petitioner in the
above entitled proceedings and prays that said proceedings be instituted
in the _____ Court of the State of
_____ in and for the County of _____
for an Order of Support and/or Reimbursement for Support against said
Respondent; and that said Petitioner is pecuniarily unable to pay costs
or counsel's fee in said proceedings.

Petitioner

Sworn to before me this _____
day of _____, 19____.

By _____





CIVIL PROCEDURE - HABEAS CORPUS

FLOW CHART VIII

TABLE OF CONTENTS

Habeas Corpus

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CASE REFERENCE NO. _____

Civil Procedure
Habeas Corpus
14 MRSA §5501 et. seq.

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>The procedure for processing post-conviction Habeas Corpus actions is described in the following paragraphs. Emphasis has been given to "post-conviction" actions due to their frequency; however, commentary concerning other forms of habeas corpus petitions is included.</p>					
<p>A. <u>Petition for Writ of Habeas Corpus Filed</u></p>			14 §5501 et. seq. Civ. R81(b)		
1. Receipt of original and copies				1. An original and two signed copies of the "Petition for Writ of Habeas Corpus" must be filed in the court where the case was tried. Each document is date-stamped and checked for original signatures	The fee for filing a Habeas Corpus Writ is the same as any civil entry fee, \$10 ⁴ ; however, if the petitioner is indigent, fee is waived.
2. Preparation of docket sheet and index cards	Yes	1 2 3	Civ. R79 (a)	2. A civil docket sheet is prepared with the notation "Habeas Corpus" under the space for "date complaint filed." The petitioner's name, the defendant(s) name(s) and the name of the petitioner's attorney ("pro se" if the petitioner represents himself) are added to the docket sheet. The next sequential docket number in the pending civil docket is assigned to the case.	
			256		

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
3. Docket entries				<p>A petitioner index card listing the last name, middle initial, case docket number, and defendant(s) name(s) is completed. Defendant card(s) containing the same information are also prepared and filed in the pending civil index file.</p> <p>Receipt of the petition is docketed noting the date and phrase "Petition for Writ of Habeas Corpus" and supporting papers filed."</p>	<p>The number of defendant index cards prepared is a function of the number of defendants cited in the petition.</p> <p>The inclusion of "supporting papers filed" is necessary only when affidavits of indigency or other documents are filed with the petition.</p>
4. Case file prepared and filed	Yes	4		4. Upon completion of the docket sheet and index cards a "green" civil case file folder is prepared noting the case name and docket number. The file is placed in the pending civil file.	
B. <u>Notification of Chief Justice and Attorney General</u>			1955505		
1. Mailing of verified copies	No			1. An originally signed copy of the petition is mailed to the Chief Justice of the Supreme Judicial Court and the Attorney General. (The	

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>copies should be mailed the same day the petition is received to expedite processing.</p> <p>Note: In cases in which "Habeas Corpus Petitions" are filed by persons awaiting trial, prior to sentencing, or pending appeal, the copies are mailed to the district attorney and Presiding Justice of the Superior Court in the county where the case is being tried. If the sheriff is named in the petition, an affidavit affirming his knowledge of his inclusion in the suit must be filed with the clerk.</p>					
2. Docketing Mailing	No			2. A docket entry noting the date and phrase "verified copies mailed to Chief Justice _____ (name) and Attorney General _____ (name)" should be completed.	
C. Assignment of Justice					
1. Receipt of notification	No			1. The Clerk of the Supreme Judicial Court is responsible for informing the superior court clerk which Supreme Court Justice is scheduled to hear the "Petition."	
2. Docketing of Receipt	No		Civ.R.79(a)	2. The docket is updated citing the date and phrase "letter assigning Justice _____ (name) to hear the petition filed."	

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Note: In cases in which "Habeas Corpus Petitions" are filed by persons awaiting trial, etc. the presiding justice of the Superior Court in which the case is being heard schedules a hearing on the petition. The clerk notes the date and the name of the justice scheduled to hear the case in the docket.</p>					
<u>D. Appearance of Counsel</u>					
1. Appearance of retained counsel	No		Civ.R.79(a)	1. If the petitioner retains counsel, the attorney's appearance in the case is entered by filing an "appearance certificate" or by signing the original "Petition".	
2. "Pro se"	No			2. "Pro se" representation is entered in the same fashion as retained counsel either by completion of an "appearance certificate" or by noting it in the original "Petition."	
3. Appointed Counsel			14§5506	3. a. Indigent petitioners have the right to have counsel appointed. The Petitioner must file a "motion for appointment of counsel" with the clerk. (Included on this document is a statement of indigency.) The clerk date -	Most "Habeas Corpus" actions will be filed by persons incarcerated at the State's Prison who will request counsel be appointed.
a. motion for appointed counsel					

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
h. decision on motion	No			<p>stamps the motion and docket its receipt, noting the date and phrase "motion for appointment of counsel filed."</p> <p>The clerk attaches the motion to the outside of the case file folder and gives it to the presiding justice.</p> <p>3b. The justice informs the clerk of his decision on the motion, either verbally or by notation on the motion. The clerk docket the decision citing the date and phrase "Motion for appointment of counsel--indigent _____ (granted or denied) (Judge's last name, J.)." If the motion is granted the phrase is expanded adding the name of the attorney appointed as counsel.</p>	<p>In smaller counties if the court is not in session, the motion is scheduled for "secondary" circuit.</p> <p>*A written decision is preferable to avoid confusion and possible delay.</p>
E. Hearing Scheduled					<p><u>Note:</u> Since the Supreme Court Justice schedules the hearing date for oral arguments on the petition, the clerk may not be aware of when the hearing is scheduled. If the date is known the clerk should docket the date and phrase "Hearing Held."</p>

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
F. <u>Decree Filed</u>			19§5505		
1. Docketing decree	No			1. The clerk date-stamps the decree and docket the date of the decree and phrase "decree filed." (judge's last name, J.) The entire decree should be docketed following the initial entry.	While no statute or rule requires the docketing of orders or decrees, a directive from the Supreme Judicial Court advises such processing for adequate records.
2. Mailing of copies	No			2. Attested copies of the decree are mailed to the Attorney General and petitioner or his attorney. Mailing should be docketed noting the date and the names of the individuals to whom copies were mailed. The phrase "attested copies mailed to _____," follows the date.	
<u>Note:</u> In "Habeas Corpus" cases of a non-post-conviction nature, copies are mailed to the district attorney and petitioner or his attorney.					
G. <u>Petition Denied</u>			19§5505		
1. "Off-docketing case"				1. The docket sheet, case file folder, and index cards are removed from the respective pending files and placed in the "off" or "finished" files.	
				261	

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Recording and filing				2. The case is recorded or micro-filmed; the appropriate column and page number or film box number is listed on the index cards and docket sheets; and filed in the "off" docket, index file, and case file.	
II. Petition approved or sentence reduced			1955505		
<p><u>Note:</u> If a writ is granted, three primary alternatives exist: the petitioner may be retried in the Superior Court; the petitioner may be resentenced in Superior Court; or the petitioner may be discharged from his place of incarceration. Irrespective of which of the above alternatives is exercised, the clerk should follow the cross-referencing and final case processing procedures described below.</p>					
<p>If a revised sentence is imposed, the clerk prepares a revised abstract card citing the new sentence imposed for the case. The card is forwarded to the State Bureau of Identification and a docket entry noting mailing of the card completed.</p>					
262					

Civil Procedure
Habeas Corpus

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
1. Cross referencing index cards, record case file and original case				1. The index cards, docket sheet and case file are all cross referenced with the original criminal case docket number by adding "X_____" (docket number) under the habeas corpus docket number. The docket record, index card, and record book (if one is used) of the original criminal case are updated noting the docket number of the "habeas corpus" case file under the original docket number.	The importance of cross referencing the two cases cannot be overstated. Without cross-referencing, no record of subsequent case action is available.
2. "Off-docketing"	No		Civ.R.79 (b)	2. Upon completion of the cross-referencing the clerk "off" docket the case file, docket sheet and index cards are described in <u>G.1</u> and 2 above.	

FRANKLIN COUNTY
SUPERIOR COURT
CIVIL DOCKET

ENTRY
ACTION

Docket No.
Record Vol. Page

VS.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

SUPERIOR COURT

No. Film Box Date
.....
us.
.....
Def.
.....

Form #2

SUPERIOR COURT

No. Film Box Date
.....
us.
.....
Def.
.....
Plt.
.....

Form #3

CIVIL

**DATE ENTERED
SERVICE**

PLAINTIFF'S ATTORNEY

DEFENDANT'S ATTORNEY

MOTIONS

DATE OF HEARING

DISPOSITION OF MOTION

JUSTICE

NAME OF PLAINTIFF

NAME OF COURT REPORTER

NAME OF CLERK OF COURTS

OTHER DISPOSITION

APPEAL

DATE

DATE

DATE

DATE

DISPOSITION

DISPOSITION

DISPOSITION

DISPOSITION



INTRODUCTION

ADMINISTRATION

The clerks of the Superior Court must not only be familiar with court process but must also perform numerous administrative activities. This section identifies and discusses those administrative activities which are essential to the efficient operation of the clerks' office. Subjects discussed include; Bail, Calendaring, Docketing, Expungement, Jury Management and Reports.

BAIL

Superior Court clerks often act as bail commissioners. In this capacity the clerk is responsible for setting, taking and recording bail. It is essential that accurate records of these transactions be maintained as part of the court record. The critical elements of setting bail, completing Appearance Bonds, filing and docketing of bail information and maintaining the Cash Bail Ledger are outlined in this section.

CALENDARING

Clerks of the Superior Court share the responsibility for calendaring with the district attorney. Most often the district attorney holds the primary responsibility for scheduling criminal cases; however, the extent of the district attorney's participation in this activity may vary from county to county. Civil cases are calendared by the clerk. In all instances, the procedure for calendaring requires close coordina-

tion between the clerk and the district attorney. Included in this section are such subjects as calendaring, hearings, scheduling individual cases, calendar format and secondary sessions.

DOCKETING

The standardized docket format presented in this section permits case information to be recorded accurately and uniformly. Included are procedures for recording various types of criminal and civil cases.

EXPUNGEMENT

The expungement law was enacted to protect any individual, acquitted of a criminal charge or offense, requiring all records pertaining to his case to be obliterated. The clerk of courts is the key figure in the expungement process. The procedure for expunging records is not complex; its importance, however, should not be overlooked.

JURY MANAGEMENT

Jury management is a primary responsibility of Superior Court clerks. The term jury management applies to the selection, screening, utilization and compensation of jury members. It also includes maintaining accurate records of attendance and remuneration of jury members. These and other aspects of jury management are discussed in this section.

REPORTS

Clerks of court are responsible for maintaining certain financial and statistical records from which monthly reports are prepared. This section discusses the contents, distribution, and preparation of each report.



Administration
Accounting Procedure
4 MRSB 55556,557

Accounting Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Standardization of accounting procedures may not be feasible due to the requirements of individual counties; however, the clerk should be familiar with certain basic accounting techniques for efficient and effective financial management. The following section outlines the accounting requirements of the clerk's office.					
A. <u>General Elements of an Accounting System</u>			Civ.R.79(d) Crim.R.55(d) 4\$556-557		
1. Maintenance of distinct accounts				1. Four primary types of receipts are processed by a clerk of court: fines and costs, fees, cash bail and reciprocal payments. Each category of receipts should be maintained in a separate account. Separate accounts permit closer monitoring of receipts and disbursements for each classification of funds, reduces the difficulty in preparing weekly, monthly and quarterly financial reports, and allows parallel bank accounting to verify the accuracy of each account.	

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Uniform Disbursement Procedure for All Accounts				<p>2. When disbursements are made a check should be issued. The clerk should never disburse cash.</p> <p>The use of checks provides a "hard copy" record of the transaction. For auditing purposes the transaction can be reviewed by tracing the check.</p>	Disbursing cash presents problems of storage, security and auditing.
3. Cash Receipts				<p>3. Anyone depositing monies with the clerk should be given a receipt. The receipt should contain the date, case docket number, name of the individual and the signature of the individual. The receipt book should have a carbon to insure that a copy of the transaction is retained in the clerk's receipt book.</p>	Cash, certified bank checks or money orders are the only forms of payment a clerk should accept. Personal checks should not be accepted.
4. Development of Standardized Ledger Notations				<p>4. Standard ledger entries should be maintained to document individual transactions within each category.</p>	

Administration
Accounting Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
5. Frequency and Format of Deposits				5. A uniform policy regarding the frequency and format of deposits should be developed to minimize the amount of cash in the clerk's office and to increase the documentation and cross-reference potential between receipts and deposits.	The docket number, check number (if applicable) and amount of the payment should be listed on each deposit slip. This information is obtained from the ledger.
6. Regular Audit Review				6. A schedule for regular audit review of each category of funds should be developed to maintain financial accountability and to continuously update accounting procedures.	
B. <u>Account Ledgers and Formats</u>					
1. Types of Account Ledgers				1. As noted in A.1 above, a separate ledger section should be maintained for each of the following accounts: fines and costs, fees, cash bail and reciprocals. These sections serve as the basis for all required financial reports.	

Administration
Accounting Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Ledger Formats					
A single ledger may be maintained with sections for each type of account. The number of sections or ledgers required may vary depending on who is responsible for maintaining each section and the volume of entries in a section.					
a. Fines and Costs					
<u>Date</u> <u>Docket #</u> <u>Name, check #</u> <u>comment</u> <u>Fine</u> <u>Cost</u> <u>Deposit</u> <u>Disbursement</u> <u>Balance</u>					
The date money is received, the case docket number and the name of the individual making payment are standard ledger entries. Additionally, space for the check or money order number and comments, pertaining to partial or final payment, may be helpful. The amount of the payment should be listed under the appropriate column, fine or cost. As deposits are made, a notation should be entered in the ledger. Similarly, all disbursements must be posted. Weekly or monthly, after reconciling the bank statement with the account ledger, the balance should be entered in ink. Prior to the ink entry, pencil notations may be used to keep a running balance.					
b. Fees					
<u>Date</u> <u>Docket #</u> <u>Name, check #</u> <u>Entries</u> <u>Forms</u> <u>Div. Cert.</u> <u>Execut.</u> <u>Writs</u> <u>Misc.</u> <u>Deposit</u> <u>Disburse-ments</u> <u>Account Balance</u>					
The fee ledger is similar to the "fines and cost" ledger; however, individual classifications differentiating the types of fees should be included. The classifications should be identical to those required on the quarterly "fees report."					
c. Cash Bail					
<u>Date</u> <u>Docket #</u> <u>Name, check #</u> <u>Amount</u> <u>Deposit</u> <u>Disbursement</u> <u>Balance</u> <u>Comments</u>					
The cash bail ledger should include a column for comments to differentiate between activities such as return					
273					

Administration
Accounting Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
or forfeiture of bail. If bail is forfeited or used to pay a fine, it should be treated as a fine and recorded in that ledger.					
d. Reciprocals					
<u>Docket #</u> <u>Petitioner's name, check #</u>			<u>Deposit</u> <u>Date</u> <u>Amount</u>	<u>Disbursement</u> <u>Date</u> <u>Amount</u> <u>State</u> <u>Balance</u>	
Reciprocal payments should be posted like a fine with two exceptions. First, the date of the disbursement should be noted to monitor how quickly the payments are processed. Second, a column for "state" should be included to note whether the payment should be made to the state or petitioner.					
C. Processing Receipts					
1. Receipt Slip Issued				1. Whenever a payment is made to the clerk's office, a receipt should be completed noting the case docket number, date, type of account, name of the individual, and should be signed by the person accepting the payment, e.g. 74-301, 9/13/74, fine. J. Smith. A carbon copy of the receipt should be retained in the book.	
				274	

Administration
Accounting Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Post Appropriate Account Ledger				2. The appropriate account ledger should be posted with the required information.	
3. Docket Sheet Updated				3. The docket sheet may be updated noting the date and amount of payment; however, this is optional depending on the requirements of the court and auditors.	
4. Cash Drawer				4. Any money collected should be retained in a "cash drawer" or vault which is in a secure position.	
5. Deposit				5. Deposits should be made on a regular basis to minimize the amount of cash being retained in the clerk's office. Deposit slips should include the docket number, check number (where appropriate) and amount of each transaction.	

Bail

LIST OF FORMS

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Administration
Bail Procedure
15 MRSA 942

Bail

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>Note:</u> In addition to being clerk of courts, most Superior Court clerks also act as bail commissioners. Because of the dual responsibility of taking bail and keeping the required record of bail, the procedures involved in both these areas are set forth. Section III, "Filing and Docketing of Bail Data" is more detailed than the other sections, due to the importance of accurately docketing information.</p>					
A. <u>Setting Bail</u>					
1. Bail from District Court	Yes	1	Crim.R.46 15§942 15§808	1. Before a district court case is "bound over" to the grand jury, "transferred" to Superior Court, or "appealed" to Superior Court is sent to Superior Court, bail is usually set by the Presiding District Court Judge. A district court appearance bond is completed if the defendant is bailed, and forwarded to the Superior Court with the case file.	
2. Bail from Superior Court	Yes	2	Crim.R.46	2. In cases initiated by the Superior Court or after indictments are returned, the Superior Court may set bail or revise the District Court bail. This is usually done before the "Warrant of Arrest" is issued.	Setting bail prior to the issuance of the "Warrant of Arrest" reduces the problems created by bail commissioners setting bail at the time of arrest.

Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
3. Bail Commissioner			Crim.R.46(c)	3. In those instances where the judge does not specifically set bail, the bail commissioner is authorized to set bail in sufficient amount to insure the presence of the defendant at the scheduled hearing. Regardless of whether the judge has set bail or not, only a bail commissioner is authorized to complete the appearance bond required prior to admittance to bail. The bond must be filed with the clerk of courts when completed.	
4. Types of Bail	Yes	3	15S937 Crim.R.46	4. The three primary types of bail used are: personal recognizance, cash bail, and personal recognizance with surety(s). Personal recognizance is, as the name implies, the sworn agreement of the defendant to appear when called, at the risk of defaulting a specified sum of money. Cash bail requires that the defendant deposit with the clerk of courts 10% of the amount specified in the recog-	

Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
B. Completion of the Appearance Bonds				<p>nizance. Personal recognizance with surety(s) requires that one or more individuals with real property valued at least in the amount of the recognizance sign the appearance bond with the defendant. The failure of the defendant to appear when called may result in the forfeiture by the surety(s) of the amount specified in the bond.</p>	
			<p><u>Note:</u> Three types of appearance bonds are primarily used in the State of Maine: a bond for the District Court and one for the Superior Court; and an appearance bond for defendants whose cases are on appeal (forms , , and respectively).</p>		
1. District Court Bonds	Yes	1	15§942 Crim.R.46 (g)	<p>1. The information entered on the "District Court Appearance Bond" should include the docket number of the case, the court district and division, the case name, the defendant's name and address, the amount of the bail, the offense charged, the district, division, location, date and time of court, the names and addresses of all sureties, the</p>	

Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Superior Court Bonds	Yes	2	R46 (g)	<p>date of the bond, the defendant's signature and address, signature of bail commissioner, district court judge's signature.</p> <p>Once completed, the bond should be filed with the clerk of the District Court.</p> <p>2. The information required on the Superior Court form is the docket number, case name, amount of bail, the time, date and location of the hearing, the date of the bond, the defendant's signature and address, the signature(s) and address(es) of the surety(s) and the signature of the bail commissioner or clerk of courts.</p>	
3. Appearance Bond on Appeal	Yes	4	R46	<p>3. The appearance bond on appeal is completed with the same information as the Superior Court bond, item #2; however, the wording of the form varies significantly.</p>	

Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
C. Filing and Docketing of Bail Information					
1. Entry of Appearance Bond from District Court	No		Crim.R.55(a)	1. District Court bonds will be entered when a case is "transferred," "appealed," "boundover," or when the bail is ordered transferred by the court. The docket sheet should note the amount of the bond and number of sureties on the last line of the center column of the docket sheet entitled "State vs."	The appearance bond is placed in the case file with the other file documents. If the defendant defaults, all of the information required by the court is contained on that bond. There is no need to duplicate that information in the docket.
2. Boundovers from District Court	No			2. In cases bound over from district court, the Superior Court may, if an indictment is returned, set a new bail. The entry of the new information would usually follow the docket entry of arraignment and list the date, the bail set by the court, and the justice who set bail; e.g., 1/2/75, Bail set at \$10,000 with one surety (Jones, J.).	
3. Bail set in Superior Court	No			3. As indictments are returned and arrest warrants ordered, the justice often specifies	While not all justices specify the bail after the indictment is returned, it is an

Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
4. Appearance Bond filed			Crim.R.46	<p>the bail. After the docket entry "Warrant of Arrest Ordered," the clerk should add "Bail set in the amount of \$_____ with _____ sureties. (Justice's name, J.)."</p> <p>4. When the individual cited on the indictment is arrested, he is eligible for bail; regardless of the time, the clerk or bail commissioner should complete the appearance bond, after which it should be filed with the clerk. The clerk should docket the date it is filed and the phrase "Appearance Bond Filed." The document should be added to the case file.</p> <p>5. Once arraigned the court may order new bail, as in the case of boundovers, or continue the already established bail. If bail is revised it should be entered as in item 2 above; if bail is continued, the phrase</p>	<p>effective procedure, greatly reducing the demands placed on the clerk and bail commissioner.</p> <p>If the court has not already specified bail, the clerk or bail commissioner should set bail which will insure the defendant's appearance at the hearing.</p>
5. Arraignment and continuance of bail					

ADMINISTRATION
Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
6. Arraigned and remanded to county jail in default of bail	Yes	5		<p>"bail continued day to day" should be docketed after the date.</p> <p>6. When bail cannot be met, the court and defendant each has an alternative. The defendant can file a motion to reduce bail which should be docketed in the same manner as any other motion. The court can either reduce bail, in which case a new bail docket entry should be made, or remand the defendant to the county jail in default of bail. The clerk should docket the phrase "defendant remanded to county jail in default of bail."</p>	
7. Exception of Right to Bail-- Murder Indictment	No			<p>7. In murder cases, the court may rule that the defendant has no right to bail. In this instance, the docket should state "defendant committed to county jail (without right to bail) awaiting trial."</p>	

ADMINISTRATION
Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
8. Bail Commissioner sets bail	No			<p>8. If a bail commissioner sets bail, the docket entry should state the amount of bail and number of sureties as in item 2 above. This information should be preceded by the phrase "Appearance Bond Filed."</p> <p>When the defendant is arraigned, the court may amend or modify the original bail. If it is modified, the new bail should be described as in C. above.</p>	
9. Forfeiture of Bail	Yes	6	15§931 46(e)	<p>9. If the defendant fails to appear, the bail is declared forfeited, the court may direct that forfeiture be set aside, and the district attorney or prosecuting attorney may file a "motion for judgment of default and execution on bail bond" and serve it on the clerk. The clerk should docket the date filed and title of the motion. Subsequent to the motion being filed, the court's order on the motion and the notice of hearing should be entered and docketed.</p>	

ADMINISTRATION
Bail Procedure

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
D. Cash Bail Ledger and Account Maintenance of cash bail ledger			Crim.R.46(d) 4§556	A distinct ledger page(s) should be maintained for cash bail transactions. The columns included on the ledger sheet should note the case docket number, the defendant's name, and the amount of bail deposited with the clerk. The <u>Accounting</u> section of the manual details the procedure for maintaining the ledger.	

DISTRICT COURT

District

Division of

Criminal Docket No.

State of Maine

APPEARANCE BOND

I, _____, the undersigned, of _____ in the County of _____ and State of Maine, is held and firmly obliged and bound to pay to the State of Maine the sum of _____

The condition of this bond is such that whereas I have been charged with the offense of _____ and said matter is now pending, I SHALL APPEAR IN THE DISTRICT COURT for the State of Maine, District _____, Division of _____, at _____ on the _____ day of _____, 19____ at _____ O'clock in _____ M.

and if ordered in the Superior Court to be held in the County of _____ at such time or times and on occasions with all orders and directions of any Judge of the District Court or any Justice of the Superior Court relating to my appearance in either said District Court or said Superior Court on answer to said charge. AND FURTHER THAT I SHALL ACCEPT AND COMPLY WITH THE CONDITIONS OR CONDITIONS OF RELEASE IMPOSED, if any, hereinafter set forth, and if I appear to comply with all orders and directions of either Court and comply with the condition or conditions of release, if any, then this bond is to be void.

Optional: If it is found necessary, strike out all or any part. The factors outlined in Title 15 MRSA of the State of Maine have been considered, it is determined that an unsecured bond will not reasonably assure the appearance of the said _____, and therefore, in addition thereto, the following conditions or conditions of release are imposed and made a part of this recognizance:

- A. That the said _____ be and hereby is placed in the custody of _____ and that he accept the supervision relating thereto;
- B. That the said _____ shall not travel beyond the territorial confine of _____ nor associate with _____;
- C. That the said _____ deposit with the Clerk of Courts the sum of _____ dollars, said sum not being in excess of 10% of the amount of the recognizance;
- D. That the said _____ return to custody daily on or before 8:00 P.M. and remain in such custody until 7:00 A.M. of the following day.

If I fail to perform the conditions of this bond hereinafter set forth, payment of this bond shall be due forthwith. If this bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon return of the District Court of the State of Maine, District _____, Division of _____

or in the Superior Court held in said County of _____ against me for the amount above stated together with interest and costs, and execution may be issued or payment may be provided by the Maine District Court Criminal Rules, Maine Rules of Criminal Procedure, and by other laws of the State of Maine.

I HAVE BEEN FULLY ADVISED, AND I UNDERSTAND, THAT MY FAILURE TO APPEAR WITHOUT JUST CAUSE BEFORE ANY COURT OR JUDICIAL OFFICER AS REQUIRED, IS PUNISHABLE BY A FINE OR NOT MORE THAN THE MAXIMUM PROVIDED FOR THE OFFENSE WITH WHICH I AM CHARGED, OR BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS IF THE OFFENSE WITH WHICH I AM CHARGED IS A MISDEMEANOR, OR FOR NOT MORE THAN 3 YEARS IF THE OFFENSE WITH WHICH I AM CHARGED IS A FELONY, OR BY BOTH.

Dated this _____ day of _____ at _____, Maine.

Defendant

Address

Signed and acknowledged before me this _____

day of _____

Judge, District Court

Bail Commissioner

Approved

Judge, District Court

(If not taken by Bail Commissioner)

Witnessed by _____ of MDG

CBA REV 74

STATE OF MAINE

SUPERIOR COURT
Criminal Docket No. _____

STATE OF MAINE

Vs.

APPEARANCE BOND
(Superior Court)

_____, ss

We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay to the State of Maine the sum of

_____, (\$_____).

The condition of this bond is that the defendant _____ is to appear in the Superior Court of the State of Maine in the City (Town) of _____, County of _____, at _____ in accordance with all the orders and directions of the court relating to the appearance of the defendant before the court in the case of State of Maine Vs. _____, Criminal Docket No. _____; and if the defendant appears as ordered and obeys all orders of the court then this bond is to be void, but if the defendant fails to perform this condition, payment of the amount of the bond shall be due forthwith. If the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in the Superior Court of the State of Maine in the County of _____ against each debtor jointly and severally for the amount above stated together with interest and costs, and execution may be issued or payment secured as provided by Maine Rules of Criminal Procedure and by other laws of the State of Maine.

This bond is signed on _____ day of _____, 19_____, at _____.

Defendant _____	Address _____
Surety _____	Address _____
Surety _____	Address _____

Signed and acknowledged before me this _____ day of _____, 19_____.

Approved: _____
Bail Commissioner Clerk, Superior Court

STATE OF MAINE

Date: _____

I, _____ Defendant, hereby certify under oath, that
I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance in
the amount of \$ _____, including prior bail surety.

Date: _____

I, _____, as Surety, hereby certify under oath,
that I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance
in the amount of \$ _____, including prior bail surety.

Date: _____

I, _____, as Surety, hereby certify under
oath, that I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance
in the amount of \$ _____, including prior bail surety.

Subscribed and Sworn to before me this _____ day of _____
_____ A.D., 19____.

Justice of the Peace

STATE OF MAINE

_____, ss.

SUPERIOR COURT

_____ TERM

CRIMINAL DOCKET NO. _____

STATE OF MAINE

Vs.

ASSIGNMENT OF CASH BAIL

I, _____, agree that the money now on
deposit with the Clerk of this Court, in the sum of _____
Dollars, as bail for my appearance before this Court, is hereby assigned to
_____, and
I specifically authorize and direct the Clerk of this Court to pay to the
said _____ the sum of _____
_____ Dollars.

Dated at _____ this _____ day of _____,
19 _____.

Defendant

Subscribed and sworn to
before me, this _____
day of _____ 19 _____.

Clerk
Deputy Clerk
Justice of the Peace
Notary Public

Rev. '73

CONTINUED

2 OF 4

STATE OF MAINE

_____, SS.

SUPERIOR COURT
Criminal Docket No. _____

STATE OF MAINE

Vs.

APPEARANCE BOND ON APPEAL
TO THE LAW COURT

The defendant _____ having appealed, from the judgment of conviction in the above entitled and numbered action, to the Supreme Judicial Court of Maine;

We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay to the State of Maine the sum of

_____ (\$_____).

The condition of this bond is that the defendant _____ is to appear in the Superior Court of the State of Maine in the City (Town) of _____ County of _____, upon the return of the mandate of the Supreme Judicial Court to the Superior Court in the above entitled and numbered action, and submit to all orders and judgments of the court, and if the defendant appears as required and submits to all orders and judgments of the court, then this bond is to be void, but if the defendant fails to perform this condition payment of the amount of the bond shall be due forthwith. If the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in the Superior Court of the State of Maine in the County of _____ again against each debtor jointly and severally for the amount above stated together with interest and costs, and execution may be issued for payment as provided by the Maine Rules of Criminal Procedure and by other laws of the State of Maine.

This bond is signed on the _____ day of _____, 19_____, at _____.

Defendant	_____	Address	_____
Surety	_____	Address	_____
Surety	_____	Address	_____

Signed and acknowledged before me this _____ day of _____, 19_____.

Clerk, Superior Court

Approved: _____
Rev. '73

STATE OF MAINE

Date: _____
I, _____ Defendant, hereby certify under oath, that
I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance in
the amount of \$ _____, including prior bail surety.

Date: _____
I, _____, as Surety, hereby certify under oath,
that I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance
in the amount of \$ _____, including prior bail surety.

Date: _____
I, _____, as Surety, hereby certify under
oath, that I own Real Estate situated at _____
valued at _____, (with) or (without) an incumbrance
in the amount of \$ _____, including prior bail surety.

Subscribed and Sworn to before me this _____ day of _____
_____ A.D., 19____.

Justice of the Peace

SS
SUPERIOR COURT

STATE OF MAINE

CRIMINAL DOCKET _____

* * * * *
STATE OF MAINE
VS.

* * * * *

ORDER OF COMMITMENT IN
DEFAULT OF BAIL

OFFENSE: _____

On the _____ day of _____ 19____ the Defendant appeared
in the _____ County Superior Court held at _____ in and for the
County of Penobscot on the first Wednesday of _____ 19____.

IT IS ORDERED that the Defendant be committed to the County Jail
of Penobscot County until he gives bail in the sum of \$ _____
with _____ (sufficient) sureties, to appear at said Penobscot
County Superior Court day to day until final judgment.

IT IS FURTHER ORDERED; that the clerk deliver a certified copy of
this order to the Keeper of the County Jail at _____ and that the copy
serve as the commitment of the Defendant until he gives bail as ordered.

DATED _____

Justice, Superior Court

STATE OF MAINE

_____, ss

SUPERIOR COURT
Criminal Docket No. _____

STATE OF MAINE

Vs.

BAIL BOND
MOTION FOR JUDGMENT OF
DEFAULT AND EXECUTION

RESPECTFULLY REPRESENTS the County Attorney, undersigned, that above-named Defendant has failed to make his appearance in this Court as required by his appearance bond dated _____, and that the suret(y)(ies) on his bond has have failed to produce him in Court as they agreed to do, and that the Court has this day declared a forfeiture of the bail, for breach of the condition of said bond, in the penal sum of _____ Dollars.

WHEREFORE, said County Attorney moves this Honorable Court, after such notice to the suret(y) (ies) as the Court prescribes, to enter a judgment of default and to issue execution against said suret(y) (ies) as the Court may find to be forfeited.

Dated: _____
COUNTY ATTORNEY

ORDER

On the within Motion, it is ORDERED that the Clerk of Courts, within and for this said county, shall give notice of the pendency of the above motion to:

_____ and _____
at their last known address by United States Postal Mail at least seven (7) days prior to the _____ day of _____, 19_____,
that the Superior Courtroom, County of _____,

at _____, at _____ o'clock in the _____
noon of said day, is assigned as the place and time for hearing on said Motion and that they, both or either of them, may appear and show cause, if any they have, why forfeiture should be reduced, or set aside, upon such conditions as the court may impose, or if justice does not require the enforcement of the forfeiture.

Dated: _____
JUSTICE OF THE SUPERIOR COURT, PRESIDING

NOTICE OF HEARING

TO: _____ and _____

You are hereby notified that a hearing will be held at the time and place as above set forth and you have a right, if you wish, to appear and request that the forfeiture be set aside, in whole or in part, provided you have good and valid reasons therefor. Should you produce the Defendant in Court, that could be reason for remission in whole or in part. Your failure to appear and to show cause why you should be exonerated in whole or in part will result in execution being issued against you and your property may be seized to enforce payment of the penal sum of your bond

Dated: _____
CLERK OF SUPERIOR COURT

LIST OF FORMS

	<u>Calendaring</u>	<u>Page</u>
1. Single Session Calendar		301
2. Double Session Calendar		302
3. Notification of Secondary Circuit		303

CALENDARING

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Note: Calendaring as referred to in the Clerk's Manual is divided into two sections, the scheduling of different types of hearings and the scheduling of individual cases. Presently, most criminal cases in Maine are scheduled by the district attorneys, with civil cases being scheduled by the clerk of courts. The following procedures are predicated on this type of scheduling. If the extent of district attorney participation is less than described herein, the clerk may have greater responsibilities.</p>					
<p>Calendaring of Hearings for a Term of Court</p> <p>A. <u>Elements of The Calendar</u></p> <p>1. Criminal cases</p>	No			<p>1. If the grand jury is scheduled to convene, the criminal calendar should include the dates for the grand jury convening, criminal motions, call of the criminal docket, jury waived hearings, and jury trials.</p> <p>When the grand jury is not scheduled to convene, reference to the grand jury should be omitted, leaving the rest of the notations listed above.</p>	<p>Depending on the size of the pending criminal docket, and the projected number of indictments to be returned by the grand jury, the call of the criminal docket may be scheduled prior to the grand jury "rising." This process allows all previous indictments, transfers and appeals to be heard prior to arraignment of the new indictments.</p> <p>In smaller jurisdictions it is advisable to schedule the call of the criminal docket after the grand jury rises so both the new indictments and other pending cases can be disposed of at the same time.</p>

Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>2. Civil cases</p> <p><u>Note:</u> The number of days required for completing any one of the categories of cases, criminal or civil, is clearly a function of the number of cases ready for hearing. The clerk should coordinate closely with the district attorney and maintain accurate lists of ready cases to insure that sufficient time is allocated for each classification of case.</p>	No		Civ.R.40	<p>2. The clerk should schedule dates and times for the following types of hearings: uncontested hearings, motions, and divorces; contested hearings, motions and divorces; pre-trial conferences; court trials; and jury trials.</p>	<p>When different types of hearings are being scheduled, it is suggested the uncontested hearings, motions, and divorces be scheduled for the first few days of the term, especially if the grand jury is in session and the call of the criminal docket has been scheduled for later in the term. These cases can be disposed of without delay thereby reducing the number of pending civil cases.</p>
<p>B. <u>Scheduling of Each Classification of Cases</u></p>	No			<p>The clerk and district attorney should meet to schedule the various criminal hearings. Following the scheduling of criminal cases, the clerk should calendar the civil cases.</p>	<p>Depending on the court jurisdiction, a single or double session may be scheduled, if sufficient court space is available. If a double session is conducted, one session should be used for criminal and one for civil. (Due to the priority given criminal cases, civil backlogs tend to increase. By scheduling civil cases for</p>

Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>C. Calendar ^{Form} Format</p> <p>1. Single session or double session</p>	Yes	1 2		<p>Once the clerk and district attorney have set a tentative schedule, the clerk should review the calendar with the presiding justice for that term, With his approval the calendar may be finalized.</p> <p>1. The calendar should be entitled "Court Calendar--(Month) Term (Year)" e.g. "Court Calendar--November Term 1974." The names of the presiding justice and court reporter should be noted on the top of the calendar as should the county name.</p> <p>Following the initial information, the day, date, and type of actions being heard on that date should be listed, e.g., Wednesday--November 6, 1974--Court convenes Hearing--motions--divorces (uncontested). If a particular type of action requires more than one day, the notation, "(date) through (date)," should be used; e.g., November 6, 1974, through November 10, 1974.</p>	<p>one session and criminal for another, the civil backlog can generally be held to a minimum.</p> <p>When a double session is being held, two separate schedules should be included in the calendar (Form 2).</p>

Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Time of hearings				2. The time that court opens and reconvenes in the afternoon should be listed on the calendar to avoid any confusion.	
3. Notes of interest, changes in rules, etc.				3. As new rules or statutes which affect cases processing are enacted, the clerk should add a comment to the calendar. (This continues to keep everyone apprised of case processing requirements.) Such notes should be added to the bottom of the calendar.	
D. <u>Notification</u>				A copy of the calendar should be sent to all attorneys of record and individuals appearing "pro se." The calendar should be mailed two or three weeks before the term of court begins.	The bottom of the calendar should bear the clerk's name and the date the calendar was mailed to the attorneys of record.
Secondary Circuit					
A. Scheduling	No			1. Some courts hold secondary circuit sessions to hear civil motions, divorces, and uncontested civil matters. This type of session is scheduled	

Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
B. <u>Notification</u>	Yes	3		by the clerk with the approval of the presiding justice.	Notification is efficiently completed by mailing the calendar.
C. <u>Calendaring of Individual Cases</u>	No			2. Notice is sent to all attorneys of record and individuals appearing "pro se," noting the time, date and place of the hearing.	
1. Criminal Cases				1. The district attorney is responsible for scheduling all criminal cases. Not only is it his responsibility to schedule the cases, but he also must notify the defendant or his attorney of the hearing. The D.A. should prepare a list of cases to be heard for the Clerk noting the docket number, defendant's name, the defense attorney's name, and the offense. (The clerk should use the list to prepare the casefolders for court each day.) The D.A. should give the clerk the list a week in advance.	Notation of the offense and docket number is essential to avoid confusing the case with another pending case on the same individual.
2. Civil Cases	No			2. The clerk schedules all civil cases upon request by an	

Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>attorney. While it is not essential to have a written motion when a case is tentatively scheduled, before the final case calendar is prepared, a written motion must be filed.</p> <p>The tentative calendar is prepared from the clerk's pre-trial, court-trial, jury trial or civil motion lists. As an attorney notifies the clerk of his desire for a hearing, the case is added to the pending hearing list. The pending list is reviewed ten days prior to the hearing and the case file checked for a written motion. If the appropriate motion has been filed and the attorney filing the motion has certified service on the other party in the case, the case is calendared.</p>	<p>Once calendared, only a motion for continuance will postpone the hearing.</p>

STATE OF MAINE

DOMESTIC

SUPERIOR COURT

COURT CALENDAR

TERM, 19

Hon.

, Presiding

, Court Reporter

Tuesday	Grand Jury Convene Contested Motions and Divorces
Wednesday	Pre Trial Conferences Court Cases
Thursday	Pre Trial Conferences Court Cases
Friday	Criminal Docket (Defendant or Counsel to be present)
Monday	Traverse Jury Convene Criminal Trials
Tuesday	Continuation of Criminal and Civil Trials to end of Term

NOTE

Last day for filing Pre-trial memo and serving opposing party for Term.

Last day for filing Joint Pre-trial memo or responding Pre-trial memo for Term.

Any request for continuance must be included in the Pre-trial Memorandum.

Last day for filing requests for hearing on motions and divorces.

Contested Matters will be heard at a day or days fixed later in the term.

All pending cases in which no action has been taken for two years will be dismissed as provided under Rule 41(h), unless just cause is shown for continuance. Motion to continue such cases shall be in writing, with statement of reason for continuance.

See amended Rule 10(c) for dire consequences contemplated for failure to comply with these deadlines.

IMPORTANT Attorneys representing Defendants in the Superior Court must enter their appearance in this Court.

Appearances entered in the District Court are not transmitted to the Superior Court.

Hubert L. Gordon

Clerk, Superior Court

STATE OF MAINE

SS

SUPERIOR COURT

COURT CALENDAR -- JANUARY TERM 1974

JUSTICE HARRY P. GLASSMAN, PRESIDING
COURT REPORTER, PRESTON B. RAND

CRIMINAL SESSION (Second Floor)

Wednesday.....January 2, 1974.....Court Convenes
Grand Jury Convenes

Monday.....January 7, 1974.....Call of the Criminal Docket
GLASSMAN, J.

Tuesday.....January 8, 1974.....Traverse Jury Convenes
Criminal Jury Trials....GLASSMAN, J.

JUSTICE IAN MACINNES, PRESIDING
COURT REPORTER, DONALD E. THOMPSON

CIVIL SESSION (Third Floor)

Wednesday.....January 2, 1974.....Court Convenes
Hearings-Motions-Divorces..MacINNES, J.

Thursday.....January 3, 1974.....Court CasesMacINNES, J.

Friday.....January 4, 1974.....Court CasesMacINNES, J.

Monday.....January 7, 1974.....Pre Trial Conferences...MacINNES, J.

Tuesday.....January 8, 1974Traverse Jury Convenes
Civil Jury TrialsMacINNES, J.

FOR CONTINUANCES SEE RULE 40 (b) and (c)

RULE 16 AMENDMENTS EFFECTIVE SEPTEMBER 1, 1973.

The filing of pre-trial Memoranda is no longer directly related to terms of Court. Pre-Trial Conferences will be in order at any time 21 days following the filing of a pre-trial Memoranda. No case will be set for trial without at least one pre-trial Memorandum, nor without the direction of a Justice of the Superior Court.

IMPORTANT: All Pending Civil cases in which no action has been taken for two years will be dismissed as provided under Rule 41 (b) one week from the opening day of the term unless just cause is shown for continuance by written motion to the Court.

NOTE (SEE ENCLOSED LIST)

NOTE: Continuance will be granted on Civil or Criminal Actions only upon a proper written Motion timely filed and acted upon.

CLERK OF COURTS
COUNTY OF

STATE OF MAINE
SECONDARY CIRCUIT

ss.

SUPERIOR COURT

-----: 1974

This is to notify you that -----, J:
will be in ----- for the Secondary Circuit Assignment for
County on -----, the ----- day of -----,
1974 at ----- A.M. and -----

It is required that attorneys having cases to be heard at the
Secondary sessions, notify the clerk of their desire ten (10) days
in advance of the hearing date. This is necessary so that the
clerk will be able to notify the Secondary Circuit Justice of the
number and type of cases scheduled to be heard.

County Superior Court



LIST OF FORMS

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CASE REFERENCE NO. _____

Administration
Docketing
4 MRSA §564

DOCKETING

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>The docketing procedures described throughout the manual are aided by the use of a standard docket format. The format considered most effective is the two post docket book and printed docket sheets, 11" x 8 1/2". The two post system affords greater opportunity for docket entries to be made on a single line; more durable docket sheets; and standardized areas for information. Standardization of docketing formats is considered necessary for improved efficiency. Uniformity of docket information is essential for proper case management both at the trial court and appellate levels. The following information should be included on each docket sheet regardless of format.</p>					
A. <u>CRIMINAL</u> 1. Transfer Cases	Yes	1	Crim.R. 55(a) 4s564 Name of County _____ District Court docket no. _____ date: _____ date: _____	<u>Transfer Case</u> Entered _____ Officer _____ Presiding Justice _____ Court Reporter _____	Docket no. _____ Film box _____ Date _____ D.O.B. _____
			Attorney for Defendant _____	Defendant _____	Offense _____
				Bail _____	Title _____ MRSA SEC _____
2. Appeal	Yes	2		2. An appeal from the district court should include the same information as a transfer case with the following exceptions, different title and the defendant's plea in district court.	Appeal and transfer docket sheets may be color coded to distinguish them from boundovers or indictments. Juvenile cases should be placed on regular appeal docket sheets such that they are not distinguishable as juvenile cases by color or format.

Administration
Docketing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
3. Boundovers and Indictments	Yes	3		<p>3. "Boundovers" and "indictments" should include the same information as "transfers" with the following variations. The title on either boundovers or indictments should read "Grand Jury Case." Under the title should be a space for the phrase "boundover to _____ term of court." The date the case was entered would follow this line with the notation "entered _____." The phrase "indictment returned" would follow the date entered with a space for the date.</p> <p>New indictments have the same information; however, the space for "boundover" would not be filled in.</p>	
<p><u>Note:</u> Whether the upper right hand corner of the sheet has a space for "Film Box" or "Record Volume" depends on the type of record system used. It is important regardless of the type of system to include space for this notation since it provides a cross reference capability.</p>					
B. Civil Cases					
1. Civil Complaint	Yes	4	Civ. F. 79 (a)	<p>1. _____ County Complaint Filed: _____ Docket no. _____</p> <p>Superior Court</p> <p>Plaintiff vs. Defendant</p>	

Administration
Docketing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Divorces and Reciprocal	Yes	5, 6		<p>A civil complaint docket sheet should name the county, the date the complaint was filed, the plaintiff and defendant, the docket number and the film box (used after the case is finished).</p> <p>Additionally space should be provided for the names and addresses of the attorneys of record. If an individual appears "pro se" his address should be included in the space provided for his attorney.</p> <p>2. "Divorce" and "Reciprocal" cases should include the same information found on a civil complaint and be distinguished from them by the appropriate title following the county name; e.g., Divorce.</p> <p>Under the notation complaint Filed, additional information may be added concerning how the divorce was initiated or the type of reciprocal action being filed, e.g., "petition for support."</p>	<p>Cases initiated through a motion should use a regular civil docket sheet.</p> <p>Reciprocal docket sheets may include printed areas for the following: payments to be forwarded to, decree received and filed, sum of __, first payment due. Due to the various methods of processing reciprocal cases, standardization of this information may not be advisable at this time; however, an example is included for information purposes.</p>

Administration
Docketing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
3. Civil Appeals and Habeas Corpus	No			3. Civil appeals from district court and "Habeas Corpus Writs" should be docketed using a standard civil docket format and information with a reference following the date of the complaint which entitles the type of action, e.g., "Appeal" or "Habeas Corpus."	
<p><u>Note:</u> Regardless of the type of docket system used, the information referenced above is critical to adequate and accurate case processing. Additionally, regardless of the system used, all printed sections and lines for docket entries should be keyed to the standard typewriter so that the sheet does not have to be continuously reset.</p> <p>The wording and recommended types of docket entry inclusions are noted in each section of the manual. Docketing is one of the primary responsibilities of the clerk.</p>					
				308	

SUPERIOR COURT
CRIMINAL DOCKET

TRANSFER CASE

Docket No. _____ 44

Record Vol..... Page.....

Entered.....

ATTORNEY FOR DEFENDANT	STATE VS.	OFFENSE

[illegible]

SUPERIOR COURT
CRIMINAL DOCKET

Appealed Case

Doc No.

Film Box _____ Date _____

District Court #

Entered

Plea

Sentence

Officer

Birthdate:

[illegible]

COUNTY
SUPERIOR COURT
CRIMINAL DOCKET

GRAND JURY CASE

Docket No. _____

Indictment Returned

[illegible]

COUNTY
SUPERIOR COURT

Complaint Filed:

Docket No.
Film Box Date

VS.

COUNTY
SUPERIOR COURT
DIVORCE DOCKET

Entry

Docket No.....

Record Vol. Page.....

VS.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

COUNTY _____
 SUPERIOR COURT
 RECIPROCAL DOCKET

Date entered _____
 Type of case _____

Docket No. _____

	Pet'r	VS.	Resp
	RECEIVED FROM:		
	FORWARDED TO:		
	PAYMENTS TO BE FORWARDED TO:		
	NOTICE ISSUED RETURNABLE:		19
	OFFICERS RETURN OF SERVICE FILED ON:		19
	DECREE RECEIVED AND FILED, Hearing,		Ordered
	Respondent to pay into Court for Petitioner - Dependents		
	sum of \$ Weekly - Monthly, first payment DUE:		



... LIST OF FORMS ...

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2. Abstract of Superior Court Record of Violation of Motor Vehicle Law		320
3. Defendant Index Card		321
4. Notification to Expunge Record		322

Administration
Expungement

Expungement

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Expungement</u> 1. Removal of docket sheets from the pending docket 2. Expunge docket index 3. Completion and mailing of abstract cards	 Yes	 1, 2	16S600	1. When either a not guilty verdict has been returned or a case has been dismissed, the docket page should be so noted listing the date and the decision. The docket pages should then be removed from the "pending docket," stamped "expunged" and placed in the case file, which should also be stamped "expunged." 2. The "off docket index" which lists the individual cases should have the defendant's name expunged by lining it out. The docket number should remain visible to show which cases were expunged. 3. As with every criminal case, the appropriate abstract card should be completed listing the defendant's name, address, date of birth, the place of the	Note: The following procedure should be used for all criminal cases which have been dismissed or in which the defendant has been found to be not guilty must be expunged. The two types of abstract cards are color coded: yellow for the Bureau of Identification, white for the Secretary of State. All

Administration
Expungement

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
4. Sealing and Filing of case file				<p>offense, the docket number, the offense date of hearing, plea, judgment and result. Upon completion of this card, it should be stamped "expunged" and forwarded to the appropriate agency. The docket page should have the notation added that the appropriate abstract was completed and mailed on that date.</p> <p>4. The case file with the docket page enclosed should be sealed or taped closed, removed from the "pending" file and filed in a separate "expunged" file.</p>	<p>traffic offenses are mailed to the Secretary of State; all other criminal offenses are filed with the Bureau of Identification.</p> <p>None of the information on the file should be micro-filmed or recorded at any time. This file should be maintained for the sole purpose of records documentation and access to such a file should be restricted to the clerk.</p>
5. Completion of an index and for a separate expunged card file	Yes	3		<p>5. To insure integrity of record, an index card for each expunged case should be completed, listing the docket number, the defendant, his date of birth, and the offense. This card is filed alphabetically.</p>	<p>The expunged index file is not open to the public.</p>

Administration
Expungement

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
6. Completion and mailing of "Notification to Expunge Record"	Yes	4		<p>6. A "Notification to Expunge Record" form should be sent to each person involved in a given case. Usually included in the list of individuals notified of expungement are the arresting officer, the county attorney, the sheriff, bail commissioners and the district court clerk (if the case originated there). Included on the notification form are the defendant's name, date of birth, the offense, district court docket number, superior court docket number, disposition of the case, date and clerk's signature.</p> <p><u>Note:</u> The defendant's name should be removed from the "cash bail" sheet leaving only the docket number and amount of bail. Retention of this financial information is essential for audit purposes.</p> <p><u>Note:</u> Pardons are another type of action requiring records to be expunged. While most of the activities involved are the same as dismissals and not guilty cases, certain variations are found. Variations from the previously stated procedure are itemized below. 15 MRSA 2161A.</p>	

Administration
Expungement

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
7. Removal of docket sheet				7. The docket sheets bound in the quarterly docket journal must be removed from the volume.	Each docket is bound every three months to facilitate records management.
8. Completion and mailing of "Notification to Expunge Record"				8. A "notification to expunge" form should be mailed to all parties listed in the case file as being involved with the case. Of particular importance are the Secretary of State's Office or the Bureau of Identification, depending on where the original abstract was sent.	Since new expunged abstract cards are not sent to the Secretary of State or Bureau of Identification, it is imperative that "Notification to Expunge Record" forms are sent to the appropriate offices.
9. Completion of index card				9. An index card is prepared and filed in the expunged card file.	
10. Removal of case file from "off file"				10. The case file should be removed from the "off" file, stamped "expunged" and placed in the expunged file.	
11. Removal of microfilm index cards				11. The microfilm index cards noting the film box and number should be removed and added to the expunged index file.	<u>Note:</u> Expunging the microfilm record of the case is not possible; therefore removal of the index cards is imperative.
				319	

STATE OF MAINE
ABSTRACT OF COURT RECORD OF CRIMINAL VIOLATION

DOCKET NO.	RESPONDENT
ARRESTING OFFICER	ADDRESS NO. ST.
DEPARTMENT	CITY or TOWN
OFFENSE	DATE OF BIRTH
	PLACE OF OFFENSE
	DATE OF OFFENSE
DATE OF HEARING	PLEA
	JUDGEMENT
	RESULT

I hereby certify that the foregoing is a true abstract from the records of the Court helden at

Superior ☐ ATTEST
Municipal ☐
Trial Justice ☐
District Court ☐

Clerk

Form 13:76

FORM #1

State of Maine
ABSTRACT OF SUPERIOR COURT RECORD OF VIOLATION OF MOTOR VEHICLE LAW

ARRESTING OFFICER	DOCKET NO. (SUPERIOR COURT)	RESPONDENT
CHARGE ORIGINATED	DOCKET NO. (LOWER COURT)	STREET NO.
COURT		CITY (TOWN), STATE
CODES		DATE OF BIRTH
SUSPENSION	COMMISSION	POINTS
OFFENSE:	LIC. NO.	REGIS. NO.
		(SPEED ALLEGED)
DATE OF HEARING	PLEA	JUDGMENT
		RESULT

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE ABSTRACT OF THE RECORDS OF THE COUNTY SUPERIOR COURT.

RETURN TO SECRETARY OF STATE IN ENVELOPE PROVIDED,
SEC. 106, CHAP. 11, REVISED STATUTES 1914.

ATTEST:

MY CR 76

CLERK

FORM #2

320

SUPERIOR COURT
No..... Film Box..... Date.....

STATE

vs.

.....
D.O.B.

OFFENSE:

FORM #3

STATE OF MAINE

VS.

NOTIFICATION TO EXPUNGE RECORD

M.R.S.A. TITLE 16 § 600

D.O.B. _____

OFFENSE: _____

DISTRICT COURT DOCKET NUMBER: _____

SUPERIOR COURT DOCKET NUMBER: _____

DISPOSITION: _____

To _____

As set forth in M.R.S.A. Title 16 § 600, you are hereby notified of the requirement to expunge all records relating to the above case. Any person who shall willfully violate a provision of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than eleven months, or both.

DATED AT _____ Maine this _____
day of _____ 19____

CLERK OF COURTS

LIST OF FORMS

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Administration
Jury Management
14 MRSa §1251 et seq.

CASE REFERENCE NO. _____

Jury Management

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Each year the county jury commissioners are responsible for selecting a "pool" of prospective jurors from which "grand jurors" and traverse jurors may be selected. Annually, a new "grand jury" is drawn and prior to each term of court a new "traverse jury" is drawn. The clerk should be screening, recording and reimbursing jurors to insure that the aspects of jury management which affect the operation of the clerk's office are handled effectively.</p>					
A. <u>Process of Selection</u>					
1. Filing of Voting Lists			14§1254	1. On June first of each year, the "registrar of voters" for each municipality files a current voting list with the jury commissioners.	
2. Notification of the Number of Jurors Needed				2. The clerk should notify the jury commissioners of the anticipated number of jurors being needed for the following year by the later part of June each year.	
3. Formulation of "Jury Pool" List				3. Using a given frequency for numerical selection, the jury commissioners select names from the voting lists. The number of names selected is based on the clerk's projection. As each name is selected it is added to the "jury pool list," assigned a sequential	

Administration
Jury Management

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>4. Mailing and Filing of Juror Questionnaires</p> <p>Note: The procedure described for selecting "Grand Juries" but is only done once every twelve months prior to the September</p>	Yes	1 2		<p>number and entered in the "master jury wheel".</p> <p>The completed list is filed with the clerk and open for public inspection. The list is used from September first of each year to the following August.</p> <p>4. A "Juror Questionnaire" is mailed to every prospective juror on the jury pool list. The questionnaires are returned to the jury commissioners and filed with the clerk.</p> <p>The clerk should retain the questionnaires in a separate jury file by year and "jury pool number."</p>	<p>The "jury pool" number assigned each individual should be entered on the questionnaire for a cross reference.</p> <p>The questionnaires are only open to the court and attorneys of record.</p>
<p>5. Notification of Commissioners Prior to Each Term of Court</p>			14§1255	<p>5. The clerk notifies the commissioners of the number of jurors required for each term of court. Notification can be either verbal or written.</p>	<p>that used for "Traverse term of court.</p> <p>The number of jurors requested should be sufficient to allow for jurors being excused or challenged.</p>
				325	

Administration
Jury Management

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
6. Jurors Drawn				6. The jury commissioners draw the specified number of names from the "Master Jury Wheel." The names are listed alphabetically, last name, first name. The town and occupation of each person is noted on the list.	Drawing jurors must be done publicly. Once a name is drawn it is removed from the master wheel for that year.
7. Questionnaires Checked			14§1216	7. The completed questionnaires of the individuals whose names were drawn are checked to insure that the individual has not been a juror for five years and is qualified to serve.	
8. Jury List Submitted to Clerk and Summons Issued	Yes	3, 4	14§1255	8. The commissioners file the jury list with the clerk and summon each juror by registered mail. The mail receipt is sufficient evidence of service.	The summons notes the date, time, and place where the juror is to appear.
9. Review of Jurors				9. Jurors are called to court one day prior to the commencement of trials to review whether anyone has sufficient reason to be excused by the court.	

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>B. Challenges</p> <p>Note: A juror may be excused by the court on challenges for cause or "peremptory" challenges by the attorneys of record.</p> <p>1. Civil Peremptory Challenges</p> <p>2. Criminal Peremptory Challenges</p> <p>a. charge is punishable by life imprisonment</p> <p>b. all other felonies</p>	No		<p>1451204 Civ.R.47 Crim.R.24</p> <p>Civ.R.47</p> <p>Crim.R.24 (c) (3) Crim.R.24 (d)</p> <p>Crim.R.24 (c) (3) Crim.R.24 (d)</p>	<p>1. Each party is allowed four peremptory challenges of the regular jurors and one peremptory challenge of one or two alternate jurors, and two peremptory challenges of three or more alternate jurors.</p> <p>2a. In cases in which sentences of life imprisonment are possible the defendant has twenty peremptory challenges and two challenges of alternate jurors. The prosecution is allowed ten peremptory challenges and one challenge of alternate jurors.</p> <p>2b. In all other felony cases the prosecution and defense have eight peremptory challenges and one challenge of an alternate juror.</p>	<p>Challenges of cause are exercised by the court at the conclusion of the "examination."</p> <p>The clerk should be aware of the number of challenges allowed to insure an adequate number of jurors.</p>

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
c. all other criminal cases			Crim.P.24(c) (3) Crim.R.24(d)	2c. For all criminal cases not included in "2a" and "2b" the number of peremptory challenges, four, and challenges to alternate jurors, one, is the same for both parties.	
<u>c. Attendance and Payment of Jurors</u>					
1. Certification of Attendance	Sec	5, 6	14§1202 14§1213	1. Unless excused by the court, each juror must attend each day that is requested or be charged with "contempt of court." A list which the juror signs each day should be filed with commissioners to record attendance.	
2. Compensation			14§1215	2. Jurors are entitled to mileage payments of \$.10/mi. from their residence to the court and \$20.00 per day.	
3. Payment and Attendance Record			15§2023	3. A single weekly attendance and mileage record may be used to document attendance	
				328	

Administration
Jury Management

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>D. Records</p> <p>1. Grand Jury Voting Record</p>	Yes	7, 8, 9	<p>Crim.P.6</p> <p>Crim.P.6(c)</p>	<p>and reimbursements. Columns for the juror's name and address, mileage one way, days, total miles, and total amount paid provide adequate space for all necessary entries.</p> <p>The presiding justice should sign the sheet each week authorizing payment.</p> <p>1. A record of the "grand jury" vote on each indictment must be retained by the clerk. Each voting sheet should state the number of jurors concurring and not concurring on the vote and be signed by the foreman.</p> <p>The clerk should retain these sheets in a sealed envelope filed in the jury file. The envelope should have the term of court noted on the front.</p> <p>2. A juror index file should be maintained noting the juror's name, address, the term of</p>	<p>The "grand jury" voting record is not open to the public and should not be included with the case file.</p> <p>Twelve or more jurors must agree to return an indictment before it is issued.</p> <p>The card file provides a useful mechanism for documenting whether an individual</p>

Administration
Jury Management

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>court and number of days served. These cards should be filed alphabetically in twelve month periods starting with September.</p> <p>The cards should be removed after five years.</p>	<p>has served as a juror within the past five years.</p>
				110	



JURY COMMISSION
 Supreme Judicial and Superior Court
 County of Penobscot
 Bangor, Maine

Dear Prospective Juror:

The jurymen selected for this County have you under consideration as a prospective juror for service on the Grand or Trial Jury for this County. You have not, as yet, been finally selected and therefore this notice is not a jury summons.

In the past it would have been the practice to call you for jury service without obtaining any other information about you other than your name, residence and possibly your occupation. However, it is our opinion that we can make a more efficient and proper selection of those qualified for jury duty if we have the information requested on the enclosed questionnaire. It will also give you an opportunity to express a preference as to the time of year which would be more suitable for you.

If you feel that you should be excused from jury duty because of physical impairment, or because you are presently under care of a physician, please enclose a letter from your doctor certifying to this condition.

With this, therefore, please promptly fill out the enclosed questionnaire, answering all questions, and return the same in the enclosed postage-free envelope which has been pre-addressed. Your cooperation will greatly assist us in the selection of qualified jurors and will also be of benefit to you.

We repeat, this is not a summons for jury duty. If you are found eligible for jury service you will receive an official jury summons at some time in the future. If you require any assistance in filling out the questionnaire, you are asked to contact the Superior Court Clerk's Office.

Very truly yours,

John W. Little
 Jury Commissioner

cc: 24

331

FORM # 1

JUROR QUESTIONNAIRE

PLEASE PRINT

1. Name _____ Telephone _____
2. Mailing Address _____
3. Residence _____ How Long? _____
4. How long have you resided in the State of Maine? _____
5. Marital Status: Married _____ Single _____ Divorced _____ Widowed _____
6. Place of Birth _____ Date of Birth _____
7. Are you a citizen of the United States? Yes _____ No _____
8. Can you read, write and speak the English language? Yes _____ No _____
9. What education have you had? _____
10. Are you employed at the present? Yes _____ No _____
11. If so, give nature of business or occupation; name of employer, employer's business address: _____
12. If retired or not working, give your last occupation. _____
13. If married, give the occupation of your wife or husband. _____
14. If a married woman, give occupation before marriage. _____
15. If you are married and not working, state your last occupation. _____
16. Have you ever served as a juror? Yes _____ No _____
17. If so, in what court and when? _____
18. Have you any disability which impairs your capability to serve as a juror including impaired eyesight or hearing? Yes _____ No _____
19. If so, what? _____
20. Do you know of any reason why you cannot serve as a juror? Yes _____ No _____
21. If Yes, state fully. _____
22. Have you, or any member of your immediate family, ever served in any law enforcement capacity? Yes _____ No _____
23. If so, whom, what, and when? _____
24. Is there any particular time of year when it would be extremely inconvenient, or impossible, for you to serve as a juror? Yes _____ No _____
If Yes, explain _____

Dated: _____

Signature _____

TRAVELER JURY SUMMONS

Maine

, 19

To

You are hereby notified that you have been drawn to serve as a Traveler
at the Term of the Superior Court within and for
the County of

You are hereby further notified to attend said term at
on the day of , 19 at o'clock A.M.

Jury Commissioners
of

County

You will please bring this notice to court and give the same to the Clerk of
Court, making a notation thereon of the number of miles traveled from your
home to the courthouse.

GRAND JURY SUMMONS

Maine

, 19

To

You are hereby notified that you have been drawn to serve as a Grand
juror for the ensuing year of the Superior Court, within and for the County
of , beginning with the Term of
said Court to be held at on the first Wednesday of

You are hereby further notified to attend said term on the first day
thereof, to wit Wednesday, , 19 at 10 o'clock A.M.

Jury Commissioners
of

County

You will please bring this notice to Court and give the same to the Clerk
of Court, making a notation of the number of miles traveled from your home
to the courthouse.

TRIAL JURY 11ST

_____. ss.

DOCKET NO. _____

DATE: _____

_____. VS. _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____

Justice Presiding

Attorney For State

Court Reporter

Attorney For Defendant

VERDICT _____

PAY ROLL OF

JURY SUPERIOR COURT,

TERM, 19

NAME OF JUROR

RESIDENCE

NO OF MILES
TRAVEL

NO OF DAYS
ATTENDANCE

MILEAGE

ATTEND-
ANCE

TOTAL
PAY

RECEIPTS

\$

Cts

\$

Cts

\$

Cts

Total, . . .

\$

STATE OF MAINE

ss.

Superior Court.

Term, A. D. 19

Ordered, That the foregoing Bill, amounting in all to the sum of _____ Hundred
and _____ Dollars and _____ cents, be allowed and paid out of the
County Treasury to the persons against whose names the several sums are set.

To

Treasurer - Penobscot County

\$

Clerk.

SEEN and APPROVED:

JUSTICE, SUPERIOR COURT PRESIDING

100

List of Grand Jurors for the Supreme Judicial Court.

16TH. A.D. 17

336

FORM # 5

_____ Clerk

1. The first part of the document is a header section containing the title "THE EFFECTS OF THE 1990S REFORMS ON THE CHINESE ECONOMY" and the author's name "JIANHONG ZHANG".

STATE OF MAINE

Foreman

1 Maine

19

County Attorney.

(To be reported to the Court forthwith)

1993

— 224 —

Term, 19

Foreman

[illegible]

338

FORM # 8

339

FORM 9

TRAVERSE JURY

Name _____
City _____
Term _____
Served _____ Excused _____
Reason _____

FORM # 10

GRAND JURY

Name _____
City _____
Term _____
Served _____ Excused _____
Reason _____

FORM # 11

CONTINUED

3 OF 4

LIST OF FORMS

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Administration Reports

CASE REFERENCE NO. _____

Reports

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>The clerk is responsible for the completion and submission of financial and statistical reports. Financial reports are submitted to the county treasurer and the chief clerk of courts receives monthly statistical reports. While no standardized format for financial reporting is currently in use, the following procedure is based on the use of a single format. Infinite variations of the format are possible; however, the format included herein incorporates all of the necessary aspects of the forms reviewed for efficient processing and ease in auditing.</p>					
A. <u>Financial Reports</u>					
1. Fines and costs	Yes	1	4§556,557	<p>1. Each report submitted to the county treasurer should include the court's name and month of the report. Included in the entries on the report should be the case docket number the defendants name, the court where the case originated and the amount of the fine and/or cost. The fine and cost data should be placed under the appropriate category, e.g. motor vehicle for a fine imposed for an O.U.I. offense, noting both the amount of the fine and cost in that column. The column for "amount due state" is left blank and completed by the county treasurer.</p>	<p>Fines and costs reports should be submitted <u>monthly</u> to the county treasurer. Although the number of inclusions may be minimal in months when no term of court is in session, the submission of monthly reports improves cash flow and audit capacity.</p> <p>Separate columns for motor vehicle and fish and game offenses provide the county treasurer with sufficient</p>

Administrative Reports

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
2. Court Fees	Yes	2	4§556,557	<p>The disposition column should summarize the amount of the fine and cost and note what portions of those charges were suspended or paid.</p>	<p>information to disburse monies to the appropriate state agency. Without such reference, the clerk must prepare separate reports for each type of offense.</p>
				<p>2. The clerk should maintain a separate ledger and file a <u>quarterly</u> report to the county treasurer itemizing the fees received by the court. The report should include a monthly itemization of fees collected for entries, divorce certificates, docket entries, executions, miscellaneous and writs. In contrast to the monthly fines and costs report, the fee report states the total collected for each of the above referenced categories, without noting each individual case or transaction.</p>	<p>The fee ledger sheet provides adequate documentation for the individual transactions should the county treasurer require such information.</p>

Note: If bail is forfeited, the amount should be listed under the appropriate column with the notation forfeiture of bail. Bail forfeitures should be processed as a fine and reported accordingly.

Administrative Reports

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>3. Health and Welfare-Reciprocal No Report</p> <p>Note: Reports previously required by the Department of Motor Vehicles or the Department of Fish and Game do not need to be prepared separately but can be incorporated in the regular monthly fines and costs report submitted to the county treasurer.</p>				<p>A total of each month's fees and the total for the quarter should be included on the report as should the attested signature of the clerk.</p> <p>3. Reciprocal support reports are required by the state on a <u>weekly</u> basis. The report includes the petitioner's and respondent's names the date and amount of payment.</p>	<p>All reciprocal payments received by the court for a petitioner on AFDC* should be remitted to the state, not the petitioner. This procedure is described in the reciprocal procedure section.</p> <p>*(Aid to Families with Dependent Children)</p>
<p>B. Monthly Statistical Report to the Chief Justice</p>	Yes	3		<p>A statistical report describing the number of pending, newly entered, and finished civil and criminal cases is required by the fifteenth (15th) of each <u>month</u>. (As the format is detailed and self-explanatory, a description of the inclusions and pro-</p>	

Administration Reports

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>cess for completion is not included. The clerk should realize the importance of the report for efficient court administration and make every effort to complete the report on a timely basis.)</p>	
				345	

SUPERIOR COURT

FOR 3RD QUARTER ENDING September 30, 1974
Following is an itemized list of items on cash book beginning July 1, 1974 to and ending September 30, 1974

Entries	415.00
Div. Cert	31.00
Debit Entries	17.00
Errors	12.00
Misc.	137.30
Write	39.00
TOTAL	\$651.30

Entries	655.00
Div. Cert.	55.00
Docket Entries	18.00
Exems	28.00
Misc.	68.00
Write	59.00
TOTAL	\$883.00

Entries	315.00
Div. Cert	66.00
Booklet Entries	8.25
Exems	34.00
Misc.	135.20
Write	26.00
TOTAL	\$782.45

Subscribed and sworn to by true to the best of my knowledge and belief.

Before me

Justice of the peace

STATE OF MAINE

County

To be completed and mailed to:
Chief Clerks of Courts
P.O. Box 368
Portland, Maine 04112

For month ending

19

NO LATER THAN THE 15th OF EACH MONTH

CLERKS REPORT TO CHIEF JUSTICE—CIVIL DOCKET

1. Number of civil cases

(a) Pending at beginning of month

(b) Entered during month

(c) Total of Items (a) and (b)

(d) Transferred to "limited" docket

(e) Pending at end of month
(item (a) less item (d))

2. Actions with civil cases during month

(a) Issues adjudicated

(b) Jury verdicts

(c) Heard and decided by a justice without jury

(d) Heard and decided by a referee

(e) Judgments by default—Clerk, R 55 (b) (1)

(f) Judgments by default—Court, R 55 (b) (2)

(g) Number of cases voluntarily dismissed under R 11 (a)

(h) Number of cases involuntarily dismissed under R 11 (b)

(i) Number of litigants on motions

3. Summary of civil cases on pre-trial list

(a) Number of civil cases on jury trial list

(b) Number of civil cases on non-jury trial list

CRIMINAL DOCKET (continued)

Summary of criminal cases disposed of during month:

	Informations	Indictments	Transfer Cases
TOTAL JURY TRIALS	on		
Results:			
Convictions	on		
Acquittals	on		
Mistrials	on		
Guilty Pleas	on		

	Informations	Indictments	Transfer Cases
TOTAL JURY WAIVED TRIALS	on		
Results:			
Convictions	on		
Acquittals	on		
Guilty Pleas	on		

	Informations	Indictments	Transfer Cases
TOTAL NO TRIALS	on		
Results:			
Guilty Pleas	on		
Dismissed	on		
Filed	on		

TOTAL APPEALS DECIDED:

Results	Withdrawn
Judgment affirmed	
Judgment modified	
Judgment reversed	

Justices in Attendance	Name	Month	No. of Days

Traverse jury in attendance: days for calendar month of

Dated: Clerk:

FORM # 3



GLOSSARY*

Abstract - Synopsis or summary of facts, rather than table of contents of transcript. Abbreviated, accurate and authentic history of proceedings.

Accusation - A formal charge against a person, to the effect that he is guilty of a punishable offense, laid before a court or magistrate having jurisdiction to inquire into the alleged crime.

Acquittal - The legal and formal certifications of the innocence of a person who has been charged with crime; a deliverance or setting free of a person from a charge of guilt.

Adjournment - A putting off or postponement of business or of a session until another time or place; the act of a court, by which the session is dissolved, either temporarily or finally.

Affidavit - A written statement declaring certain facts to be true and confirmed by the oath of the person making the statement, (which oath is taken before an officer having authority to administer it).

Alimony - Allowance which (husband) (wife) by court order pays wife (husband) for maintenance while they are separated or after they are divorced.

Allegation - The assertion, declaration or statement of a party to an action, made in a pleading, setting out what he expects to prove.

Annulment - Act of making void. "Annulment" destroys existence of void or voidable marriage and everything appertaining thereto from the beginning.

Answer - Denotes a defense in writing made by a defendant to the allegation contained in a bill, indictment or complaint filed against him by a plaintiff. Under certain conditions and in certain proceedings the answer may be made verbally to the clerk.

Appeal - A complaint to a higher court asserting commission of an error of law in a trial, proceeding before a lower court, or sentence of a lower court, seeking rectification of the lower court's error.

Appeal Bond - The bond given on taking an appeal, by which the appellant and his sureties are bound to pay damages and costs if he fails to prosecute his appeal with effect.

Appearance - A coming into court as a party to a suit, whether as a plaintiff or defendant.

Appellant - The party who takes an appeal from one court or jurisdiction to another.

Arraignment - The arraignment of a prisoner consists of calling upon him by name, and reading to him the indictment, and demanding of him whether he be guilty or not guilty and entering his plea.

Assignment - A transfer by one person or corporation to a second person or corporation of the former's interest in property.

*Compiled with the assistance of Raymond McGuire, Professor of Law, University of Maine, School of Law, Portland, Maine.

Attachment - The process whereby, on the authority of a court, property is brought within the custody of the court.

Attestation - The act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness.

Bail (verb) - To procure release of a person from legal custody and assuming responsibility for his appearance in court or any designated place.

Bail (noun) - The surety or sureties who procure the release of a person under arrest by becoming responsible for his appearance at the time and place designated. Those persons who become sureties for the appearance of the defendant in court.

Bail Bond - A guarantee by a corporate surety that a person will appear at a designated time and place, and a promise to pay a sum of money fixed by the court if the appearance is not made.

Bail Commissioner - Officer appointed to take recognition of bail.

Bench Warrant - An order issued by the court "from the bench" for the arrest of a person.

Bill of Indictment - A formal written document accusing a person or persons named of having committed a felony or misdemeanor, lawfully laid before a grand jury for their action upon it.

Bound-over - The action whereby a lower court requires a person to appear for trial in a higher court after a probable cause hearing has been held in the lower court and probable cause has been found (see Probable cause).

Brief - A written document, summary or abstract of some larger document or of a series of papers, facts and circumstances or propositions.

Capias - A writ or order by the court directing an officer to take into custody the person named in the writ or order.

Certify - To testify in writing; to make known or establish as a fact.

Change of Venue - The removal of a suit begun in one county or district to another county or district for trial.

Charge - An accusatory allegation in legal form. A formal complaint, information or indictment.

Chattels - All property except real property; personal property.

Civil Action - A personal action which is instituted to compel payment or the doing of some other thing which is purely civil.

Commitment - The warrant or mittimus by which a court or magistrate directs an officer to take a person to prison. Authority for holding in prison one convicted of crime.

Complaint (civil) - The complaint is the first or initiatory pleading on the part of the plaintiff in a civil action.

Complaint (criminal) - A charge, preferred before a magistrate having jurisdiction, that a person named (or an unknown person) has committed a specific offense, with offer to prove the fact, to the end that a prosecution may be instituted.

Concurrent - At the same time, running together.

Consecutive - Successive; succeeding on another in regular order.

Contempt - Willful disobedience of the lawful order of a court or administrative tribunal; generally referring to an order other than one to pay a sum of money.

Contempt of Court - Any act which is calculated to embarrass, hinder, or obstruct court in administration of justice, or which is calculated to lessen its authority or its dignity.

Continuance - The adjournment or postponement of an action pending in a court, to a subsequent day of the same or another term.

Conviction - The result of a criminal trial which ends in a judgment or sentence that the prisoner is guilty as charged.

Costs - A pecuniary allowance, made to the successful party (and recoverable from the losing party) for his expenses in prosecuting or defending a suit, or a distinct proceeding within a suit.

Counterclaim - A claim presented by a defendant in opposition to or deduction from the claim of the plaintiff.

Cross-Claim - A claim by one party to an action against a co-party, as by defendant against co-defendant or (rarely) by plaintiff against co-plaintiff.

Cross-complaint - An action brought by a defendant in a suit against the plaintiff in that suit upon a cause of action arising out of the same transaction in controversy. Or an action by one party to a suit against a co-party to the suit arising out of the same transaction, as plaintiff against co-plaintiff or (more frequently) defendant against co-defendant.

Custody - As applied to parental rights over children, embraces the sum of such rights with respect to the rearing of a child, including its care. With respect to a person in custody implies that he is detained on authority or kept in charge or control of another in some sort of restraint, so that he is not free to come and go at will.

Damages - A pecuniary compensation or indemnity, which may be recovered in the courts by any person who has suffered loss, detriment or injury, whether to his person, property or rights, through the unlawful act or omission or negligence of another.

Declaration - An unsworn statement or narrative of facts made by a party to the transaction, or by one who has an interest in the existence of the facts recounted.

Declaratory Judgment - A judgment which establishes the legal scope of the rights and duties of the parties, without more, following a proceeding brought in advance of the occurrence of actual injury to those parties.

Decree - A term whose meaning parallels "judgment" in a civil case. The judgments of certain specialized tribunals (particularly courts of equity and of admiralty) are called "decrees."

Default - Omission, neglect or failure of any party to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement.

Default Judgment - A judgment rendered in favor of one party to a civil action based on the failure of the other party to enter an appearance and defend.

Deposition - The testimony of a witness taken upon interrogatories, not in open court, but in pursuance of a commission to take testimony issued by court, or under a general law on the subject, and reduced to writing and duly authenticated and intended to be used at trial of action in court.

Designation - An addition to a name, as of title, profession, trade or occupation, to distinguish the person from others.

Discovery - The disclosure by the defendant of facts, titles, documents or other things which are in his exclusive knowledge or possession, and which are necessary to the party seeking the discovery as a part of a cause of action pending or to be brought in another court, or as evidence of his rights or title in such proceeding.

Dismissal - An order disposing of an action by sending it out of court, though without trial of the issues involved. A dismissal may be so styled as to bar a new suit on the same grounds (Dismissal with Prejudice) or may be so styled as to permit a new suit on the same grounds (Dismissal without Prejudice).

Divorce - The legal separation of husband and wife effected, for cause, by the judgment of a court, and either dissolving the marriage relation or suspending its effects so far as concerns the cohabitation of the parties.

Docket - A book containing an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Domicile - That place where a man has his true, fixed, and permanent home and principal establishment and to which whenever he is absent he has the intention of returning.

Equity - A specialized body of jurisprudence chiefly specializing in fashioning a remedy for injustice where the payment of money damages will not prove to be adequate compensation.

Evidence - Any species of proof, or probative matter legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

Execution - An order directing an officer to fulfill the order of the court, either by imprisonment or release of an accused (in criminal cases), or by seizure of property to satisfy an order to pay money (in civil cases).

Exhibits - A paper, document or object produced and exhibited to a court during a trial or hearing, and on being accepted, is marked for identification or admitted in evidence.

Expert Witness - Person examined as a witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give his opinion as to such matter on account of his special training, skill, or familiarity with it.

Expunge - To blot out; to efface designedly; to obliterate; to strike out wholly.

Extradition - The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands the surrender.

Facsimile - An exact copy, preserving all the marks of the original.

Fee - A charge fixed by laws for service of public officers or for a privilege under government control. Also, the term by which many kinds of land ownership are known - particularly Fee Simple Absolute, ownership of 100% interest in land.

Findings - The result of the deliberations of a jury or court.

Fine - A sum of money paid at the end of a suit or prosecution. The fine is imposed upon a person(s) or corporation as a form of punishment.

Garnishment - A statutory proceeding whereby person's property, money, or credits in possession or under control of, or owing by, another are applied to payment of former's debt to a third person by proper statutory process against debtor and garnishee.

Grand Jury - A jury of inquiry who are summoned and returned by the sheriff to each session of the criminal courts, and whose duty is to receive complaints and accusations in criminal cases, hear the evidence presented on the part of the state, and find bills of indictment in cases where they are satisfied a trial ought to be had. They are first sworn and instructed by the court. This is called a "grand jury" because it comprises a greater number of jurors than the ordinary trial jury. In Maine the grand jury consists of not less than twelve nor more than twenty-three persons.

Guardian - A guardian is a person lawfully invested with the power and charged with the duty, of taking care of the person, and managing the property and rights of another person, who, for some peculiarity of status, or defect of age, understanding, or self-control, is considered incapable of administering his own affairs.

Guardian Ad Litem - A person appointed by a court of justice to prosecute or defend for an infant in a suit to which he may be a party.

Habeas Corpus - The proceeding which tests the legal validity of one person's detention of the person of another - particularly and most frequently used to test the validity of a criminal judgment leading to imprisonment.

Hearing - Proceeding of relative formality, generally public, with definite issues of fact or of law to be tried, in which parties proceeded against have a right to be heard.

Hearsay - A term applied to that species of testimony given by a witness who relates, not what he knows personally, but what others have told him, or what he has heard said.

Incompetent Person - The phrase "incompetent person," "incompetent" or "mentally incompetent" shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

Indeterminate - That which is uncertain, or not particularly designated.

Indictment - An accusation in writing found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a public offense, punishable on indictment.

Indigent - Poor or needy.

Information - An accusation in the nature of an indictment from which it differs only in being presented by a competent public officer on his oath of office, instead of a grand jury on their oath.

Interrogatories - A series of written questions directed by a party to a suit to a different party or to a potential witness, which questions seek out potential evidence and call for written answers.

Joinder - The unification of two or more parties (joinder of parties) or of two or more demands for judicial action (joinder of causes) for legal action in a single proceeding.

Judgment - In civil cases, a judgment is a final determination of the rights and duties of the parties. In a criminal case, a judgment is the determination of guilt or innocence of the accused.

Jurisdiction - The competency of a particular court to hear a particular matter, measured by the kind of action involved, the subject matter of the action, the parties involved, or the like.

Jury - A certain number of men selected according to law, and sworn to inquire of certain matters of fact and declare the truth upon evidence to be laid before them.

Lien - A charge or security or incumbrance upon property.

Lis Pendens - A pending suit; jurisdiction, power or control which courts acquire over property in suit pending action and until final judgment.

Mandamus - This is the name of a writ which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official or administrative duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived.

Minor - An infant or person who is under the age of legal competence (under 21 years of age).

Misdemeanor - Offenses lower than felonies and generally those punishable by fine or imprisonment otherwise than in penitentiary.

Mittimus (criminal) - The name of a precept in writing, issuing from a court or magistrate, directed to the sheriff or other officer, commanding him to convey to the prison the person named therein, and to the jailor, commanding him to receive and safely keep such person until he shall be delivered by due course of law.

Motion - A written or oral request to a court for a ruling of law during the course of legal proceedings.

Negligence - The omission to do something which a reasonable man, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent man would not do.

New Trial - A re-examination of an issue of fact in the same court after a trial and decision by a jury or court.

Nolo contendere - A plea in a criminal action having same legal effect as a plea of guilty for purposes of instant case, but may not be used as admission elsewhere.

Notice - Legal Notice. Such notification as is legally deemed reasonable to apprise the person to whom it is addressed of the initiation of legal proceedings against him or of some matter relating to legal proceedings to which he is a party.

Notice of lis pendens - A notice filed for the purpose of warning all persons that the title to certain property is in litigation, and that, if they purchase the defendant's claim to the same, they are in danger of being bound by an adverse judgment.

Nullity of Marriage - The entire invalidity of a supposed, pretended, or attempted marriage, by reason of relationship or incapacity of the parties.

Oath - Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.

Pardon - An act of grace, proceeding from the power intrusted with the execution of laws which exempt an individual on whom it is bestowed, from the punishment the law inflicts for the crime he has committed.

Parole - A conditional release from a sentence to county jail or state prison; if prisoner makes good, he will receive an absolute discharge from balance of sentence, but if he does not, he will be returned to serve unexpired time.

Parties - The persons who take part in the performance of an act, or who are directly interested in any affair, contract, or conveyance, or who are actively concerned in the prosecution or defense of any legal proceeding.

Partnership - A voluntary contract between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them.

Peremptory Challenges - A challenge to a potential juror by a party to a case whereby that potential juror is not permitted to take his place on the jury. The challenging party need show no reason for exercise of his right to challenge a potential juror peremptorily.

Petition - A written application to the court requesting the court to exercise its authority in the redress of some wrong or requesting from the court some favor, privilege or license.

Plaintiff - A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

Plea - The first pleading on part of defendant; the answer which defendant makes to the plaintiff's declaration.

Pleadings - The formal allegations by the parties of their respective claims and defenses for the judgment of the court.

Polling the Jury - A practice whereby the jurors are asked individually whether they assented, and still assent to the verdict.

Preliminary Hearing - Hearing by judge or magistrate given a person accused of crime to ascertain whether there is sufficient evidence to require the person to stand trial on the charge.

Pre-sentence Report - Following a criminal judgment of guilt, a trial court may in advance of passing a sentence, require of the proper government officials a Presentence Report to inform the court of those facts (beyond guilt of the particular crime) which may properly influence a sentencing decision.

Probable Cause - An apparent state of facts found to exist upon reasonable inquiry which would induce a reasonably intelligent and prudent man to believe, in a criminal case. That the accused person had committed the crime charged, or, in a civil case, that a cause of action existed.

Probation - Allowing a person convicted of some minor offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision of a probation office.

Proceeding - The name given the whole of the judicial business relating to a given case or controversy before a court.

Process - This word is generally defined to be the means of compelling the defendant in an action to appear in court; or a means whereby a court compels a compliance with its demands.

Real Property (Realty) - Land and structures erected on land and so attached to the land as to become part of it.

Reciprocal Support - The process by which a husband or wife pays alimony through the court.

Recognizance - An obligation of record, entered into before some court of record, or magistrate duly authorized, with condition to do some particular act; as to appear at assizes, or criminal court, to keep the peace, to pay a debt, or the like.

Record - A written account of some act, transaction or action, drawn up under authority of law, by a proper officer, and designed to remain as permanent evidence of the matters to which it relates.

Remand - The act of a higher court, after an appeal, in sending a case back to a lower court for action consistent with the decision and order of the higher court.

Removal - In a broad sense, the transfer of a person or thing from one place to another. More specifically, in law it means the transfer of a cause from one court to another; transfer of the jurisdiction and cognizance of an action commenced, but not finally determined, with all further proceedings therein, from one trial court to another trial court.

Remedy - The relief given by a court to secure to an injured party his rights.

Replevin - A personal action brought by one person to recover possession of property unlawfully held by another.

Sentence - The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution, formally declaring to the defendant the legal consequences of his conviction. In civil cases the terms judgment, decision, award or finding are used.

Service - The delivery of a writ, notice, injunction, etc. by an authorized person, or in some instances by certified mail, officially notifying that person of some action or proceeding in which he is concerned.

Show Cause - An order, decree, execution to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed or as the case may be.

Stipulation - An agreement between counsel respecting business before the court.

Subpoena duces tecum - The process by which the attendance of a witness is required. It is a writ or order directed to a person and requiring his attendance at a particular time and place as a witness. Duces Tecum may also require him to bring books, documents, etc.

Summary Judgment - A judgment rendered on the basis of the pleadings and, if any, affidavits of the parties where an examination of the pleadings and affidavits reveals that there is no dispute regarding the facts material to the case.

Summons - An order directing an officer to notify the person named in the order of the commencement of an action against that person and of the duty of the person named to appear in court on a day specified and answer the complaint of the party initiating the action.

Surety - One who binds himself for the payment of a sum of money, or for the performance of some duty or promise for another.

Suspended sentence - Following the imposition of sentence in a criminal case, the court may suspend Execution of the sentence and release the accused conditionally, subject to good behavior, for a fixed time. If during that time the accused is again convicted of crime or otherwise violates the conditions governing suspension of sentence, the court may order Execution of the sentence at that time.

Title - Legal recognition of the ownership of property, perhaps evidenced by a document having legal force.

Transcript - An official copy of certain proceedings in a court.

Transfer - The removal of a cause from the jurisdiction of one court or judge to another by lawful authority.

Traverse Jury - A trial jury; a jury impaneled to try an action or prosecution, as distinguished from a grand jury.

True Bill - The endorsement by a grand jury upon a bill of indictment, when they find it sustained by the evidence and are satisfied with the truth of the accusation.

Trustee - A person appointed, or required by law to execute a trust; one in whom an estate, interest or power is vested, under an express or implied agreement to administer or exercise it for the benefit or to the use of another.

Venue - Venue defines the proper court in which an action is to be brought, usually by reference to the locale in which the conduct complained of is claimed to have taken place.

Verdict - The formal decision or finding made by a jury, impaneled or sworn for the trial of a cause, and reported to the court (and accepted by it) upon the matters and questions duly submitted to them upon the trial.

Waiver - The voluntary relinquishment of a known right.

Ward - A person, especially an infant, placed by authority of law under the care of a guardian.

Warrant - A written order issued and signed by a magistrate, directed to a peace officer or some other person specially named, and commanding him to arrest the body of a person named in it, who is accused of an offense.

Writ - A written document from a court to a person directing certain action of that person. A writ may issue either to commence an action or as an incident to an ongoing action, generally at the request of a party to the action under way or to be initiated.

END