

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

In Re: _____
Minor Child

JURISDICTIONAL AFFIDAVIT

Pursuant to 4 M.R.S. §152(5-A) and, §251-A, in order for the Probate Court to accept for filing a petition for parentage, guardianship of minor(s), termination of a guardianship of minor(s), adoption of minor child(ren), establishment of parental rights and responsibilities, termination of parental rights and/or a petition for name change of minor child(ren), Maine's Probate Courts must first determine: 1) whether there are any pending cases involving the child or children in any of Maine's District Courts; 2) whether a case involving the child or children has ever been transferred from a Probate Court to a District Court; 3) although there is no pending case in Maine District Court, whether the District Court has previously exercised jurisdiction over any guardianship, adoption, or minor name change case; and 4) whether the child was the subject of an order issued by Maine District Court that: a) terminated parental rights; b) appointed a guardian; c) awarded parental rights to a third party; or d) granted an adoption.

In order to assist the Probate Court in determining whether it has jurisdiction, you must provide the following information.

1. Name, date of birth, and address of minor child(ren): _____

2. Name, date of birth, address and telephone number of child(ren)'s first legal parent: _____

3. Name, date of birth, address and telephone number of child(ren)'s second legal parent: _____

4. Name, date of birth, address and telephone number of child(ren)'s guardian: _____

5. Name, date of birth, address and telephone number of Petitioner(s): _____

6. Relationship of Petitioner(s) to child(ren): _____

7. I, _____, state under oath, that I know of no guardianship, adoption, name change, divorce, family matter, parentage, termination of parental rights, and/or child protective custody case concerning the child(ren), or juvenile care that is currently pending before any Maine District Court.

8. I, _____, state under oath, that I know of no guardianship, adoption, name change, or other matter brought under the Maine Uniform Probate Code concerning the child(ren) that is currently pending before any Maine Probate Court.

9. I, _____, state under oath, that I know of no proceeding involving custody or other parental rights case concerning the child(ren) that is currently pending before any court of another State.

10. I, _____, state under oath, that I know of no guardianship, adoption, or name change case concerning the child(ren) that was transferred from any Probate Court to the District Court.

In order to determine whether there are any such pending or transferred cases, I have (check all that apply):

- Asked the child(ren)'s first legal parent, who told me there is no case pending, and no case ever transferred.
- Asked the child(ren)'s guardian or caregiver, who told me there is no case pending, and no case ever transferred.
- Asked the child(ren)'s second legal parent, who told me there is no case pending, and no case ever transferred.
- Checked with the Register of the _____ Probate Court, who told me there is no case concerning the child(ren) pending in that court, and no case ever transferred.
- Checked with the clerk of the _____ District Court, who told me there is no case concerning the child(ren) pending in that court, and no case ever transferred.
- Checked with the _____ District Court clerk who told me there has been one or more cases in District Court relating to parental rights termination, award of parental rights to a third party, guardianship, and/or adoption, and that case docket number is _____ and District Court case name is _____

11. I, _____, state under oath, that there has been a judgment or order issued by the _____ District Court that currently affects the care and custody of the child(ren) and the parental rights of the parents, but there is no open or pending case concerning the child(ren) in that court. A copy of that order is attached.

I understand that, if I give false information on this form, I may be subject to a determination that I am in contempt of court, and I may be sanctioned for that contempt.

I understand that, if the Probate Court learns, at any time, that there is a case concerning the child(ren) pending in one of the Maine District Courts, or concerning issues that fall under District Court jurisdiction, the case initiated by this petition may be immediately transferred to that court.

Petitioner Signature

Date

STATE OF MAINE
COUNTY OF _____

_____, the Petitioner, personally appeared and made oath that the foregoing is true to the best of Petitioner's knowledge, information and belief and, to the extent it is based upon Petitioner's information and belief, that Petitioner believes the same to be true.

Dated: _____ Notary Public: _____