



Divorcing in Maine

Legal Issues

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LEGAL ISSUES

Introduction

1. Legal grounds for divorce: No Fault Divorce in Maine
2. Does it matter who files first?
3. What has to be addressed in a divorce proceeding?
 1. Property and debt division (marital vs. non-marital)
 2. Spousal support and child support
 3. Primary residency/visitation
 4. Parental Rights & Responsibilities



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Court Procedures

Steps in a Divorce Proceeding:

1. Preliminary Injunction with service
2. Case Management Conference (with kids)/Status Conference (without kids)
3. Mediation (private or court alternative dispute resolution)
4. Status Conferences
5. Judicial Settlement Conferences
6. Trials
7. Post-Judgment Motions

How long does the divorce
process take?



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Discovery

Discovery is the legal process of obtaining information from the opposing party.

Methods of Discovery:

- A. Financial Statements (M.R.Civ.P. 108(c))
- B. Request for Interrogatories/Request for Production of Documents
- C. Subpoenas
- D. Depositions

What types of documents?

“a party may obtain discovery on issues of spousal and child support, counsel and guardian ad litem fees, and disposition of property and debt as in any other civil actions.”



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Temporary/Interim Orders

Temporary Orders Pending Divorce/Interim Orders:

1. What happens while the divorce is pending?
 1. Where do kids live? When does the other parent see them?
 2. Who pays on-going bills?
 3. Spousal support and child support orders for financial needs
 4. Possible pre-division of marital assets and bank accounts, if necessary
 5. Attorney's fees?
2. When and how can you request these orders?

What if I need immediate help for safety?

1. Protection from Abuse Orders— different process, but can have some overlap



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Overview of Legal Concepts

BEST INTEREST OF THE CHILD: 19-A M.R.S.A §1653(3)

- Physical “primary” residency
- Decision-Making - major decisions- school, religion, sports, etc.
- Child/Parent Contact Schedule
- Modification of contact schedules
- How disputes are handled

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CHILD SUPPORT

Child Support Guidelines

- Child Support guidelines
- When child support ends
- What child support covers
- How other expenses of children are handled (extracurriculars, etc.)
- How to modify child support and when
- Tax-related issues

MAINE Schedule of Basic Child Support Obligation This table is for children ages 0 - 18. *						
* Or up to 19 years old if the child is still in secondary school. Self Support Reserve (shaded area)						
Parents' Combined Annual Gross Income	Number of Children					
	1	2	3	4	5	6
	10% when below poverty guideline					
\$12,600	28	15	11	9	8	7
\$13,200	32	17	12	10	9	8
\$13,800	42	21	15	12	11	9
\$14,400	52	26	18	15	13	11
\$15,000	62	31	22	17	15	13
\$15,600	68	35	25	19	17	15
\$16,200	72	40	28	23	19	16
\$16,800	74	45	31	25	21	18
\$17,400	76	50	35	27	22	19
\$18,000	79	54	38	29	24	21
\$18,600	81	57	42	32	26	Text 22
\$19,200	83	60	44	34	28	24
\$19,800	84	62	47	36	29	25
\$20,400	86	63	49	37	31	27
\$21,000	88	65	51	39	33	29
\$21,600	90	66	52	42	35	30
\$22,200	93	67	53	44	37	32
\$22,800	95	69	54	45	38	34
\$23,400	96	70	55	46	40	35
\$24,000	98	72	57	47	41	36
\$24,600	100	73	58	48	42	38
\$25,200	102	75	59	49	43	39
\$25,800	104	76	60	49	44	39
\$26,400	106	77	61	50	44	40
\$27,000	108	79	62	51	45	41
\$27,600	110	80	63	52	46	41
\$28,200	112	81	64	53	47	42
\$28,800	114	83	65	54	48	43
\$29,400	116	84	67	55	49	44
\$30,000	118	86	68	56	50	45
\$30,600	120	87	69	57	50	46
\$31,200	123	89	70	58	51	47

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SPOUSAL SUPPORT

1. Who qualifies to receive spousal support?
2. How long does the spousal support award last?
3. How can spousal support be modified?
4. Can wages be garnished?
5. How is spousal support taxed?
6. What happens if someone is willfully unemployed or underemployed?

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SPOUSAL SUPPORT CONTINUED...

19-A M.R.S.A. § 951-A

lists the factors that the court considers

See Handout

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Health Insurance

1. Effect of the Preliminary Injunction of Health Insurance coverage
2. Can existing health insurance coverage continue after the divorce is finalized?
3. What options do uninsured individuals have if they previously were covered by spouse?
 1. COBRA (Consolidated Omnibus Budget Reconciliation Act)
 2. Employer sponsored plans
 3. Health Insurance Marketplace <https://www.coverme.gov/>
4. Who covers the kids?

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Property Division

First question: Is this property marital or non-marital?

1. Personal Property (tangible objects, furnishings, etc.)
2. Real Estate (marital home, investment properties, rental properties, etc.)
3. Retirement/Pension accounts (401K, IRA, 403(b))
4. Debt (mortgage, car loans, credit cards, personal loans)
 1. What about student loans?
5. Businesses (valuation)

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How is property divided?

“EQUITABLE DISTRIBUTION”



LEGAL ISSUES

CHOOSING AN ATTORNEY

YOUR GOAL SHOULD BE FINDING SOMEONE YOU TRUST & ARE COMFORTABLE WITH

1. Ask friends, other professionals you work with, etc. for recommendations
2. Ask about free consultations or phone meetings
3. At your initial consultation, go prepared with questions and basic information about your property
4. Interview multiple attorneys, if possible
5. After hiring, maintain communication with your attorney!

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Attorney's Fees

Payment of Attorney's Fees:

1. How much is a typical retainer and hourly rates?
2. Who pays for these fees?
3. Can the other party pay for my attorney's fees?
4. Can you use marital property to pay for attorney's fees?
5. If you borrow to pay an attorney, who is responsible for the debt?

LEGAL ISSUES

Resources

Pine Tree Legal Assistance: www.ptla.org

Maine Court Forms: www.courts.maine.gov

