

SAMPLE

STATE OF MAINE

DISTRICT COURT

District of _____

Docket No. _____

In Re Child's first and last name)
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CHILD PROTECTION PETITION

Pursuant to 22 MRSA §4032, Friend #1, Friend #2, and Friend #3, bring this petition and in support thereof state the following:

1. CHILD

_____ is the son/daughter of _____ and _____, and was born on _____ in _____ (town, State).

2. CHILD'S RESIDENCE

_____ currently resides at _____.

3. PETITIONERS

The Petitioners' names, addresses, and relationship to the child are as follows:

- a. Friend #1, Address, relationship (e.g., is his girlfriend's mother, and has come to know John during the four months of the relationship between him and her daughter).
- b. Friend #2, Address, relationship (e.g., is the live-in partner of Ms. #1, and has come to know John through his periodic presence at the #1 home)
- c. Friend #3, Address, Relationship (e.g., is the sister of Friend #1, and has come to know John through his relationship with Friend #1's niece)

4. PARENTS

_____ 's mother resides at _____.

_____ 's father resides at _____.

The legal custodian for _____ is _____, who resides at _____.

5. SUMMARY OF FACTS PETITIONERS BELIEVE CONSTITUTES JEOPARDY TO THE CHILD'S HEALTH OR WELFARE
[Sample allegations below]

- a. On July 23, 2005, John fled from his parents home in _____, Maine and took refuge at the residence of _____, Friend #1, and her Mother's partner, Friend #2, in _____, Maine.
- b. Since that time John has been staying with different friends, and occasionally on the street.
- c. John's parents have indicated that they do not want him in their home, and that he is a runaway.
- d. John is frequently without adequate food, clothing, or shelter, and health care, and is at risk of exploitation by the adults he encounters on the street and in his various living situations.

6. REASONABLE EFFORTS TO PREVENT REMOVAL OF THE CHILDREN FROM THE HOME

- a. **[Put any contacts with DHHS here.** For example "After his arrival at Jane's House on July 26, 2005, a report was filed with DHHS. A DHHS worker has yet to contact John."]
- b. **[Describe here any other efforts to get services or other services that are in place.]**

7. NOTICE REGARDING PARENTAL RIGHTS

Failure to appear at court hearing or court conferences regarding this matter may be determined to indicate an intent to abandon your child pursuant to 22 MRSA §4002(1-A). A finding of abandonment may be the basis for removal of a child from your custody and may ultimately lead to termination of your parental rights.

These proceedings could eventually lead to the termination of your parental rights under 22 MRSA §4051-4057.

WHEREFORE the Petitioner requests:

- 1. That the Court fix a time for hearing on this petition, and order notice of the hearing to the parents and custodians of the child, the guardian *ad litem* for the child, and other parties named in the petition.
- 2. That, pursuant to 22 MRSA §4005, the Court appoint a guardian *ad litem* for the child.
- 3. That, after an adjudicatory hearing and finding of jeopardy to the child’s health or welfare and after dispositional hearing, the Court issue a final protection order pursuant to 22 MRSA §4035 and §4036, specifically order that:

[List what you are asking the court to order; examples at page 3-4 above]

- a.
- b.
- c.
- 4. That, if the child is removed from the custody of a parent, the Court order each parent to pay a reasonable amount of child support.

Respectfully submitted by
[Signatures must be notarized.]

Friend #1
Address
Phone number

Subscribed and sworn to before me on _____

Notary Public/Attorney

Friend #2
Address
Phone number

Subscribed and sworn to before me on _____

Notary Public/Attorney

Friend #3
Address
Phone number

Subscribed and sworn to before me on _____

Notary Public/Attorney

NOTICE OF HEARING

A hearing on the foregoing Petition is ordered at the Maine District Court,

(Address of the Court) _____ in the County of _____ on

(Date) _____, at _____ a.m./p.m., and it is further ordered that the parents
and guardian *ad litem* for the child be notified of these proceedings at least 10 days prior to the
hearing date in accordance with M.R. Civ. P. 4 so that they may appear and be heard.

Dated _____, at _____, Maine

Clerk of the Maine District Court

NOTICE TO PARENTS AND CUSTODIANS REGARDING LEGAL COUNSEL

You are entitled to legal counsel in these proceedings. If you want an attorney but are
unable to afford one, you should contact the clerk of the Maine District Court at _____ (Telephone
number and address of Court) _____ as soon as possible to request appointed counsel.

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AFFIDAVIT OF FRIEND #1

I HEREBY DECLARE under the penalties of perjury that the following is true and correct: **[After alleging name, age and address, describe the situation in own words, using numbered sentences or paragraphs. Giving specific examples that support your belief that the child is in jeopardy, requiring the court action.]**

1. My name is Friend #1, I am over 18 years of age and competent to testify in this matter.
2. I live at _____ .
3. I know **[name of child]** because _____
4. For the last _____ months I have tried to assist **[name of child]**.
5. During this time I have seen _____
6. On one particular occasion, _____
7. _____
8. _____

[signature]
Friend #1

Date

Subscribed and sworn to before me on _____

Notary Public/Attorney

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AFFIDAVIT OF FRIEND #2

I HEREBY DECLARE under the penalties of perjury that the following is true and correct: **[After alleging name, age and address, describe the situation in own words, using numbered sentences or paragraphs. Giving specific examples that support your belief that the child is in jeopardy, requiring the court action.]**

- 9. My name is Friend #2, I am over 18 years of age and competent to testify in this matter.
- 10. I live at _____.
- 11. I know **[name of child]** because _____
- 12. For the last _____ months I have tried to assist **[name of child]**.
- 13. During this time I have seen _____
- 14. On one particular occasion, _____
- 15. _____
- 16. _____

 [signature]
Friend #2

Date

Subscribed and sworn to before me on _____

Notary Public/Attorney

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AFFIDAVIT OF FRIEND #3

I HEREBY DECLARE under the penalties of perjury that the following is true and correct: **[After alleging name, age and address, describe the situation in own words, using numbered sentences or paragraphs. Giving specific examples that support your belief that the child is in jeopardy, requiring the court action.]**

- 17. My name is Friend #3, I am over 18 years of age and competent to testify in this matter.
- 18. I live at _____ .
- 19. I know **[name of child]** because _____
- 20. For the last _____ months I have tried to assist **[name of child]**.
- 21. During this time I have seen _____
- 22. On one particular occasion, _____
- 23. _____
- 24. _____

 [signature]
Friend #3

Date

Subscribed and sworn to before me on _____

Notary Public/Attorney

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) ACKNOWLEDGMENT OF

) RECEIPT OF CHILD PROTECTION

) PETITION

)

NOTICE

Please sign the acknowledgment below and return this form in the enclosed self-addressed stamped envelop so it will be received by the sender within 20 days from the day it was mailed to you. If you do not do this, you may be required by the Court to pay for the cost of serving the Petition on you.

(Keep one copy of this form and the copy of the Child Protection Petition for your records.)

STATEMENT

By signing, dating and returning this form, I state that I received a copy of the enclosed Child Protection Petition.

I understand that if I do not appear at all court conferences and hearings, then a judgment may be entered against me in my absence, and Petitioners may request that other orders be entered against me.

Date: _____

Signature

Address: _____

Phone: (_____) _____

You are responsible for notifying the Court Clerk of my changes to your address and telephone number.

If you do not inform the Clerk of any changes to either your address or telephone number, it may not be possible for you to get notice of any court conferences or hearings.