

STATE OF MAINE
DISTRICT COURT
PROPOSED STANDING ORDER CONCERNING ASSIGNMENT OF ACTIONS TO FAMILY LAW
MAGISTRATES

Effective _____, 2016

Pursuant to 4 M.R.S. § 183(1)(D)(5), the Chief Judge of the District Court is authorized to grant permission to Family Law Magistrates to hear and dispose of matters other than those listed in 4 M.R.S. § 183(1)(D) (1) through (4-B).

In order to create a consistent state-wide process that is “responsive to the needs of families and the support of their children,” 4 M.R.S. § 183, and to recognize the expanded jurisdiction granted to the District Court by the Home Court Act, the Chief Judge of the District Court has determined to authorize all Family Law Magistrates to

- A. Exercise all such authority as is conferred in M.R. Civ. P. 110A(a) in all guardianship cases and name-change cases pending in the District Court; and
- B. Hear and decide final contested hearings in parental rights and responsibilities actions, in divorce actions with children, in guardianship actions, and in actions requesting name changes, including actions to amend or enforce judgments issued in such actions, so long as all of the following conditions are met:
 - 1) All parties consent to the magistrate hearing the case;
 - 2) The only remaining issues in dispute involve children’s issues and at least one of those issues involves child support; and
 - 3) The Magistrate determines that the contested hearing can be completed within 3 hours and can be accommodated in the Magistrate’s schedule.

NOW, THEREFORE, it is ORDERED as follows:

1. Family Law Magistrates are permitted to exercise all authority described in Rule 110A(a) of the Maine Rules of Civil Procedure with regards to all guardianship and name-change cases pending in the District Court; and
2. Family Law Magistrates may hear and decide final contested hearings in a parental rights and responsibilities action, in a divorce action with children, in a guardianship action and in an action requesting a name-change, including an action to amend or enforce a judgment issued in such action, so long as all of the following conditions are met:
 - (a) All parties consent to the magistrate hearing the case;

- (b) The only remaining issues in dispute involve children's issues and at least one of those issues involves child support; and
- (c) The Magistrate determines that the contested hearing can be completed within 3 hours and can be accommodated in the Magistrate's schedule.
3. The parties must request that a Family Law Magistrate hear and dispose of their contested, final proceeding by filing a form request. The form to be used is attached hereto as Form A, and only when Form A has been signed by all parties is a Family Law Magistrate authorized to hear a contested, final hearing.
4. All objections to final orders issued by a Family Law Magistrate pursuant to this Standing Order shall be governed by M.R. Civ. P. 118.

Dated: _____

Charles LaVerdiere, Chief Judge,
Maine District Court

FORM A
Standing Order of _____ 2016

STATE OF MAINE

District Court

Location _____

Docket No. _____

v.

FINAL HEARING REQUEST FORM

The undersigned parties request a final hearing on all contested issues before a Family Law Magistrate.

We certify that all remaining issues in dispute can be heard in ____ hours or less (No more than three hours)

The issues in dispute are shown:

On the Mediation Report dated: _____

On the Pre-Trial/Status Conference Order Form dated: _____

We understand that we have the right to have a contested hearing before a judge. We also understand the final order issued by the Family Law Magistrate will be subject to objection and review only if one of us files an objection in the District Court within 21 days after the entry of the order, pursuant to M.R. Civ. P. 118. We also understand that the order may ultimately be subject to appellate review in the same manner as any final order issued by a District Court Judge.

Date: _____

Plaintiff

Defendant

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This form must be signed by all parties and submitted to the clerk or the Family Law Magistrate. DO NOT SUBMIT THIS FORM UNLESS IT IS SIGNED BY ALL PARTIES.