

## **RULE 120. POST-JUDGMENT RELIEF**

(a) Except as otherwise provided in Title 19-A, any proceedings for modification or enforcement of a final judgment in an action under this chapter shall be on a motion for post-judgment relief. The motion shall be served in accordance with Rule 103. A motion made in response to a motion filed by a party represented by an attorney may be served upon the attorney in accordance with Rule 5.

A motion, any response, and any opposing motion or memorandum shall be accompanied, as appropriate, by the child support affidavits if required by Rule 108.

A motion for contempt may also be brought pursuant to Rule 66. After a hearing on a motion for contempt and a finding of contempt, in addition to other relief, a court may determine that an order amending a judgment or order is necessary to achieve the purposes of the judgment or order that is the subject of the motion for contempt.

Post-judgment motions filed in an action under this chapter must be accompanied by a properly completed Summary Sheet, which is available from the clerk.

(b) The court shall hold a hearing on a motion for post-judgment relief, unless (1) the parties certify to the court that there is a stipulated judgment or amendment and no hearing is necessary, or (2) there is no timely request for a hearing on a motion to modify child support and entry of an order without hearing is authorized by 19-A M.R.S. § 2009(6).

(c) Upon motion of a party made within 5 days after notice of a decision under these rules, or upon the court's own motion, the justice or judge who has entered an order on a motion for post-judgment relief shall make findings of fact and conclusions of law in accordance with Rule 52.

### **Advisory Note - July 2016**

The change of numbering in Rule 120(b) was made to improve the readability of the rule.

**Advisory Committee's Note**  
**July 1, 2009**

This amendment clarifies that post-judgment motions to modify child support may be acted on without hearing when there is no request for a hearing filed within 30 days pursuant to M.R. Civ. P. 105(a) and other conditions of 19-A M.R.S. § 2009(6) requiring that such “without hearing” orders include a child support obligation equal to or greater than specified in the child support guidelines are met. The terms of 19-A M.R.S. § 2009(6) in effect at the time of this rule change state that:

**6. Order without hearing.** If a party does not request a hearing within 30 days after service, the court may enter an order modifying support without hearing using the proposed order, as long as the proposed modified support obligation is equal to or greater than the obligation resulting from the application of section 2005. If a downward deviation is proposed, the court shall hold a hearing prior to entering an order. The court may apply the presumptions set out in section 2004, subsection 1, paragraph D.

**Advisory Notes**  
**June 2008**

This rule establishes the procedures for filing post-judgment motions seeking to amend or enforce Family Division orders and judgments that have become final by operation of law. The rule incorporates the provisions of Rule 80(k) but with a qualification noting that enforcement of judgments may also be initiated by a contempt motion pursuant to Rule 66. Service is governed by Rule 103. Responses to motions for post-judgment relief are governed by Rule 105. The filing of a memorandum in support of or opposition to a post-judgment motion is not required.

To avoid multiple appearances by the parties, appearances before two judicial officers for the same issue, and filing of multiple motions, a judge who hears a motion for contempt and finds contempt may consider any orders or amendments of orders necessary to achieve the purposes of the underlying judgment or order. *See* Rule 66(d)(3).

