

MAINE STATE LEGISLATURE

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2003

L.D. 741

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 547, L.D. 741, Bill, "An Act To Expand the Powers and Authority of Case Management Officers in the Family Division"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 4 MRSA §183, sub-§1, ¶D, as enacted by PL 1997, c. 269, §1 and affected by §2, is amended to read:

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer;

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2 (3) Final orders in any of the matters included in
subparagraphs (1) and (2) when the proceeding is
4 uncontested;

6 (4) Final orders in a contested proceeding when child
support is the only contested issue; and

8
10 (4-A) Applications for writs of habeas corpus to
facilitate the attendance of proceedings by and return
of a party who is incarcerated;

12
14 (4-B) Requests for access to confidential Department
of Human Services child protective records in
accordance with Title 22, section 4008. The family
16 case management officer may review records in camera to
determine whether to grant access; and

18
20 (5) Other actions assigned by the Chief Judge of the
District Court.

22 **Sec. 2. 4 MRSA §183, sub-§1, ¶F** is enacted to read:

24 F. A family case management officer has the power to impose
punitive and remedial sanctions in a summary proceeding for
26 contempt occurring in the actual presence of the family case
management officer and seen or heard by the family case
28 management officer. The Maine Rules of Civil Procedure
relating to summary contempt proceedings apply to a family
30 case management officer exercising the contempt power under
this paragraph.'

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34 **SUMMARY**

36 This amendment replaces the bill, but retains 3 of the
central proposals of the bill.

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40 This amendment gives the family case management officers the
power to issue writs of habeas corpus for the attendance at
proceedings by parties that are incarcerated.

42

44 This amendment also gives the family case management
officers the authority to issue orders to provide access to
confidential information in the custody of the Department of
46 Human Services.

48

50 This amendment also gives family case management officers
the power to respond to contempt occurring in the presence of the
family case management officer, which the family case management

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2 officer either saw or heard. The sanctions may be punitive or
remedial, and must be imposed through a summary proceeding, which
4 is governed by the Maine Rules of Civil Procedure. A person upon
whom a sanction is imposed may seek appellate review as provided
by the Maine Rules of Criminal Procedure.

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