

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1842

S.P. 725

In Senate, April 30, 2025

### An Act to Establish Stepparent Visitation Rights

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.  
Cosponsored by Representative CLOUTIER of Lewiston and  
Representative: MCCABE of Lewiston.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 19-A MRSA c. 59, headnote** is amended to read:

3 **CHAPTER 59**

4 **VISITATION RIGHTS OF GRANDPARENTS ~~AND~~ GREAT-GRANDPARENTS**  
5 **AND STEPPARENTS**

6 **Sec. 2. 19-A MRSA §1801, first ¶**, as amended by PL 2019, c. 197, §1, is further  
7 amended to read:

8 This chapter is known and may be cited as the "Grandparents ~~and~~ Great-grandparents  
9 and Stepparents Visitation Act."

10 **Sec. 3. 19-A MRSA §1802, sub-§1-A** is enacted to read:

11 **1-A. Stepparent.** "Stepparent" means a person who is married to a parent of a child  
12 but who is not the child's biological or adoptive parent.

13 **Sec. 4. 19-A MRSA §1802, sub-§2**, as enacted by PL 2017, c. 328, §1, is amended  
14 to read:

15 **2. Sufficient existing relationship.** "Sufficient existing relationship" means a  
16 relationship involving extraordinary contact between a grandparent or stepparent and a  
17 child, including but not limited to circumstances in which the grandparent or stepparent has  
18 been a primary caregiver and ~~eustodian~~ legal guardian of the child for a significant period  
19 of time.

20 **Sec. 5. 19-A MRSA §1804, first ¶**, as amended by PL 2017, c. 328, §5, is further  
21 amended to read:

22 The court may refer the parties to mediation at any time after a court determination  
23 pursuant to section 1803, subsection 2, paragraph C that the grandparent or stepparent has  
24 standing and may require that the parties have made a good faith effort to mediate the issue  
25 before holding a hearing. If the court finds that either party failed to make a good faith  
26 effort to mediate, the court may order the parties to submit to mediation, dismiss the action  
27 or any part of the action, render a decision or judgment by default, assess attorney's fees  
28 and costs or impose any other sanction that is appropriate in the circumstances. The court  
29 may also impose an appropriate sanction upon a party's failure without good cause to  
30 appear for mediation after receiving notice of the scheduled time for mediation.

31 **Sec. 6. 19-A MRSA §1806, first ¶**, as corrected by RR 2021, c. 2, Pt. A, §39, is  
32 amended to read:

33 This chapter does not limit a grandparent's or stepparent's ability to file any action not  
34 governed by the provisions of this chapter with respect to a child, including but not limited  
35 to an action to establish de facto parentage of a child under section 1891, an action for  
36 guardianship of a child under Title 18-C, Article 5 and a child protection petition under  
37 Title 22, section 4032, subsection 1, paragraph C.

38 **Sec. 7. 19-A MRSA §1807** is enacted to read:

1       **§1807. Petition to assert stepparent visitation rights**

2       **1. Standing to seek stepparent visitation rights.** A stepparent of a child has standing  
3       to initiate and maintain an action for reasonable rights of visitation or action if:

4           A. The parent of the child to whom the stepparent was married is deceased;

5           B. The child's parent and the stepparent are divorced or are in the process of seeking a  
6           divorce;

7           C. The whereabouts of the child's parent to whom the stepparent is married are  
8           unknown;

9           D. The court of another state has ordered the visitation between the child and the  
10          stepparent;

11          E. The child and stepparent maintained a sufficient relationship for a substantial period  
12          of time preceding severance or severe reduction of contact and the contact was severed  
13          or severely reduced by the child's parent or legal guardian for reasons other than abuse  
14          or presence of danger of substantial mental, emotional or physical harm to the child,  
15          and severance or severe reduction of this contact is likely to cause substantial mental,  
16          emotional or physical harm to the child; or

17          F. There has been an unreasonable denial of visitation by the child's parent or legal  
18          guardian and the denial has caused the child severe mental, emotional or physical harm.

19       **2. Procedures.** The following procedures apply to petitions for rights of visitation or  
20       access under subsection 1.

21          A. A stepparent seeking rights of visitation or access shall file with the initial pleadings  
22          an affidavit alleging under oath sufficient facts to support the stepparent's standing  
23          under subsection 1. The pleadings and affidavit must be served upon all parents and  
24          legal guardians of the child.

25          B. A parent or legal guardian of the child who files a pleading in response to the  
26          pleadings in paragraph A shall also file an affidavit in response, serving all parties to  
27          the proceeding with a copy.

28          C. The court shall determine on the basis of the pleadings and affidavits under  
29          paragraphs A and B whether the stepparent has presented prima facie evidence of  
30          standing under subsection 1. The court may in its sole discretion, if necessary and on  
31          an expedited basis, hold a hearing to determine disputed facts that are necessary and  
32          material to the issue of standing.

33          D. If the court's determination under paragraph C is in the affirmative, the court may  
34          appoint a guardian ad litem as provided in section 1507. The court shall hold a hearing  
35          on the stepparent's petition for reasonable rights of visitation or access and shall  
36          consider any objections the parents or legal guardians may have concerning the award  
37          of rights of visitation or access to the stepparent. If the court has appointed a guardian  
38          ad litem, the court shall also consider the report of the guardian ad litem. The standard  
39          for the award of reasonable rights of visitation or access is provided in subsection 3.

40          E. In considering a petition or motion for stepparent visitation, the court shall first  
41          determine the presence of a danger of substantial mental, emotional or physical harm  
42          to the child if the requested visitation is not permitted by the court.

1           (1) A finding of substantial harm may be based upon cessation or severe reduction  
2           of the contact between a child and the stepparent only if the court determines by a  
3           preponderance of the evidence that the child had a sufficient existing relationship  
4           with the stepparent and that loss of or severe reduction in contact is likely to cause  
5           substantial mental, emotional or physical harm to the child or presents the danger  
6           of other direct and substantial harm to the child.

7           (2) A stepparent is not required to present the testimony of an expert witness to  
8           establish a sufficient existing relationship with a child or that the loss or severe  
9           reduction of the contact is likely to cause substantial mental, emotional or physical  
10           harm to the child.

11           (3) There is a rebuttable presumption that a parent's or legal guardian's actions and  
12           decisions regarding the petitioner's requested visitation are not harmful to the  
13           child's mental, emotional or physical health. The burden is on the stepparent to  
14           prove that a parent's or legal guardian's actions and decisions regarding visitation  
15           will cause substantial harm to the child's mental, emotional or physical health.

16           (4) Upon an initial finding of the presence of a danger of substantial mental,  
17           emotional, or physical harm to the child, the court shall then determine whether the  
18           stepparent's visitation would be in the best interest of the child based on the factors  
19           in subsection 3. Upon a determination that visitation would be in the best interest  
20           of the child, reasonable visitation may be ordered.

21           **3. Best interest of child.** The court may grant a stepparent reasonable rights of  
22           visitation or access to a child upon finding that the stepparent has standing under subsection  
23           1 and that granting the stepparent reasonable rights of visitation or access is in the best  
24           interest of the child and would not significantly interfere with the parent's or legal  
25           guardian's rightful authority over the child. In making a determination under this  
26           subsection, the court shall consider the following factors:

27           A. The age of the child;

28           B. The length and quality of the prior relationship between the child and the stepparent  
29           and the role performed by the stepparent;

30           C. The duration and adequacy of the child's current living arrangements and the  
31           desirability of maintaining continuity;

32           D. The stability of any proposed living arrangements for the child;

33           E. The good faith of the stepparent in filing the petition or motion and the motivation  
34           of the parties involved and their capacities to give the child love, affection and  
35           guidance;

36           F. The child's adjustment to the child's present home, school and community;

37           G. The capacity of a parent or legal guardian and stepparent to cooperate, or to learn  
38           to cooperate, in child care;

39           H. Methods of assisting cooperation and resolving disputes and each of the parties'  
40           willingness to use those methods;

41           I. The existing emotional ties of the child to the stepparent;

1 J. The preference of the child if the child is determined to be of sufficient maturity to  
2 express a preference;

3 K. The effect of hostility between the stepparent and the parent or legal guardian of  
4 the child manifested before the child, and the willingness of the stepparent, except in a  
5 case of abuse, to encourage a close relationship between the child and the parent or  
6 legal guardian of the child;

7 L. If one parent or legal guardian is deceased or missing, that the stepparent requesting  
8 visitation is or was the spouse of the deceased or missing parent or legal guardian;

9 M. Any unreasonable deprivation of the stepparent's opportunity to visit with the child  
10 by the child's parent or legal guardian;

11 N. Whether the stepparent is seeking to maintain a sufficient existing relationship with  
12 the child;

13 O. Whether awarding the stepparent visitation would interfere with the parent-child  
14 relationship or the legal guardian-child relationship;

15 P. The child's interactions and relationships with siblings, half-siblings, other relatives  
16 and step-relatives;

17 Q. Any court finding that the child's parent or legal guardian is unfit;

18 R. Any other factors the court determines relevant; and

19 S. The existence of the stepparent's conviction for a sex offense under Title 34-A,  
20 section 11203, subsection 6 or a sexually violent offense as defined in Title 34-A,  
21 section 11203, subsection 7.

22 **4. Modification or termination.** The court may modify or terminate any rights  
23 granted under this section as circumstances require. Modification or termination of rights  
24 must be consistent with this section.

25 **5. Enforcement.** The court may issue any orders necessary to enforce orders issued  
26 under this section or to protect the rights of parties.

27 **6. Supervision required; convictions for sexual offenses.** Notwithstanding any  
28 provision of this chapter to the contrary, the court may award a stepparent who is convicted  
29 of a child-related sexual offense visitation with a child only if the court finds that contact  
30 between the stepparent and the child is in the best interest of the child and that adequate  
31 provision for the safety of the child can be made. For purposes of this subsection, "child-  
32 related sexual offense" has the same meaning as in section 1653, subsection 6-A, paragraph  
33 A.

34 The court may require that visitation may occur only if there is another person or agency  
35 present to supervise visitation. If the court allows a family or household member to  
36 supervise stepparent-child contact, the court shall establish conditions to be followed  
37 during that contact. Conditions include, but are not limited to, those that:

38 A. Minimize circumstances when the family of the stepparent who committed a sex  
39 offense or sexually violent offense as defined in Title 34-A, section 11203, subsection  
40 7 would be supervising visits;

41 B. Ensure the safety and well-being of the child; and

1 C. Require that supervision be provided by a person who is physically and mentally  
2 capable of supervising a visit and who does not have a criminal history record as  
3 defined by Title 25, section 1703, subsection 5 or history of inflicting abuse or neglect  
4 on another person.

5 **7. Conviction or adjudication for certain sex offenses; presumption.** There is a  
6 rebuttable presumption that the stepparent would create a situation of jeopardy for the child  
7 if any contact were to be permitted and that contact is not in the best interest of the child if  
8 the court finds that the stepparent:

9 A. Has been convicted of an offense listed in section 1653, subsection 6-A, paragraph  
10 A in which the victim was a minor at the time of the offense and the stepparent was at  
11 least 5 years older than the minor at the time of the offense except that, if the offense  
12 was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or  
13 C, or an offense in another jurisdiction that involves conduct that is substantially  
14 similar to that contained in Title 17-A, section 253, subsection 1, paragraph B or C,  
15 and the minor victim submitted as a result of compulsion, the presumption applies  
16 regardless of the ages of the stepparent and the minor victim at the time of the offense;  
17 or

18 B. Has been adjudicated in an action under Title 22, chapter 1071 of sexually abusing  
19 a person who was a minor at the time of the abuse.

20 The stepparent seeking contact with the child may present evidence to rebut the  
21 presumption.

## 22 SUMMARY

23 This bill allows a stepparent to petition a court for visitation and access rights to a  
24 stepchild of the stepparent if the visitation and access is in the best interest of the child and  
25 would not significantly interfere with the parent's or legal guardian's rightful authority over  
26 the child.