

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 650

H. P. 497

House of Representatives, January 27, 1965

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Harvey of Woolwich.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Establish a Department of Family Relations.

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

Sec. 1. R. S., T. 19, c. 17, additional. Title 19 of the Revised Statutes is amended by adding a new chapter 17 to read as follows:

'CHAPTER 17

DEPARTMENT OF FAMILY RELATIONS

Sec. 801. Department. There is established a Department of Family Relations having the power to formulate, promote, administer and adjudicate all matters relating to family welfare and family relations, including marriage, divorce, annulment, separate maintenance, reconciliation, child custody, child support and juvenile relations.

The department shall establish family centers which shall be staffed by teams of male and female counselors, certified or licensed in the fields of psychology and social work, accountants and clergymen being personnel professionally trained to cope with the emotional and financial problems which wreck marriage.

No adversary action of any sort will be initiated during the case study, no charges filed or brought forward.

Attendance at all study or counseling sessions shall be mandatory.

Each case will be decided on its own merit, strictly in terms of each family's own particular background and need by a team of at least 3 specialists.

The family centers shall deal with the causes of domestic discord rather than the symptoms, giving primary consideration to the welfare of the family. Em-

phasis will be placed on marriage, not on divorce; on the humane aspects, not the legal. Each spouse shall have equal responsibility in all phases of domestic relations. Family problems shall be treated as tragedies not felonies; tragedies meriting society's undersanding and assistance.

In those instances where divorce or annulment is deemed inevitable, the recommendations of the family center regarding dissolution, child custody and child support will be presented to the court for automatic issuing of the divorce decree.

Sec. 802. Commissioner. The head of the department shall be the Commissioner of the Department of Family Relations and shall be appointed by the Governor, with the advice and consent of the Council, for a term of 3 years. The Governor, with the advice and consent of the Council, shall fix his salary.

Sec. 803. Specific laws.

1. **Marriage age.** The minimum age for marriage shall be 20. When pregnancy or parental wish suggest an earlier marriage to be appropriate, the family center shall determine if both parties are qualified for marriage and understand the liabilities, obligations and responsibilities they will assume. Premarital counseling shall be done when appropriate. The recommendations of the family center shall determine if marriage shall be permitted.

2. **Marriage waiting period.** There shall be a waiting period of 30 days between application for and granting of a marriage license.

3. **Recording of wealth.** The premarital recording of all property and wealth shall be required, with no divorce settlement being made that involves that property.

4. **Divorce.** Mutual consent divorce shall be permitted automatically where no minor children are involved. When minor children are involved, divorce shall be subject to family center approval.

5. **Divorce waiting period.** There shall be a 3-month waiting period from the time of the family center decision to the granting of the final decree.

6. **Residency.** Divorces shall not be granted to those who have not been Maine residents for at least 2 consecutive years to the date of divorce application.

7. **Child custody.** Equal responsibility shall be expected of both parents. Special consideration of custody of boys to their father and girls to their mother is to be given where the father and mother are responsible and willing. At the same time, the desirability of keeping children of a family together shall be considered.

8. **Child support.** Support shall be allocated to each child and governed by the relative affluence of the parties involved at the time of the divorce. At the age of 18 or the time of high school graduation, whichever comes first, there shall be an automatic reduction of support payments. While support may be reduced as changes occur, support may not be increased.

9. **Accounting of child support moneys.** Upon request of any person paying child support moneys, the parent or guardian receiving such moneys shall monthly account for the spending of the moneys.

10. **Child neglect or abuse.** Any indication of neglect or abuse of children shall be immediately investigated by the family center and reported to legal authorities.

11. **Abandonment.** At the request of an abandoned parent, children who have been removed from Maine by one parent must be returned for family center consideration.

12. **Alimony.** Alimony is abolished with a maximum of one year for payment of temporary alimony, if necessary.

13. **Visitation rights of children and parents.** Children shall have ample opportunity to visit the non-custody parent and grandparents. If responsible, a parent's visiting rights shall never be denied.

14. **Review of decisions.** Matters of child custody and child support, upon request of one or both parents, are subject to review by the family center, considering remarriages, changes in financial status, employment opportunities and the wants and needs of the children.

15. **Change of decisions.** At all times, the family center, with the approval of the department, may petition the court for change of previous child custody, child support and property decisions of the family center contained in a divorce decree.

16. **Appeal of decisions.** At all times, decisions of a family center may be appealed to a Governor-appointed review board of the department by any person directly affected by the family center's decisions.'

Sec. 2. Repealers. All Acts and parts of Acts inconsistent herewith are repealed or amended to conform thereto.

Sec. 3. Appropriation. That there is appropriated from the General Fund the sum of \$200,000 for the use of the Department of Family Relations and family centers to be established in the present 6 Superior Court Districts.