

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 820

H. P. 589 House of Representatives, February 9, 1967
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Wheeler of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Custody of Children in Divorce Actions.

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

Sec. 1. R. S., T. 19, § 792, amended. The first 2 sentences of section 752 of Title 19 of the Revised Statutes are repealed and the following enacted in place thereof:

The court making an order of nullity or of divorce may make an order concerning the care, custody and support of the minor children of the parties and with which parents any of them shall live, or grant the care and custody of said children to a 3rd person or to the Department of Health and Welfare. Any such order concerning the care, custody and support of the minor children may be altered from time to time as circumstances may require, whether or not either parent be then living, upon motion of either party, the State Department of Health and Welfare, any 3rd person to whom care or custody has been granted, any blood relative or any person standing in loco parentis to said minor children, said motion being brought either in the Superior or District Court in the county where either the petitioner or the minor child or children reside. The wife's name may be changed, at her request, by the court making an order of nullity or of divorce. Any such orders made under this section may be enforced in the appropriate court by any compulsory process which the court deems proper, including execution, attachment or other effectual form, on which costs shall be taxed as in other actions.

Sec. 2. R. S., T. 19, § 753, additional. Title 19 of the Revised Statutes is amended by adding a new section 753, as follows:

§ 753. Jurisdiction

The District Court and Superior Court shall have concurrent jurisdiction of actions to alter and enforce any decrees made by any court in this State, concerning the care, custody and support of minor children, including any such decrees which were already in effect on September 21, 1961.

Courts having jurisdiction in the places of residence of the petitioner or the minor children shall have jurisdiction of the subject matter, except that in the event that the Department of Health and Welfare is the petitioner, then the courts having jurisdiction in the places of residence of the minor children or of either parent of such children shall have jurisdiction of the subject matter.