

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1255

H. P. 910

House of Representatives, March 2, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kelley of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Support of Children under Divorce Laws.

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

Sec. 1. R. S., T. 14, § 252, amended. The first sentence of section 252 of Title 14 of the Revised Statutes is amended to read as follows:

Whenever a party complains in writing and under oath that the process, decree or order of court, which is not for the payment of money only **except for alimony or support of minor children**, has been disregarded or disobeyed by any person, summary process shall issue by order of any justice, requiring such person to appear on a day certain and show cause why he should not be adjudged guilty of contempt.

Sec. 2. R. S., T. 19, § 752, amended. The last 2 sentences of the first paragraph of section 752 of Title 19 of the Revised Statutes are amended to read as follows:

It may alter its order concerning the care, custody and support of the minor children from time to time as circumstances require, whether or not either parent be then living, upon motion of either party, such society or institution as aforesaid, 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; change the name of the wife, at her request and in execution of the powers given it under this Title may employ any compulsory process which it deems proper, by execution, attachment or other effectual form, on which costs shall be taxed as in other actions. If any parent ordered to pay support for minor children shall fail to comply with such order, then the person to whom the order is payable, or the Depart-

ment of Health and Welfare if the children are being partially or wholly supported by welfare funds, may petition the court for a determination of arrearage due under the order. After hearing, the court shall enter a decree stating the amount of arrearage due and shall order that such arrearage be paid either in a lump sum within a specified time or by weekly or monthly installments. Any payments made thereafter shall first be applied to the current order of support and any amounts in excess of the current order shall be applied to the arrearage account. If such parent shall fail to comply with the court order as to arrearage payment, then the petitioner as defined may bring a complaint of contempt and after hearing, the court may, if the respondent is found to have failed to comply with the arrearage order, adjudge respondent in contempt and impose punishment in accordance with Title 14, section 252. In all proceedings under this Title where the husband is committed to jail ~~on any execution issued upon order for alimony, or for payment of money instead thereof, or for the support of the minor children of the parties for contempt under this section~~ the county having jurisdiction of the proceedings shall bear the expense of his commitment and support in jail.

STATEMENT OF FACT

The purpose of this bill is to provide contempt powers against a parent who fails to comply with court orders on child support. This bill also provides the court with the power to specify payment arrangements for past child support due.