

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1414

H. P. 1257

House of Representatives, April 11, 1977

Reported by Mr. Spencer from the Committee on Judiciary, and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children.

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

Sec. 1. 19 MRSA § 581, last sentence, is amended to read:

Upon the petition of either the husband or wife, or of the guardian or next friend of either who may be mentally ill, ~~the court~~ may make further orders relative to the care, custody and ~~maintenance support~~ of the minor children of the parties, may determine with which of their parents such children or any of them shall remain, may order ~~the husband either spouse~~ to pay to ~~such~~ the court for the ~~wife other spouse~~ sufficient money for the prosecution of such petition, and may from time to time, upon a similar petition, revise or alter any such order and make a new order in lieu thereof, as the circumstances of the parties or such minor children or any of them may require, and may enforce obedience by appropriate process.

Sec. 2. 19 MRSA § 581 is amended by adding at the end the following new sentences:

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support.

Sec. 3. 19 MRSA § 693 is amended by adding at the end the following new sentences:

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support.

Sec. 4. 19 MRSA § 752 is amended by inserting after the first sentence the following new sentences:

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support.

Sec. 5. 22 MRSA § 3754, 2nd ¶, as last amended by PL 1971, c. 622, § 76, is further amended by inserting after the 3rd sentence the following new sentence:

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage for such expenses.

Sec. 6. 22 MRSA § 3792, 2nd ¶, as last amended by PL 1969, c. 590, § 31, is further amended by inserting before the last sentence the following new sentence:

An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of such expenses.

STATEMENT OF FACT

The purpose of the original bill was to clarify and reaffirm the responsibility of a parent or parents to provide for medical care of minor children in cases where a court orders the parent to make support payments. The new draft is intended only to clarify the wording of the bill. In the new draft, the support order may include either an order to pay directly some or all of the health care expenses of a child or, in the alternative, an order to provide health insurance or other health coverage for such expenses. This is the practice of many judges now and the bill would only state what is implicit in the law now.

The bill also affirms the primary responsibility of parents for child support by stating that a support order to a parent is not to be affected by the availability of public welfare benefits. This affirms the interpretation that most courts apply to the present law.

The new draft amends discriminatory language in section 1 of the bill, dealing with the obligation to pay attorney's fees.

Sections 1 and 2 apply to judicial separations. Section 3 applies to temporary support orders pending a divorce and section 4 to final judgments of divorce. Section 5 applies to parental support for children receiving welfare benefits. Section 6 applies to children in the custody of the Department of Human Services as a result of neglect proceedings.