

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1388

H. P. 1141

House of Representatives, March 22, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brodeur of Auburn.

Cosponsor: Mr. Stetson of Wiscasset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Require that Children Receive Social Development Counseling During Divorce Proceedings.

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

Sec. 1. 4 MRSA § 175, as amended by PL 1975, c. 346, § 4, is repealed and the following enacted in its place:

§ 175. Fees of court; special fund

1. Fees. The fees of the District Courts shall be as follows:

- | | |
|--|--------|
| A. For every blank document with or without seal | \$.50 |
| B. Filing of action | 5.00 |
| C. Filing of divorce, supplemental to the filing fee under paragraph B | 15.00 |
| D. Copy of summons, complaint, writ or other process, or abstract thereof, together with copy of order of notice thereon, not less than \$1 for the first page or part thereof, and 25c for each additional page or part thereof | |
| E. Exemplifying copies, not less than | 1.00 |
| F. Copy of decree of divorce or certificate of same not less than | 5.00 |

G. Computing damages and taxing cost	2.00
H. Writ of execution or renewal	2.00
I. Every other writ and seal	2.00
J. Subpoena for one witness or more or with a duces tecum	.50
K. Appeal of court action to Superior Court including entry fee	25.00
L. Removal of court action for Superior Court including entry fee	15.00

2. **Divorce Counseling Fund.** There shall be a fund created in each District Court, derived from the \$15 divorce filing fee, which shall be used to pay the expenses of counseling where children are involved and the court determines that the spouses cannot afford to pay. This fund shall not lapse.

Sec. 2. 19 MRSA § 693, first sentence, as repealed and replaced by PL 1977, c. 439, § 3, is amended to read:

Pending a divorce action, the court may order either spouse to pay to the other spouse, or to the attorney for the other spouse, sufficient money for the defense or prosecution thereof; may make reasonable provision for either spouse's separate support, on a motion for which costs and counsel fees may be ordered; **may order either spouse to pay for the costs of counseling required for children;** may enter such decree for the care, custody and support of the minor children as the court deems proper; and in all cases enforce obedience by appropriate processes on which costs and counsel fees shall be taxed as in other actions.

Sec. 3. 19 MRSA § 751-A is enacted to read:

§ 751-A. Counseling where children are involved

1. **Services of counselor.** The court shall utilize the services of a counselor approved by the court to ensure a representation of the best interests of the child or children. The counselor and court shall determine which parties, in addition to the child or children, shall be present for the evaluation and counseling session.

2. **Costs.** The costs of the counseling shall be considered as part of the court costs.

STATEMENT OF FACT

Currently, judges may utilize staff from the Department of Human Services to investigate the conditions and circumstances of the children and parents to aid in the determination of custody.

This bill goes beyond that, in requiring that judges order counseling of the children involved, to determine their best interests and provide them with some understanding of the process they and their parents are involved in.

The costs of the counseling will be borne by either or both of the parties to the

divorce, unless the judge determines that they are unable to pay. In that case, the costs will be paid from a court fund derived from an increase in the divorce filing fee.