

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 703

H. P. 620

House of Representatives, February 6, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Soule of Westport.

Cosponsor: Representative Livesay of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Facilitate the Distribution of Child Custody Reports.

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

**Sec. 1.** 19 MRSA § 751, first sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

Whenever in any divorce action the custody of a minor child is involved, the court may request the State Department of Human Services to investigate conditions and circumstances of the child and ~~its~~ his parents.

**Sec. 2.** 19 MRSA § 751, 2nd sentence, as amended by PL 1965, c. 299, is further amended to read:

Upon completion of investigation, the department shall submit a written report to the court **and to counsel of record** at least 3 days before date of hearing.

**Sec. 3.** 19 MRSA § 751, 3rd sentence, as enacted by PL 1965, c. 299, is repealed as follows:

~~Such report shall be made available by the clerk of said court for examination by counsel before hearing~~

## STATEMENT OF FACT

Upon current law, child custody studies ordered by the courts from the Department of Human Services are prepared and provided directly to the clerk of the court. Attorneys for both sides may review a custody report, but only at the clerk's office. Since the reports are provided only shortly before the hearing on the custody issue, attorneys who want to review all evidence before the day of the hearing must spend time at the clerk's office. When the report is available only at an outlying District Court clerk's office, the combined travel time and review time can be unnecessarily costly, and in some cases prohibitive, for the client involved in a custody action.

This bill would provide for the department's custody report to be sent to the attorneys involved and the court clerk, while at the same time protecting the confidentiality of the report.