

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1010

H. P. 844

House of Representatives, February 25, 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 Benoit of South Portland.

STATE OF MAINE

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

AN ACT to Authorize Joint Custody Orders as Part of Divorce Judgments.

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

Sec. 1. 19 MRSA § 214, first sentence, as amended by PL 1965, c. 19, § 6, is further amended to read:

If the father and mother of a minor child are living apart from each other, the judge of probate or the Superior Court Justice or the District Court in the county where either resides, on complaint of either and after such notice to the other as he may order, may decree which parent shall have the exclusive care and custody of the person of such minor ~~or he~~, may apportion the care and custody of the said minor between the parents **or may decree that the parents shall have joint custody of the minor**, as the good of the child may require.

Sec. 2. 19 MRSA § 752, first sentence, as amended by PL 1975, c. 293, § 5, is further amended to read:

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~~ **may decree which parent shall have exclusive care and custody of any of the minor children, may apportion the care and custody of any of the minor children, between the parents, may decree that the parents shall have joint custody of any of the minor children, or may grant the**

care and custody of ~~said~~ **those** children to a 3rd person or to some suitable society or institution for the care and protection of children or to the Department of Human Services.

STATEMENT OF FACT

The intent of this bill is to allow a court making a custody order as part of a judgment of divorce or annulment, or when the parents are separated, to apportion the custody of any children between the parents or to order joint custody of any children.