

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1025

H. P. 864

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 Benoit of South Portland.

Cosponsors: Representative Soule of Westport, Senator Collins of Knox and Senator Devoe of Penobscot.

STATE OF MAINE

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

AN ACT to Protect Privacy in Divorce and Child Custody Actions.

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

19 MRSA § 695 is enacted to read:

§ 695. Divorce or custody proceedings

1. **Exclusion of public.** In a divorce action or an action for child custody under this chapter, at the request of either party, the court shall exclude the public from the court proceedings.

Sec. 2. Scope; records; chambers. If the public is excluded, then:

A. Only the parties, their attorneys, court officers and necessary witnesses shall be present;

B. All records of the action shall also be confidential, unless the court orders them to be open to the general public, except the names and addresses of the parties, whether the divorce was granted, if so the grounds, and the terms of any order entered by the court; and

C. The proceedings may be held in court or in chambers.

STATEMENT OF FACT

The purpose of this bill is to allow the court to close divorce or child custody hearing on the request of either party. This follows the approach used in England, and the States of Nevada, New York and Iowa. Because of the uniquely personal and intimate nature of the issues raised during divorce and custody proceedings, and the particularly difficult emotional nature of the proceedings, it seems appropriate to provide privacy to the parties. This exception to the general principal of open court proceedings is consistent with the other exceptions currently in the statutes, including juvenile proceedings, proceedings in child abuse and neglect, and commitments to mental institutions.