

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 205

6
7 H.P. 176

House of Representatives, January 18, 1983

8 Received by the Clerk of the House on January 18, 1983. Referred to the
9 Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsor: Representative Crowley of Stockton Springs.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Visitation Rights for
18 Grandparents of Children Involved in Divorce
19 or Custody Proceedings.
20

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

23 19 MRSa §752, first ¶, as amended by PL 1981, c.
24 174, §2, is repealed and the following enacted in its
25 place:

26 The court making an order of nullity or of
27 divorce may make an order concerning the care, cus-
28 tody and support of and rights of visitation with the
29 minor children of the parties. The court may make an
30 order concerning with which parents any of them shall
31 live, or grant the care and custody of and rights of
32 visitation with the children to a grandparent, a 3rd
33 person, some suitable society or institution for the
34 care and protection of children or the Department of

1 Human Services. It may provide that any such visita-
2 tion rights may be subject to criteria established by
3 the Department of Human Services. The court shall
4 not consider abandonment of the family residence as a
5 factor in determining custodial rights when the aban-
6 doning party has been physically harmed or seriously
7 threatened with physical harm by his spouse, when
8 that harm or threat of harm by his spouse was
9 causally related to the abandonment. An order for
10 child support under this section may include an order
11 for the payment of part or all of the medical
12 expenses, hospital expenses and other health care
13 expenses of the children or an order to provide a
14 policy or contract for coverage of those expenses.
15 Availability of public welfare benefits to the family
16 shall not affect the decision of the court as to the
17 responsibility of a parent to provide child support.
18 It may alter its order concerning the care, custody
19 and support of and rights of visitation with the
20 minor children from time to time as circumstances re-
21 quire, whether or not either parent is then living,
22 upon motion of either party, the society or institu-
23 tion as set out in this paragraph, the Department of
24 Human Services, any 3rd person to whom care, custody
25 or the right of visitation has been granted, any
26 blood relative or any person standing in loco paren-
27 tis to the minor children; change the name of the
28 wife, at her request; and in execution of the powers
29 given it under this Title may employ any compulsory
30 process which it deems proper, by execution, attach-
31 ment or other effectual form, on which costs shall be
32 taxed as in other actions. The court shall enforce an
33 order as provided under chapter 14.

34 STATEMENT OF FACT

35 The purpose of this bill is to amend the divorce
36 and custody laws to provide for visitation rights for
37 grandparents or other 3rd persons. It places spe-
38 cific references to visitation rights in the statute
39 dealing with custody and support of minor children in
40 divorce cases. It clarifies the authority of the
41 courts in these matters.

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