## MAINE STATE LEGISLATURE

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	(EI	MERGENCY)	
		H.P. 1117, L.D. 1475 ew Title)	)
	FIRST RI	EGULAR SESSION	
	ONE HUNDRED AND	ELEVENTH LEGISLATUR	E
Legislative	e Document		No. 1658
H.P. 1244	ad by Panracentative Fr	House of Representatives	
printed und	ler Joint Rule 2.	oster from the Committee on resentative Scarpino of St. Ge	-
		EDWIN H	I. PERT, Cler
		EAR OF OUR LORD	
		ED AND EIGHTI-IMEE	
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Emer lature adjournm Wher relation to the p	rgency preamble. do not become ment unless enactors cases is an isopeople of the States.	shing a Commission to the Custody of Child Relations Cases.  Whereas, Acts of the effective until 90 of ted as emergencies; dy of children in ssue of fundamental	he Legis- days after and domestic importance

Whereas, 4 states have enacted legislation which creates a presumption favoring joint custody absent consent of the parents; and

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39 40 Whereas, in the judgment of the Legislature the issue of the custody of children in domestic relations cases needs to be studied in depth in order to determine whether current Maine law in this area should be amended and, if so, in what ways the law should be amended; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore.

- Be it enacted by the People of the State of Maine as follows:
- 18 Sec. 1. Study commission created. There is 19 established a commission to study the matter of child 20 custody in domestic relations cases.
  - Sec. 2. Appointment. The commission shall conof 13 members, as follows: Two Senators appointed by the President of the Senate; 2 Repreappointed by the Speaker of the House of sentatives Representatives; 2 attorneys who are members of Maine State Bar with extensive experience in domestic relations matters appointed by the Governor; one psychiatrist, one psychologist and one social worker each with substantial experience in child custody appointed by the Commissioner of Human Sermatters vices; the Commissioner of Human Services or his designee; one Superior Court Judge and one Court Judge appointed by the Chief Justice of the Supreme Judicial Court; and one member of the general public appointed by the Governor. The commission shall select a chairman from among its members.
  - Sec. 3. Duties. The commission shall undertake a complete study of the issue of child custody in domestic relations cases with particular attention to:

- 1 1. Whether the current statutes governing the 2 custody of children in domestic relations are ade-3 quate;
- 2. Whether the current statutes governing the custody of children in domestic relations cases should be amended to change the law with regard to joint legal or joint physical custody;
- 8 3. Whether the decisions of law and some of the standards enacted in other states governing the determination of the custody of children in domestic relations cases should be expressly incorporated into the current statutes; and
- 4. Whether any institutional changes should be made in the present court system's handling of child custody matters in domestic relations cases.
- Sec. 4. Reports. The commission shall present its findings, together with any recommended legislation to the Second Regular Session of the 111th Legislature by February 1, 1984.
- 20 Sec. 5. Assistance. The Office of Legislative 21 Assistants shall provide assistance to the commission 22 in carrying out its duties.
  - Sec. 6. Appropriation. There is appropriated to the commission from the General Fund the sum of \$2,500 for the fiscal year ending June 30, 1983, to carry out the purposes of this Act. Any unexpended balances shall not lapse but shall remain in a continuing carrying account until February 1, 1984.
- 29 **Emergency clause.** In view of the emergency 30 cited in the preamble, this Act shall take effect 31 when approved.

## 32 STATEMENT OF FACT

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This new draft establishes a commission to study the issue of the custody of children in domestic relations cases. During the First Regular Session of the 111th Legislature, the Joint Standing Committee on Judiciary has heard several bills addressing difficult issues of child custody in cases of divorce or separation. The committee believes that a comprehensive examination should be undertaken of how custody matters are being handled by our courts and of how our domestic relations laws are affecting the lives of parents and children in Maine. The original bill sought to address the problem of one parent interfering with the parental rights of the other. Problems such as this should be examined in this study.

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