

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1275

7 S.P. 472

In Senate, April 9, 1985

8 Referred to the Committee on Judiciary. Sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Senator Brown of Washington and Representative
Nelson of Portland.

12 STATE OF MAINE
13

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

17 AN ACT Relating to Mediation in Proceedings
18 under the Child and Family Services
19 and Child Protection Act.
20

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

23 22 MRSA §4005, sub-§3 is enacted to read:

24 3. Mediation. Prior to a contested child protec-
25 tion proceeding under this chapter, the court may, on
26 its own motion or on motion of one of the parties,
27 refer the parties to mediation on issues of parental
28 rights and responsibilities, child support and visi-
29 tation or possession of the family residence pending
30 a final order under this chapter. Any agreement
31 reached by the parties through mediation on any is-
32 ssues shall be reduced to writing, signed by the par-
33 ties and presented to the court for approval as a
34 court order.

1 STATEMENT OF FACT

2 Mediation in lieu of contested court hearings has
3 been recognized as a preferable means of dispute res-
4 olution involving issues of custody, visitation, sup-
5 port and possession of family residence. Contested
6 child protection proceedings are similar to contested
7 domestic relation matters in certain respects. Fre-
8 quently, children are required to testify against a
9 parent or relative. As in divorce matters, this prac-
10 tice tends to underscore rifts in families and leaves
11 children emotionally scarred. By encouraging media-
12 tion to promote dispute resolution in child protec-
13 tion proceedings, direct parent-child confrontation
14 may be avoided and the possibilities for family rec-
15 onciliation enhanced. The awkward situation wherein a
16 psychotherapist is required to testify in court
17 against his patient may be avoided. In the event me-
18 diation is not feasible or unsuccessful, a plenary
19 hearing will be conducted.

20 1181031385