

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 908

H.P. 675 House of Representatives, March 24, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WARREN of Scarborough. (By Request)

STATE OF MAINE

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

1 AN ACT to Regulate the Removal of Children of
2 Divorced or Separated Families from
3 the State.
4

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

7 19 MRSA §753 is enacted to read:

8 §753. Court supervision of removal of children from
9 State

10 1. Court order requirement. Whenever a court
11 grants to a parent shared or allocated rights of con-
12 tact with a minor child resident in this State, pur-
13 suant to this Title, it shall include within the or-
14 der, a provision that neither parent may relocate the
15 residence of the subject child outside the State

1 ities to include, within such orders, a provision
2 that a parent desiring to remove a child from the
3 State must obtain the consent of the other parent or
4 the permission of the court;

5 2. Allocates the burden of proof in a removal
6 proceeding and imposes a presumption against the re-
7 moval if the court finds that the removing parent in-
8 tends, by the removal, to interfere with the rela-
9 tionship between the children and the other parent;
10 and

11 3. Establishes that the removal or intended re-
12 moval of children from the State where there is an
13 existing order governing the parental responsibility
14 for the child's residence is by itself a substantial
15 change of circumstances justifying a reexamination of
16 parental rights and responsibilities, including pri-
17 mary residential responsibility.

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