

MAINE STATE LEGISLATURE

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(New Draft of H.P. 675, L.D. 908)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1566

H.P. 1151 House of Representatives, May 14, 1987
Reported by Representative WARREN from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative WARREN of
Scarborough.

STATE OF MAINE

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

1 AN ACT to Permit a Reconsideration of
2 Parental Rights and Responsibilities
3 Upon the Relocation of Children of
4 Divorced or Separated Parents from
5 this State to Another State.
6

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

9 Sec. 1. 19 MRSA §214, sub-§11, as enacted by PL
10 1983, c. 813, §1, is amended to read:

11 11. Modification or termination. Any order for
12 parental rights and responsibilities with respect to
13 a minor child may be modified or terminated as cir-
14 cumstances require upon the petition of one or both

1 of the parents. The parties shall be referred to me-
2 diation as under subsection 4.

3 The relocation, or intended relocation, of a child
4 resident in this State to another state by a parent,
5 when the other parent is a resident in this State and
6 there exists an award of shared or allocated parental
7 rights and responsibilities concerning the child, is
8 a substantial change in circumstances.

9 Sec. 2. 19 MRSA §581, sub-§10, as enacted by PL
10 1983, c. 813, §2, is amended to read:

11 10. Modification or termination. An order for
12 parental rights and responsibilities with respect to
13 a child may, upon petition of either spouse, be modi-
14 fied or terminated as circumstances require. The par-
15 ties shall be referred to mediation as under subsec-
16 tion 4.

17 The relocation, or intended relocation, of a child
18 resident in this State to another state by a parent,
19 when the other parent is a resident in this State and
20 there exists an award of shared or allocated parental
21 rights and responsibilities concerning the child, is
22 a substantial change in circumstances.

23 Sec. 3. 19 MRSA §752, sub-§12, as enacted by PL
24 1983, c. 813, §5, is amended to read:

25 12. Modification of orders; compulsory process.
26 Upon the motion of one or both of the parents; any
27 person granted parental rights and responsibilities
28 with respect to a child under this section; the De-
29 partment of Human Services; or any blood relative of,
30 or any person standing in loco parentis to, the minor
31 child, the court may alter its order concerning pa-
32 rental rights and responsibilities with respect to a
33 minor child as circumstances require. The parties
34 shall be referred to mediation as under subsection 4.

35 The relocation, or intended relocation, of a child
36 resident in this State to another state by a parent,
37 when the other parent is a resident in this State and
38 there exists an award of shared or allocated parental
39 rights and responsibilities concerning the child, is
40 a substantial change in circumstances.

1 In execution of the powers given it under this Title,
2 the court may employ any compulsory process which it
3 deems proper, by execution attachment or other effec-
4 tual form, on which costs shall be taxed as in other
5 actions.

6

STATEMENT OF FACT

7 The purpose of this new draft is to amend the di-
8 vorce and separation laws to make it clear that, when
9 a court order provides for parents sharing in or di-
10 viding parental rights and responsibilities, the at-
11 tempt of one parent to move a child from this State
12 is a substantial change in circumstances. When a
13 substantial change in circumstances exists, a parent
14 may petition the court for a modification of its pa-
15 rental rights and responsibilities award. Upon a
16 finding of substantial change in circumstances, the
17 court must consider whether it is in the best inter-
18 ests of the child to alter the parental rights and
19 responsibilities award. Under this new draft, the
20 court must reassess the child's best interests where
21 relocation of the child from the State has occurred
22 or is intended.

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