

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2465

H.P. 1801 House of Representatives, March 7, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative ALLEN of Washington.
Cosponsored by Representative KILKELLY of Wiscasset.

STATE OF MAINE

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

1 **AN ACT to Amend Maine's Domestic Relations**
2 **Laws.**
3

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

6 **Sec. 1.** 19 MRSA §214, sub-§6, as enacted 1983,
7 c. 813, §1, is amended to read:

8 6. Order. The order of the court shall award

1 allocated parental rights and responsibilities, shared
2 parental rights and responsibilities or sole parental
3 rights and responsibilities, according to the best
4 interest of the child. Where the parents have agreed
5 to an award of shared parental rights and
6 responsibilities or so agree in open court, the court
7 shall make that award unless there is substantial
8 evidence that it should not be ordered. The court
9 shall state in its decision the reasons for not
10 ordering a shared parental rights and responsibilities
11 award agreed to by the parents.

12 The court may award reasonable rights of contact with
13 a minor child to any 3rd persons only if both parents,
14 or each person or agency awarded parental rights and
15 responsibilities, consents to that contact, and if the
16 court finds that the contact is in the best interests
17 of the child.

18 Every final order issued under this section shall
19 contain:

20 A. A provision for child support or a statement
21 of the reasons for not ordering child support; and

22 B. A statement that each parent shall have access
23 to records and information pertaining to a minor
24 child, including but not limited to, medical,
25 dental and school records, whether or not the
26 child resides with the parent, unless that access
27 is found not to be in the best interest of the
28 child or that access is found to be sought for the
29 purpose of causing detriment to the other parent.
30 If that access is not ordered, the court shall
31 state in the order its reasons for denying that
32 access.

33 Sec. 2. 19 MRSA §214, sub-§9, as repealed and
34 replaced by PL 1985, c. 652, §3, is amended to read:

35 9. Support order. The court may order either
36 parent of a minor child to contribute reasonable and
37 just sums as child support payable weekly, monthly or
38 quarterly. Availability of public welfare benefits to
39 the family shall not affect the decision of the court

1 as to the responsibility of a parent to provide child
2 support. The court shall inquire of the parties
3 concerning the existence of a child support order
4 entered pursuant to subchapter V. If such an order
5 exists, the court shall consider its terms in
6 establishing a child support obligation. The court
7 shall use the guidelines and any adjustments to income
8 currently used by the Department of Human Services in
9 determining child support obligations.

10 The court's order may include a requirement for the
11 payment of part or all of the medical expenses,
12 hospital expenses and other health care expenses of
13 the child. If medical, hospitalization or dental
14 insurance coverage for his child is available to an
15 obligated parent on a group basis through his
16 employment or other affiliation, the court's order
17 shall include a provision requiring the obligated
18 parent to obtain and maintain that coverage on behalf
19 of his child. The court may enforce a support order
20 as provided in chapter 14-A.

21 **Sec. 3. 19 MRSA §691, sub-§3 is enacted to read:**

22 3. Discovery. Discovery of any financial records
23 that are otherwise discoverable in a divorce action
24 shall be limited to financial records for the 3-year
25 period prior to the date of filing of that action.

26 **Sec. 4. 19 MRSA §752, sub-§6, as enacted by PL**
27 **1983, c. 813, §5, is amended to read:**

28 6. Order. The order of the court shall award
29 allocated parental rights and responsibilities, shared
30 parental rights and responsibilities or sole parental
31 rights and responsibilities, according to the best
32 interest of the child. Where the parents have agreed
33 to an award of shared parental rights and
34 responsibilities or so agree in open court, the court
35 shall make that award unless there is substantial
36 evidence that it should not be ordered. The court
37 shall state in its decision the reasons for not
38 ordering a shared parental rights and responsibilities
39 award agreed to by the parents.

1 The court may award reasonable rights of contact with
2 a minor child to any 3rd persons only if both parents,
3 or each person or agency awarded parental rights and
4 responsibilities, consents to that contact, and if the
5 court finds that the contact is in the best interests
6 of the child.

7 The court may award parental rights and
8 responsibilities with respect to the child to a 3rd
9 person, some suitable society or institution for the
10 care and protection of children or the Department of
11 Human Services upon a finding that awarding parental
12 rights and responsibilities to either or both parents
13 will place the child in jeopardy as defined in Title
14 22, section 4002, subsection 6.

15 Every final order issued under this section shall
16 contain:

17 A. A provision for child support or a statement
18 of the reasons for not ordering child support; and

19 B. A statement that each parent shall have access
20 to records and information pertaining to a minor
21 child, including but not limited to, medical,
22 dental and school records, whether or not the
23 child resides with the parent, unless that access
24 is found not to be in the best interest of the
25 child or that access is found to be sought for the
26 purpose of causing detriment to the other parent.
27 If that access is not ordered, the court shall
28 state in the order its reasons for denying that
29 access.

30 Sec. 5. 19 MRSA §752, sub-§10, as amended by PL
31 1985, c. 652, §46, is further amended to read:

32 10. Support order. An order of the court for
33 child support may run against the father or the mother
34 in whole or in part or against both, irrespective of
35 the fault of the father or mother in the divorce
36 action. When the order is to run against both, the
37 court shall specify the amount each shall pay. The
38 court shall inquire of the parties concerning the
39 existence of a child support order entered

1 pursuant to subchapter V. If such an order exists,
2 the court shall consider its terms in establishing a
3 child support obligation. The court shall use the
4 guidelines and any adjustments to income currently
5 used by the Department of Human Services in
6 determining child support obligations.

7 An order for child support may include an order for
8 the payment of part or all of the medical expenses,
9 hospital expenses and other health care expenses of
10 the child or an order to provide a policy or contract
11 for coverage of these expenses. If medical,
12 hospitalization or dental insurance coverage for the
13 child is available to an obligated parent on a group
14 basis through his employer or group affiliation, the
15 court's order shall include a provision requiring the
16 obligated parent to obtain and maintain that coverage
17 on behalf of his child.

18 Availability of public welfare benefits to the family
19 shall not affect the decision of the court as to the
20 responsibility of a parent to provide child support.

21 The court may enforce a support order as provided in
22 chapter 14-A.

23 STATEMENT OF FACT

24 The purpose of this bill is to create an equitable
25 child support system, correct 3rd party visitation
26 rights and limit the discovery of financial records to
27 the 3-year period prior to the date of filing a
28 divorce action.

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