

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 425

H.P. 311

House of Representatives, February 23, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative NORTON of Winthrop (BY REQUEST).

Cosponsored by Representative McSWEENEY of Old Orchard Beach,  
Representative AULT of Wayne and Senator CLARK of Cumberland.

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STATE OF MAINE

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

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An Act to Strengthen Grandparent Visitation Rights.

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

3 Sec. 1. 19 MRSA §214, sub-§6, as enacted by PL 1983, c. 813,  
5 §1, is amended to read:

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

17 The court shall award reasonable rights of contact with a minor  
18 child to the child's grandparents, unless the court determines  
19 that the contact would not be in the best interest of the child.

21 The court may award reasonable rights of contact with a minor  
22 child to any 3rd persons.

23 Every final order issued under this section shall contain:

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

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

39 C. A statement of the reason for not ordering reasonable  
40 rights of contact to one or more of the grandparents, if  
41 applicable.

43 Sec. 2. 19 MRSA §581, sub-§6, as enacted by PL 1983, c. 813,  
44 §2, is amended to read:

45 6. Order. Upon petition under subsection 3, paragraph B,  
46 the order of the court shall award allocated parental rights and  
47 responsibilities, shared parental rights and responsibilities or  
48 sole parental rights and responsibilities, according to the best  
49 interest of the child. ~~Where~~ When the parents have agreed to an  
50 award of shared parental rights and responsibilities or so agree  
51 in open court, the court shall make that award unless there is

1 substantial evidence that it should not be ordered. The court  
3 shall state in its decision the reasons for not ordering a shared  
parental rights and responsibilities award agreed to by the  
parents.

5 The court shall award reasonable rights of contact with a minor  
7 child to the child's grandparents, unless the court determines  
9 that the contact would not be in the best interest of the child.

11 The court may award reasonable rights of contact with a minor  
child to any 3rd persons.

13 Every final order issued under this section shall contain:

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

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

29 C. A statement of the reason for not ordering reasonable  
rights of contact to one or more of the grandparents, if  
applicable.

31 Sec. 3. 19 MRSA §752, sub-§6, as enacted by PL 1983, c. 813,  
33 §5, is amended to read:

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

45 The court shall award reasonable rights of contact with a minor  
47 child to the child's grandparents, unless the court determines  
49 that the contact would not be in the best interest of the child.

51 The court may award reasonable rights of contact with a minor  
child to any 3rd persons.

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

9 Every final order issued under this section shall contain:

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

13 B. A statement that each parent shall have access to  
14 records and information pertaining to a minor child,  
15 including, but not limited to, medical, dental and school  
16 records, whether or not the child resides with the parent,  
17 unless that access is found not to be in the best interest  
18 of the child or that access is found to be sought for the  
19 purpose of causing detriment to the other parent. If that  
20 access is not ordered, the court shall state in the order  
21 its reasons for denying that access. ; and

22 C. A statement of the reason for not ordering reasonable  
23 rights of contact to one or more of the grandparents, if  
24 applicable.

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### STATEMENT OF FACT

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32 This bill provides grandparents of minor children rights of  
33 reasonable contact with those children upon divorce or separation  
34 of the children's parents. The court may refuse to grant this  
35 right only if the court determines that it is not in the best  
36 interest of the child. The court must state the reasons for not  
37 ordering reasonable rights of contact to one or more of a child's  
grandparents.