

L.D. 301

(Filing No. S-349)

STATE OF MAINE SENATE 115TH LEGISLATURE FIRST REGULAR SESSION

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 14 210, L.D. 301, Bill, "An Act to Promote the Emotional Health of Children During Periods of Stress"

Amend the amendment in section 1 in that part designated "\$9-C." in subsection 3 in the last line (page 2, line 9 in 18 amendment) by inserting after the following: "program." the 20 following: 'The rules must take into account issues of family violence and must provide for waiver of the attendance requirement in appropriate circumstances related to acquisition 22 of comparable information obtained from other sources, lack of 24 transportation, lack of child care, distance of residence from the program site or other factors that would cause attendance to be an excessive burden on a party to the case or in other 26 circumstances when the underlying purpose of the requirement 28 would not be furthered by attendance. Application for a waiver of the attendance requirement, whether or not granted, does not prejudice a party in the determination of the underlying legal 30 issues of the case. A party that is granted a waiver must be 32 deemed in compliance with the attendance requirement.

 A. The rules must specify that, notwithstanding Title 19, section 214, subsection 4-B; Title 19, section 581,
 subsection 4-B; and Title 19, section 752, subsection 4-B, attendance of a party at a parental educational program may
 not be required if:

40 (1) The party has a history of domestic abuse or violence as evidenced by that party having:

pursuant to Title 19, chapter 14;

because of domestic abuse or violence;

(a) Brought an action for protection from abuse

(b) Sought other protections from the court

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2 (c) Used the services of a family shelter in response to a situation of domestic abuse or violence; or
4 violence; or
6 (2) The court finds any other condition or circumstances that threaten or have threatened the personal safety or physical or emotional well-being of either party.
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B. The rules must authorize an application for waiver of attendance by telephone or other means that does not require a personal appearance by the party seeking the waiver.'

STATEMENT OF FACT

18 This amendment clarifies that the rules adopted by the Supreme Judicial Court must give due consideration to special 20 hardships, including those concerning family violence. The amendment provides that an application for waiver of attendance 22 for any of these reasons does not prejudice a party in the determination of the underlying legal issues.

The amendment articulates the circumstances under which a 26 party may not be required to attend the educational program. The amendment also requires that an application for waiver of 28 attendance may be made by means that do not require the personal attendance of the party seeking the waiver.

34 (Senator McCORMICK SPONSORED BY: 36 COUNTY: Kennebec

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