

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, divorce, separation and other events involving changing family roles may cause severe stress for the children involved; and

Whereas, the sooner the parties to these events learn to mitigate and cope with the resulting stress, the less harm will be suffered by the children; and

Whereas, legislation is necessary to establish a pilot program to make nonthreatening, supportive and informational programs available to the parties as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA §9-C is enacted to read:

§9-C. Parental education for parties to domestic relations cases

1. Establish program. The Supreme Judicial Court may establish, by rule, a parental educational program for parties to domestic relations cases involving minor children.

2 2. Program self-supporting; waiver of fees. The
4 educational program must be supported by fees and may not be
6 funded through the appropriation of public funds. The program
 must provide for the waiver of fees upon a showing of indigency.

8 3. Rules. The Supreme Judicial Court may adopt rules
 relating to the operation and use of the program and the fees to
10 be charged participants in the program.

12 4. Sunset. This section is repealed July 1, 1993.

14 Sec. 2. 19 MRSA §214, sub-§4-B is enacted to read:

16 4-B. Parental education. The court may require parties
 with minor children to attend the educational program established
18 under Title 4, section 9-C before a final hearing under this
 section.

20 This subsection is repealed July 1, 1993.

22 Sec. 3. 19 MRSA §581, sub-§4-B is enacted to read:

24 4-B. Parental education. The court may require parties
26 with minor children to attend the educational program established
 under Title 4, section 9-C before a final hearing under this
28 section.

30 This subsection is repealed July 1, 1993.

32 Sec. 4. 19 MRSA §752, sub-§4-B is enacted to read:

34 4-B. Parental education. The court may require parties
 with minor children to attend the educational program established
36 under Title 4, section 9-C before a final hearing under this
 section.

38 This subsection is repealed July 1, 1993.

40 Sec. 5. Report. The Judicial Department shall make a report
42 to the joint standing committee of the Legislature having
 jurisdiction over judiciary matters of the 116th Legislature by
44 February 1, 1993, on the following:

- 46 1. Participation in the program;
- 48 2. Participant evaluations of the program;
- 50 3. Financial structure and status of the program, including
 the use of a waiver of fees;
- 52 4. Judicial assessment of the success of the program in

assisting divorcing parents to modify their conduct to enhance the well-being of their children; and

5. Recommendations regarding continuing, expanding or eliminating the program.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

FISCAL NOTE

This amendment requires that the Supreme Judicial Court establish rules with regard to implementing a parental educational program. The Judicial Department will absorb the costs associated with rulemaking within its budgeted resources.'

STATEMENT OF FACT

This amendment replaces the entire bill. It adds an emergency preamble and an emergency clause to make the bill take effect when approved.

This amendment provides legislative support for the Judicial Department to establish as a pilot project a parental education program for parties to domestic relations cases in which minor children are involved. The pilot project will involve the counties of Androscoggin, Cumberland and York and will allow the judges to require, on a trial basis, participation in the program. The program is envisioned to provide nonthreatening, supportive and informational sessions for parents seeking determination, modification or enforcement of parental rights and responsibilities. It is not intended to apply to cases dealing exclusively with child support obligations. There will be sufficient courses held to allow parents to attend sessions separately.

Implementation of the use of the program will initially involve only part of the State geographically to allow an evaluation of how beneficial the program is for the children it is meant to help. The program is modeled on one created by judicial order in August, 1988 in Cobb County, Georgia.

This amendment sunsets the program on July 1, 1993. The Judicial Department will report to the Joint Standing Committee on Judiciary by February 1, 1993 about the success of the model 3-county program.

This amendment also adds a fiscal note to the bill.