

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1307, Bill, "An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent"

Amend the bill in that part designated "~~§1002.~~" by striking out all of subsection 1 and inserting in its place the following:

'1. Grandparent. "Grandparent" is the biological or adoptive parent of the child's biological parent or the child's adoptive parent. "Grandparent" does not include the biological or adoptive parent of a child's biological or adoptive parent whose parental rights have been terminated pursuant to section 533-A or Title 22, chapter 1071, subchapter VI.'

Further amend the bill by striking out all of that part designated "~~§1004.~~" and inserting in its place the following:

'§1004. Jurisdiction

An action may be commenced in the Superior Court or the District Court in which the minor child resides. If a child protective proceeding pursuant to Title 22, chapter 1071 is under the jurisdiction of the District Court, any action filed under this chapter must be brought in the District Court and the court may consolidate the proceedings.

An action must be commenced in accordance with the Maine Rules of Civil Procedure. Proceedings under this chapter are governed by the Maine Rules of Civil Procedure.

§1005. Sunset

This chapter is repealed July 31, 1994.

FISCAL NOTE

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This bill allows grandparents to petition the courts for visitation rights when one of the parents of the minor child has died. The additional workload and administrative costs associated with a minimal number of new cases filed in District Court as a result of this new law will be absorbed within the budgeted resources of the Judicial Department.'

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STATEMENT OF FACT

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This amendment limits the definition of "grandparent" to exclude the grandparents of a child whose parent's parental rights have been terminated. This is consistent with current law's treatment of families once parental rights are terminated.

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This amendment addresses the situation in which a grandparent desires visitation rights or access to a child that is the subject of a child protective proceeding. If the District Court has jurisdiction over a protective proceeding, the grandparent's action must be brought in District Court, and the court may consolidate the actions. If the court has made a final protection order, it is required to review the case periodically until the child is emancipated or adopted. This amendment would require that any grandparents' visitation petitions concerning a child for whom a final protection order has been issued be brought in the District Court.

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The entire chapter is repealed on July 31, 1994.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the House
(5/9/91) (Filing No. H-289)