

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 380

H.P. 293

House of Representatives, February 9, 1993

An Act to Amend the Laws Governing Visitation Rights.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative NORTON of Winthrop.

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

2
3 Sec. 1. 19 MRSA §214, sub-§11, as amended by PL 1989, c. 337,
4 §2, is further amended to read:

6 11. Modification or termination. Any order for parental
7 rights and responsibilities with respect to a minor child may be
8 modified or terminated as circumstances require upon the petition
9 of one or both of the parents. Child support orders may be
10 modified retroactively, but only from the date that notice of a
11 petition for modification has been served upon the opposing party
12 pursuant to the Maine Rules of Civil Procedure. The parties
13 shall must be referred to mediation as under subsection 4.

14
15 The relocation, or intended relocation, of a child resident in
16 this State to another state by a parent, when the other parent is
17 a resident in this State and there exists an award of shared or
18 allocated parental rights and responsibilities concerning the
19 child, is a substantial change in circumstances.

20
21 The remarriage of a parent or change in the membership of the
22 household with whom the parent lives, when there exists an award
23 of shared or allocated parental rights and responsibilities
24 concerning the child, is a substantial change in circumstances.

25 Sec. 2. 19 MRSA §214, sub-§12 is enacted to read:

26
27 12. Enforcement. The court shall enforce rights of contact
28 and visitation through the imposition of fines, imprisonment and
29 modification of parental rights and responsibilities when
30 appropriate.

31
32 A parent who knowingly makes false allegations before the court
33 is subject to appropriate sanctions imposed by the court. The
34 court may order that parent to pay the other party the amount of
35 the reasonable costs and expenses incurred because of the false
36 allegations, including attorney's fees.

37
38 Sec. 3. 19 MRSA §581, sub-§10, as amended by PL 1987, c. 179,
39 §2, is further amended to read:

40
41 10. Modification or termination. An order for parental
42 rights and responsibilities with respect to a child may, upon
43 petition of either spouse, be modified or terminated as
44 circumstances require. The parties shall must be referred to
45 mediation as under subsection 4.

46
47 The relocation, or intended relocation, of a child resident in
48 this State to another state by a parent, when the other parent is
49 a resident in this State and there exists an award of shared or
50

2 allocated parental rights and responsibilities concerning the
child, is a substantial change in circumstances.

4 The remarriage of a parent or change in the membership of the
6 household with whom the parent lives, when there exists an award
8 of shared or allocated parental rights and responsibilities
concerning the child, is a substantial change in circumstances.

10 **Sec. 4. 19 MRSA §581, sub-§11**, as amended by PL 1985, c. 652,
§43, is further amended to read:

12 **11. Enforcement.** The court may enforce obedience to its
14 orders by appropriate process including remedies provided in
chapter 14-A. The court shall enforce rights of contact and
16 visitation through the imposition of fines, imprisonment and
18 modification of parental rights and responsibilities when
20 appropriate. Nothing in this section may preclude the court from
incarcerating a spouse for nonpayment of child support, alimony
or attorney's fees in violation of a court order to do so.

22 A parent who knowingly makes false allegations before the court
24 is subject to appropriate sanctions imposed by the court. The
26 court may order that parent to pay the other party the amount of
the reasonable costs and expenses incurred because of the false
allegations, including attorney's fees.

28 **Sec. 5. 19 MRSA §752, sub-§12**, as amended by PL 1989, c. 337,
§9, is further amended to read:

30 **12. Modification of orders; compulsory process.** Upon the
32 motion of one or both of the parents, or any agency or person who
has been granted parental rights and responsibilities or contact
34 with respect to a child under this section, the court may alter
its order concerning parental rights and responsibilities or
36 contact with respect to a minor child as circumstances require.
Child support orders may be modified retroactively, but only from
38 the date that notice of a petition for modification has been
served upon the opposing party pursuant to the Maine Rules of
Civil Procedure. The parties shall must be referred to mediation
40 as under subsection 4.

42 The relocation, or intended relocation, of a child resident in
44 this State to another state by a parent, when the other parent is
a resident in this State and there exists an award of shared or
46 allocated parental rights and responsibilities concerning the
child, is a substantial change in circumstances.

48 The remarriage of a parent or change in the membership of the
household with whom the parent lives, when there exists an award

1 of shared or allocated parental rights and responsibilities
2 concerning the child, is a substantial change in circumstances.

4 In execution of the powers given it under this Title, the court
5 may employ any compulsory process which that it deems determines
6 proper, by execution attachment or other effectual form, on which
7 costs shall must be taxed as in other actions.

8
9 Sec. 6. 19 MRSA §752, sub-§14 is enacted to read:

10
11 14. Enforcement. The court shall enforce rights of contact
12 and visitation through the imposition of fines, imprisonment and
13 modification of parental rights and responsibilities when
14 appropriate.

15 A parent who knowingly makes false allegations before the court
16 is subject to appropriate sanctions imposed by the court. The
17 court may order that parent to pay the other party the amount of
18 the reasonable costs and expenses incurred because of the false
19 allegations, including attorney's fees.

22
23
24 **STATEMENT OF FACT**

25 This bill requires the court to enforce visitation rights
26 and other rights of contact through the imposition of fines,
27 terms of imprisonment and any other appropriate sanctions
28 available to the court. The bill also subjects parents making
29 false allegations before the court to appropriate court
30 sanctions, including the award of attorney's fees. This
31 provision parallels Rule 11 of the Maine Rules of Civil Procedure
32 concerning filing of pleadings or motions without good grounds of
33 support.

34
35 After a court order establishes parental rights and
36 responsibilities with regard to minor children, any party may ask
37 the court to modify the order. The court reviews the order when
38 a substantial change in circumstances occurs. This bill declares
39 that the remarriage of one parent or a change in the membership
40 of a household with whom a parent lives is a substantial change
41 in circumstances.