

# MAINE STATE LEGISLATURE

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DATE: 5-5-97

(Filing No. H-347)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 896, L.D. 1213, Bill, "An Act to Create a Family Division within the State's District Court"

Amend the bill in section 1 in that part designated "§183." in the first paragraph in the last line (page 1, line 16 in L.D.) by striking out the following: "and mediation" and inserting in its place the following: 'to mediation'

Further amend the bill in section 1 in that part designated "§183." in subsection 1 by striking out all of the first 4 lines (page 1, lines 18 to 21 in L.D.) and inserting in their place the following:

'1. Family case management officers. The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, shall employ family case management officers. In selecting family case management officers, the Chief Judge shall give proper consideration to achieving statewide geographical representation in the Family Division.'

Further amend the bill in section 1 in that part designated "§183." in subsection 1 in paragraph A in the 3rd line (page 1, line 25 in L.D.) by striking out the following: "They must also have" and inserting in its place the following: 'Other qualifications may include'

Further amend the bill in section 1 in that part designated "§183." in subsection 1 in paragraph D in subparagraph (2) in the

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last line (page 2, line 4 in L.D.) by inserting after the following: "actions" the following: ', except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer'

Further amend the bill in section 1 in that part designated "~~§183.~~" in subsection 1 by striking out all of paragraph E (page 2, lines 16 to 18 in L.D.) and inserting in its place the following:

'E. Interim orders in any of the matters included in paragraph D, subparagraphs (1) and (2) are effective immediately and are subject to de novo review by a judge at the final hearing. Final orders in any of the matters included in paragraph D, subparagraphs (3) and (4) are subject to appellate review in the same manner as any final order of the District Court. The family case management officer shall inform the parties of the rights of review established in this paragraph.'

Further amend the bill in section 1 in that part designated "~~§183.~~" by striking out all of subsection 3 (page 2, lines 25 to 28 in L.D.) and inserting in its place the following:

'3. Reports. The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15th of each odd-numbered calendar year.'

A. The State Court Administrator shall evaluate the functioning of the family case management officers in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family case management officers under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.'

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family case management officers.'

2 Further amend the bill by inserting at the end before the  
summary the following:

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6 **FISCAL NOTE**

8 This bill includes the enabling statutory changes to create  
a Family Division within the District Court effective January 1,  
10 1998. The 1998-1999 current services budget, Public Law 1997,  
chapter 24 includes additional General Fund appropriations of  
12 \$150,000 and \$303,264 in fiscal years 1997-98 and 1998-99,  
respectively, and additional matching Federal Expenditure Fund  
14 allocations of \$304,546 and \$588,572 in fiscal years 1997-98 and  
1998-99 respectively, for 8 family case management positions, 8  
16 associate clerk positions, 1 social worker position, and  
operating funds to fund the operations of the Family Division.'

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20 **SUMMARY**

22 This amendment makes the following changes to the original  
bill.

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26 1. The Chief Judge of the District Court is expressly  
required to consider the needs of all geographic areas of the  
State in selecting family case management officers.

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30 2. In the original bill, the family case management  
officers are "appointed." This amendment uses the term  
"employed."

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34 3. "Interest, training and experience in mediation and  
other alternate dispute resolution techniques, domestic violence,  
36 child development, family dynamics and case management" are made  
optional rather than mandatory qualifications for family case  
management officers.

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40 4. Family case management officers may decide contested  
motions on interim orders in actions involving paternity or  
parental rights and responsibilities, excluding interim child  
42 support orders, only when both parties consent.

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46 5. Interim orders that family case management officers are  
authorized to decide are effective immediately and are subject to  
de novo review by a judge at the final hearing. Final orders  
48 that family case management officers are authorized to decide are  
subject to appellate review in the same manner as any final order  
of the District Court.

50 6. Finally, the amendment requires the State Court

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2 Administrator to report to the joint standing committee of the  
Legislature having jurisdiction over judiciary matters concerning  
4 the functioning of the family case management officers within the  
jurisdictional authority given them and with a justification for  
6 the particular geographic areas to which they have been  
assigned. The amendment also adds a fiscal note to the bill.

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