



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1213

H.P. 896

House of Representatives, February 25, 1997

An Act to Create a Family Division within the State's District Court.

Reference to the Committee on Judiciary suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Speaker MITCHELL of Vassalboro. (GOVERNOR'S BILL) Cosponsored by Senator AMERO of Cumberland and Representative DONNELLY of Presque Isle, Senator: RAND of Cumberland.

| Be it enacted by the People of the State of Maine as follows: | |
|---|---------------------------------------|
| Sec. 1. 4 MRSA §183 is enacted to read: | |
| <u>§183. Family Division of District Court</u> | |
| SIGS. Family DIVISION OF DISCILCE COULC | |
| There is established within the District Cour | rt a Family |
| Division that has jurisdiction over family matter | |
| District Court. The Family Division shall provide | |
| justice that is responsive to the needs of famil. | |
| support of their children. The Supreme Judicial Cou | |
| administrative orders and court rules governing th | |
| procedure and administration of the Family Divis | |
| practices and procedures must include, but are not | |
| education for the parties, case management and refer | |
| and mediation and other alternate dispute resolution t | |
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| 1. Family case management officers. The Chief | <u>Judge of the</u> |
| District Court, with the approval of the Chief Jus | tice of the |
| Supreme Judicial Court, shall appoint family case | <u>management</u> |
| officers. | |
| | |
| A. Family case management officers must be mer | <u>nbers of the</u> |
| <u>Bar of this State and must have experience in</u> | <u>the area of</u> |
| family law. They must also have interest, | training or |
| experience in mediation and other alterna | <u>ate dispute</u> |
| resolution techniques, domestic violence, child | development, |
| family dynamics and case management. | |
| B. Family case management officers shall devot | e themselves |
| solely to the official duties of the position. | |
| engage in the private practice of law or in any | 00 W |
| occupation or business interfering with or incon | |
| the discharge of their duties. The Chief Ju | |
| District Court shall determine the salary of the | |
| management officers. | |
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| C. Family case management officers are gover | |
| <u>Maine Code of Judicial Conduct. Family case</u> | |
| officers serve at the pleasure of the Chief J | udge of the |
| District Court. | |
| | |
| D. Family case management officers shall employ | |
| case management techniques and have jurisdiction | to hear and |
| dispose of the following matters: | |
| | |
| (1) Interim orders in actions inv | |
| establishment, modification or enforcemen | t of child |
| <u>support;</u> | |
| | |

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- (2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions;
- 6 (3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is 8 uncontested;
- 10 (4) Final orders in a contested proceeding when child support is the only contested issue; and
 - (5) Other actions assigned by the Chief Judge of the District Court.
- 16 <u>E. Decisions of the family case management officers become</u> <u>court orders, unless an objection is filed by one of the</u>
 18 <u>parties within 10 days.</u>

 20 2. Additional staff. The State Court Administrator shall provide other necessary staff to the Family Division, within the
 22 limits of funds available, and shall seek to take full advantage of federal funding, including reimbursements.

3. Annual report. The State Court Administrator shall keep Statistical records relating to the cases handled by the Family Division and annually report this information to the Supreme Judicial Court and to the Legislature upon request.

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- Sec. 2. Effective date. This Act takes effect January 1, 1998.
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SUMMARY

This bill creates a Family Division within the District 36 Court. The division will consist of para-judicial officers called family case management officers and other necessary staff.

The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, will appoint the 40 family case management officers. The family case management officers will be attorneys with experience in family law plus 42 interest, training or experience in mediation or other dispute 44 resolution techniques, domestic violence, child development, family dynamics and case management. The family case management 46 officers will be subject to the Maine Code of Judicial Conduct. They will serve at the pleasure of the Chief Judge of the District Court, who will supervise, manage and schedule them. 48 The family case management officers positions will be full-time

positions. They will be authorized to hear and decide certain types of actions and motions, including child support cases.

Because the family case management officers and support staff focus their efforts on cases involving child support,
federal matching funds will be available to cover 66% of the cost of these positions.

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The Family Division begins operating on January 1, 1998.

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