

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1613, Bill, "An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care"

Amend the bill by striking out all of sections 1 to 4 and inserting in their place the following:

'Sec. 1. 19-A MRSA §2006, sub-§4-A is enacted to read:

4-A. Child care. The court or hearing officer in an action to determine or modify support of a minor child or children may authorize child care as follows.

A. The party not providing primary residential care, or either party if primary residential care is shared equally, may provide regularly scheduled child care, may have a parent or sibling provide regularly scheduled child care or may schedule a less expensive child care provider, subject to the following conditions.

(1) A preponderance of the evidence standard must be used if it becomes necessary to determine if the child care is regularly scheduled.

(2) If the obligor's place of residence or employment is within 20 miles of the place of residence or employment of the other parent, the parties shall share equally the responsibility and costs of transportation associated with the care.

(3) If the obligor's place of residence or employment is not within 20 miles of the place of residence or employment of the other parent, the obligor shall bear

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2 the responsibility and costs of transportation
3 associated with the care.

4 (4) The child care provided must be consistent with
5 the best interest of the child or children.

6
7 B. The provision of child care by the child support obligor
8 in accordance with this subsection does not increase or
9 decrease the percentage of time that a parent has primary
10 responsibility for a child for purposes of determining the
11 annual percentage of time a parent has primary residential
12 care under section 2001, subsection 8.

13
14 C. This subsection does not apply to a parent denied
15 parental rights and responsibilities in a court order.

16
17 If a court or hearing officer refuses to authorize child care by
18 the obligor pursuant to this subsection, the court or hearing
19 officer shall state in writing or on the record the reasons for
20 that decision.'

21
22 Further amend the bill by striking out all of sections 6 and
23 7 and inserting in their place the following:

24 **'Sec. 6. 19-A MRSA §2007, sub-§3, ¶R is enacted to read:**

25
26 R. The nonprimary residential care provider, or either
27 party if primary residential care is shared equally, is
28 providing child care services pursuant to section 2006,
29 subsection 4-A.

30
31 **Sec. 7. Effective date.** This Act takes effect October 1, 1997.'

32
33 Further amend the bill by relettering or renumbering any
34 nonconsecutive Part letter or section number to read
35 consecutively.

36
37 Further amend the bill by inserting at the end before the
38 summary the following:

39
40
41 **FISCAL NOTE**

42
43 The additional workload and administrative costs associated
44 with the minimal number of new cases filed in the court system
45 can be absorbed within the budgeted resources of the Judicial
46 Department.

2 The additional costs associated with an increase in the
number of hearings can be absorbed by the Department of Human
4 Services utilizing existing budgeted resources.'

6 **SUMMARY**

8 This amendment deletes the provisions of the bill amending
the Maine Revised Statutes, Title 19.

10 This amendment revises the language to make clear that child
12 support orders issued under the child support guidelines may
authorize that the responsibility for the provision of child care
14 be placed on both parents or on the parent not providing primary
residential care. The parent may provide the child care
16 personally, or have it provided by a relative or by a less
expensive child care provider. The child care must be consistent
18 with the best interest of the child or children. If the parent
provides the child care personally, that time may not be used in
20 the calculation to determine who provides primary residential
care for the child. The fact that a parent who is otherwise
22 responsible for paying child support is responsible for child
care is a factor that allows deviation from the child support
24 guidelines.

26 The amendment clarifies that these provisions apply to court
orders and orders issued by hearing officers and adds a fiscal
28 note to the bill.