

# MAINE STATE LEGISLATURE

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R.S.S.

L.D. 1669

DATE: 5/20/97

(Filing No. H-589)

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 1178, L.D. 1669, Bill, "An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 19-A MRSA §1653, sub-§14 is enacted to read:

14. Notice of relocation. The order must require notice of the intended relocation of a child by a parent awarded shared parental rights and responsibilities or allocated parental rights and responsibilities. At least 30 days before the intended relocation of a child by a parent, the parent shall provide notice to the other parent of the intended relocation. If the relocation must occur in fewer than 30 days, the parent who is relocating shall provide notice as soon as possible to the other parent. If the parent who is relocating believes notifying the other parent will cause danger to the relocating parent or the child, the relocating parent shall notify the court of the intended relocation, and the court shall provide appropriate notice to the other parent in a manner determined to provide safety to the relocating parent and child.

Sec. 2. 19-A MRSA §1657, sub-§2, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2, is amended to read:

A. The relocation, or intended relocation, of a child resident in this state to another state by a parent, when the other parent is a resident of this State and there

COMMITTEE AMENDMENT

exists an award of shared or allocated parental rights and responsibilities concerning the child; e#

Sec. 3. 19-A MRSA §1657, sub-§2, ¶¶A-1 and A-2 are enacted to read:

A-1. The relocation, or intended relocation, of a child that will disrupt the parent-child contact between the child and the parent who is not relocating, if there exists an award of shared or allocated parental rights and responsibilities concerning the child. Relocating the child more than 60 miles from the residence of the parent who is relocating or more than 60 miles from the residence of the parent who is not relocating is presumed to disrupt the parent-child contact between the child and the parent who is not relocating;

A-2. The receipt of notice of the intended relocation of the child as required under section 1653, subsection 14; or

Sec. 4. Effective date. This Act takes effect October 1, 1997.'

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

**FISCAL NOTE**

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

**SUMMARY**

This amendment requires orders governing parental rights and responsibilities to include a provision giving prior notice to one parent of the other parent's intended relocation of the child. Notice to the other parent is required for any change of residence, except when giving the notice would result in danger to the parent or child.

This amendment changes the provisions concerning what constitutes by definition a "substantial change in circumstances" warranting court action upon a petition to modify the court order. Relocation of the child to a location that

2 will disrupt the parent-child contact between the child and the  
parent who is not moving gives the parent standing to petition  
4 the court for a modification of the order. A relocation of 60  
miles from the current residence or from the parent who is not  
6 relocating is presumed to disrupt the parent-child contact.  
Shorter distances may also result in a disruption. In addition,  
8 receipt of notice that the other parent intends to relocate the  
child also gives a parent standing to petition the court for a  
modification.