

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1285

H.P. 907

House of Representatives, February 16, 1999

An Act to Allow the Child Support Obligor the Right to Provide Day Care.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative STANWOOD of Southwest Harbor.
Cosponsored by Representatives: MAYO of Bath, PINKHAM of Lamoine, SNOWE-MELLO of Poland.

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

2
4
Sec. 1. 19-A MRSA §2006, sub-§4-A is enacted to read:

6 4-A. Child care. In any court action to determine or
7 modify support of a minor child or children, the nonprimary
8 residential care provider, referred to in this section as the
9 "child support obligor," or either party in case primary
10 residential care is shared equally, may provide child care or may
11 have a parent or sibling provide child care, subject to the
12 following conditions.

14 A. If the child support obligor's place of residence or
15 employment is within 20 miles of the place of residence or
16 employment of the other parent, the parties shall share
17 equally the responsibility and costs of transportation
18 associated with the care.

20 B. If the child support obligor's place of residence or
21 employment is not within 20 miles of the place of residence
22 or employment of the other parent, the responsibility and
23 costs of transportation associated with the care must be
24 borne by the child support obligor.

26 C. The child care provided must be consistent with the best
27 interests of the child or children.

28 The provision of child care by the child support obligor in
29 accordance with this subsection does not increase or decrease the
30 percentage of time that a parent has primary responsibility for a
31 child for purposes of determining the annual percentage of time a
32 parent has primary residential care under section 2001,
33 subsection 8. If a court refuses to authorize child care by the
34 obligor pursuant to this subsection, the court shall state in
35 writing or on the record any reasons that care should not be
36 allowed.

38 This subsection does not apply to a parent denied parental rights
39 and responsibilities in a court order.

40
42 Sec. 2. 19-A MRSA §2007, sub-§3, ¶¶P and Q, as enacted by PL
43 1995, c. 694, Pt. B, §2, and affected by Pt. E, §2, are amended
44 to read:

46 P. An obligor party's substantial financial obligation
regarding the costs of transportation of each child for

2 purposes of parent and child contact. To be considered
substantial, the transportation costs must exceed 15% of the
yearly support obligation; and

4
6 Q. A finding by the court or hearing officer that the
application of the support guidelines would be unjust,
inappropriate or not in the child's best interest; and

8
10 **Sec. 3. 19-A MRSA §2007, sub-§3, ¶R** is enacted to read:

12 R. The nonprimary residential care provider, or either
party in case primary residential care is shared equally, is
providing child care services pursuant to section 2006,
14 subsection 4-A.

16
18 **SUMMARY**

20 This bill provides that the nonprimary residential care
provider, or either party in case primary residential care is
22 shared equally, may provide child care personally or by a close
relative if it is consistent with the best interests of the
child. If a court does not allow child care, it must state the
24 reasons in writing or on the record.