

MAINE STATE LEGISLATURE

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1008

L.D. 1405

DATE: 5-17-01

(Filing No. H-499)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1048, L.D. 1405, Bill, "An Act to Encourage Joint Child Rearing Between Divorced Parents"

Amend the bill by striking out all of sections 2, 3 and 4 and inserting in their place the following:

Sec. 2. 19-A MRSA §1653, sub-§2, ¶D, as amended by PL 1997, c. 415, §3 and affected by §5, is further amended to read:

D. The order of the court awarding parental rights and responsibilities must include the following:

(1) Allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child as provided in subsection 3. An award of shared parental rights and responsibilities may include either an allocation of the child's primary residential care to one parent and rights of parent-child contact to the other parent, or a sharing of the child's primary residential care by both parents. If either or both parents request an award of shared primary residential care and the court does not award shared primary residential care of the child, the court shall state in its decision the reasons why shared primary residential care is not in the best interest of the child;

(2) Conditions of parent-child contact in cases involving domestic abuse as provided in subsection 6;

2 (3) A provision for child support as provided in
3 subsection 8 or a statement of the reasons for not
4 ordering child support;

6 (4) A statement that each parent must have access to
7 records and information pertaining to a minor child,
8 including, but not limited to, medical, dental and
9 school records and other information on school
10 activities, whether or not the child resides with the
11 parent, unless that access is found not to be in the
12 best interest of the child or that access is found to
13 be sought for the purpose of causing detriment to the
14 other parent. If that access is not ordered, the court
15 shall state in the order its reasons for denying that
16 access;

18 (5) A statement that violation of the order may result
19 in a finding of contempt and imposition of sanctions as
20 provided in subsection 7; and

22 (6) A statement of the definition of shared parental
23 rights and responsibilities contained in section 1501,
24 subsection 5, if the order of the court awards shared
25 parental rights and responsibilities.

26 An order modifying a previous order is not required to
27 include provisions of the previous order that are not
28 modified.'

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

34 **FISCAL NOTE**

36 The additional costs associated with requiring the court to
37 include this information in certain decisions can be absorbed by
38 the Judicial Department utilizing existing budgeted resources.'

42 **SUMMARY**

44 This amendment retains section 1 of the bill, which contains
45 statements regarding the State's public policy to assure minor
46 children of frequent and continuing contact with both parents
47 after the parents have separated or dissolved their marriage, and
48 that it is in the public interest to encourage parents to share

2 the rights and responsibilities of child rearing to effect this
policy.

4 This amendment replaces the rest of the bill and includes
changes in the law concerning primary residential care of a
6 child. Not all parents request shared primary residential care
for a child. If one or both of the parents request that
8 arrangement, the court must consider shared primary residential
care. If one or both of the child's parents request shared
10 primary residential care and the court does not make that award,
the court must include the reasons why shared primary residential
12 care is not in the child's best interest. The amendment also
adds a fiscal note to the bill.

14