

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1104, L.D. 1473, Bill, "An Act to Make Uniform the Language Governing Parental Rights and Responsibilities in the Maine Revised Statutes"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 19-A MRSA §1653, sub-§5-A is enacted to read:

5-A. Effect of protective order. Although the court shall consider the fact that a protective order was issued under chapter 101, the court shall determine the proper award of parental rights and responsibilities and award of rights of contact de novo and may not use as precedent the award of parental rights and responsibilities and rights of contact included in the protective order.'

Further amend the bill in section 3 by striking out all of paragraph G (page 2, lines 2 to 17 in L.D.) and inserting in its place the following:

'G. Either awarding some or all temporary custody--of parental rights and responsibilities with regard to minor children or establishing awarding temporary visitation rights of contact with regard to minor children when--the visitation--is--determined--to--be--in--the--best--interest--of--the child, or both, under such conditions that the court finds appropriate as determined in accordance with the best interest of the child pursuant to section 1653, subsections

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3 to 6. The court's ~~eustody--and--visitation~~ award of  
2 parental rights and responsibilities or rights of contact is  
3 not binding in any separate action involving an award of  
4 parental rights and responsibilities pursuant to chapter 55  
5 or in a similar action brought in another jurisdiction  
6 exercising child custody jurisdiction in accordance with the  
7 Uniform Child Custody Jurisdiction and Enforcement Act;'

8  
9 Further amend the bill by relettering or renumbering any  
10 nonconsecutive Part letter or section number to read  
11 consecutively.

12  
13  
14 **SUMMARY**

15 This amendment amends the provisions governing the award of  
16 parental rights and responsibilities or rights of contact with  
17 minor children after such an award has already been made as part  
18 of a protection from abuse order. It requires the court in a  
19 parental rights and responsibilities action to determine the  
20 proper award de novo and to not rely as precedent on the award  
21 made in the protective order. It also revises the language in  
22 the bill to refer to the award of parental rights and  
23 responsibilities in the protection from abuse order and removes  
24 from the bill the prohibition on using a protective order as  
25 precedence in the protection from abuse laws.  
26