

# MAINE STATE LEGISLATURE

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L.D. 1969

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

COMMITTEE AMENDMENT "B" to H.P. 1468, L.D. 1969, Bill, "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

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-§6-A is enacted to read:

6-A. Custody and contact limited; sex offender; sexually violent predator. Notwithstanding any other provision of this chapter, the court may not award primary residence of a minor child to a sex offender or a sexually violent predator. The court may award parent-child contact with a minor child to a sex offender or a sexually violent predator only if there is another person or agency present to supervise the contact. For purposes of this subsection, "sex offender" and "sexually violent predator" have the same meanings as defined in Title 34-A, section 11203, subsections 5 and 8.

If the court allows a family or household member to supervise parent-child contact, the court shall establish conditions to be followed during that contact. Conditions include, but are not limited to:

A. Minimizing circumstances when the family of the parent who is a sex offender or sexually violent predator would be supervising visits;

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- 2           B. Ensuring that parent-child contact does not damage the  
4           child's relationship with the parent with whom the child has  
              primary physical residence;
- 6           C. Ensuring the safety and well-being of the child; and
- 8           D. Requiring that supervision is provided by a person who  
10           is physically and mentally capable of supervising a visit  
              and who does not have a criminal history or history of abuse  
12           or neglect.

14           **Sec. 2. 19-A MRSA §1743** is enacted to read:

16           §1743. Prohibited custody

18           Notwithstanding any other provision of this chapter, the  
              court may not award custody of a minor child to a sex offender or  
20           a sexually violent predator. For purposes of this section, "sex  
              offender" and "sexually violent predator" have the same meanings  
22           as defined in Title 34-A, section 11203, subsections 5 and 8.

24           **Sec. 3. 19-A MRSA §1803, sub-§7** is enacted to read:

26           7. Supervision required; sex offender; sexually violent  
              predator. Notwithstanding any other provision of this chapter,  
28           the court may award a grandparent who is a sex offender or a  
              sexually violent predator visitation with a minor grandchild only  
30           if there is another person or agency present to supervise the  
              visitation. For purposes of this subsection, "sex offender" and  
32           "sexually violent predator" have the same meanings as defined in  
              Title 34-A, section 11203, subsections 5 and 8.

34           If the court allows a family or household member to supervise  
              grandparent-child contact, the court shall establish conditions  
36           to be followed during that contact. Conditions include, but are  
              not limited to:

- 38           A. Minimizing circumstances when the family of the  
40           grandparent who is a sex offender or sexually violent  
              predator would be supervising visits;
- 42           B. Ensuring the safety and well-being of the child; and
- 44           C. Requiring that supervision is provided by a person who  
46           is physically and mentally capable of supervising a visit  
              and who does not have a criminal history or history of abuse  
48           or neglect.'

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## SUMMARY

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This amendment is the minority report of the Joint Standing Committee on Judiciary.

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This amendment expands the bill to prohibit the court from ordering custody of a child to a sexually violent predator as well as a sex offender. "Sexually violent predator" is defined in the Sex Offender Registration and Notification Act of 1999.

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This amendment expands the bill to impose restrictions on visitation and contact with grandparents who are sexually violent predators.

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This amendment clarifies conditions that may be imposed when the court orders supervised visitation. The restrictions on who may supervise are similar to those in current law that apply when supervised visitation is ordered in cases involving domestic violence.