

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1229

H.P. 847

House of Representatives, March 10, 2005

An Act To Strengthen the Enforcement of Divorce Decrees

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKENNEY of Cumberland.
Cosponsored by Senator: TURNER of Cumberland.

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

2
3 **Sec. 1. 19-A MRSA §1653, sub-§7**, as enacted by PL 1995, c.
4 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the
5 following enacted in its place:

6
7 7. Violation of order concerning parental rights and
8 responsibilities and contact. Either parent may file a motion
9 with the court alleging that a parent is not complying with the
10 parental rights and responsibilities or parent-child contact
11 order under this section and setting forth the possible sanctions
12 that may be imposed by the court.

13 A. The court shall determine from the motion and any
14 response to the motion whether there has been or is likely
15 to be substantial or continuing noncompliance with the order
16 and may:

17 (1) Deny the motion if there is inadequate allegation;

18 (2) Set the matter for hearing as expeditiously as
19 possible and provide notice to the parties of the time
20 and place of the hearing; or

21 (3) Require the parties to seek court-approved
22 mediation within 60 days. At the end of the mediation
23 period, the court may approve a settlement agreement
24 reached by the parents or shall set the matter for
25 hearing.

26 B. After a hearing under paragraph A, if a court finds that
27 a parent has not complied with the order, the court, in the
28 best interests of the child, shall issue an order that may
29 include but not be limited to one or more of the following
30 orders:

31 (1) An order imposing additional terms and conditions
32 that are consistent with the court's previous order,
33 except that the court shall separate the issues of
34 child support and contact and may not condition child
35 support on contact time;

36 (2) An order modifying the previous order to meet the
37 best interests of the child;

38 (3) An order requiring either parent or both parents
39 to attend an available parental education program at
40 the expense of the noncomplying parent;
41

2 (4) An order requiring the parties to participate in
4 available and approved family counseling at the expense
 of the noncomplying parent;

6 (5) An order requiring the noncomplying parent to post
 bond or security to ensure future compliance;

8 (6) An order requiring that make-up contact time be
10 provided for the aggrieved parent under the following
 conditions:

12 (a) That such contact time is of the same type
14 and duration of contact time as that denied,
 including but not limited to time during weekends,
16 on holidays and on weekdays during the summer;

18 (b) That such contact time is made up within 6
20 months after the noncompliance occurs unless the
 period of time or holiday cannot be made up within
22 6 months, in which case the contact time must be
 made up within one year after the noncompliance
 occurs; and

24 (c) That such contact time takes place at the
26 time and in the manner chosen by the aggrieved
 parent if it is in the best interests of the child;

28 (7) An order finding the parent who did not comply
30 with the order in contempt of court and imposing a fine
 or term of imprisonment;

32 (8) An order imposing on the noncomplying parent a
34 fine not to exceed \$100 per incident of denied contact
 time;

36 (9) An order scheduling a hearing for modification of
38 the existing order concerning the award of parental
 rights and responsibilities; and

40 (10) Any other order that promotes the best interests
42 of the child involved.

44 **Sec. 2. Parenting time enforcement program.** The appropriate
 state agency, as determined by the Governor, shall develop a
46 parenting time enforcement program.

48 **1. Development of program.** The program must facilitate
 children's access to the parents with whom the children reside

less than the majority of the time by any one or any combination
of the following methods:

A. Mediation, both voluntary and mandatory;

B. Family counseling;

C. Parental education;

D. Developing parenting plans;

E. Establishing parenting time enforcement procedures,
including monitored parenting time, supervised parenting
time and designated neutral locations for transfer;

F. Parenting time guidelines; and

G. Alternative arrangements with respect to parental
responsibilities.

2. Statewide or pilot project. The parenting time
enforcement program, if developed, may be operated on a statewide
basis or on a representative pilot basis.

3. Funds. The agency shall seek federal and other funds to
carry out the development, implementation, monitoring and
evaluation of the program.

4. Monitor, evaluate and report. The state agency shall
monitor, evaluate and report on the parenting time enforcement
program. The agency shall submit a report on the parenting time
enforcement program to the Governor, the Legislative Council and
the joint standing committee of the Legislature having
jurisdiction over judiciary matters by January 15, 2007.

SUMMARY

This bill enhances the sanctions available for violations of
parental rights and responsibilities orders, particularly
concerning contact between the child and the parent who does not
provide the primary residence of the child.

This bill also directs the Governor to designate an
appropriate state agency to develop a parenting time enforcement
program. The language is modeled on a similar program in
Colorado. The agency is authorized to seek other funding,
including federal grants, to develop, implement, monitor and
evaluate the program.