

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 787, L.D. 1143, Bill, "An Act To Establish Child Custody and Domestic Violence Presumptions"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Study. Resolved: That the Maine Commission on Domestic and Sexual Abuse shall study domestic abuse, parental rights and responsibilities and the protection from abuse process, including the laws and practices governing parental rights when domestic abuse is alleged or suspected. The study must include:

- 1. A review of how the best interests of the child are determined;
- 2. An examination of the issues concerning the presentation of evidence that accurately portrays domestic violence and its effects in the family relationship;
- 3. How other states have addressed domestic violence when establishing parental rights and responsibilities, including the adoption of rebuttable presumptions, and how those procedures are working in those states;
- 4. Whether misuse of the protection from abuse process is happening and, if so, why and to what extent the misuse is occurring and whether there are problems with the process itself that lead participants to the conclusion that the process is biased, unfair or inconsistently applied; and

5. A review of the training provided to the judiciary and guardians ad litem concerning domestic abuse and parental rights and responsibilities; and be it further

Sec. 2. Participation. Resolved: That the commission shall invite interested parties to participate in the study, including but not limited to: the Family Law Advisory Commission; the Maine Coalition to End Domestic Violence; the Maine Guardian Ad

COMMITTEE AMENDMENT

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1 Litem Institute; the Family Law Section of the Maine State Bar Association; the judicial
2 branch; the Maine Association of Criminal Defense Lawyers; and any others the
3 commission determines helpful to the study; and be it further

4 **Sec. 3. Report; legislation. Resolved:** That the commission shall submit a
5 report to the Joint Standing Committee on Judiciary no later than February 1, 2010. The
6 report must summarize the activities of the commission, identify the participants in the
7 study under section 1 and include recommendations for action by the legal profession, the
8 judicial branch, advocates for victims of domestic violence, law enforcement and
9 prosecutors. The report may include recommendations for further data collection,
10 research and analysis to address the subjects that are included in the study. The report
11 may include recommended legislation. The Joint Standing Committee on Judiciary may
12 report out legislation to the 124th Legislature in 2010 based on the report.

13 **SUMMARY**

14 This amendment deletes the bill, changes the title and replaces it with a resolve
15 directing the Maine Commission on Domestic and Sexual Abuse to undertake a study on
16 domestic violence, parental rights and responsibilities and the protection from abuse
17 process. The commission shall invite interested parties to participate and shall report to
18 the Joint Standing Committee on Judiciary by February 1, 2010. The report may include
19 recommendations for further data collection, research and analysis to address the subjects
20 that are included in the study. The committee may report out legislation to the 124th
21 Legislature in 2010.

22 **FISCAL NOTE REQUIRED**

23 (See attached)



124th MAINE LEGISLATURE

LD 1143

LR 902(02)

An Act To Establish Child Custody and Domestic Violence Presumptions

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the member agencies of the Maine Commission on Domestic and Sexual Abuse can be absorbed utilizing existing budgeted resources.