

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1814

H.P. 1298

House of Representatives, March 9, 2010

### **An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities**

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Reported by Representative PRIEST of Brunswick for the Joint Standing Committee on  
Judiciary pursuant to Resolve 2009, chapter 120.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint  
Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

2 **Sec. 1. 19-A MRSA §1653, sub-§1, ¶C**, as enacted by PL 2001, c. 329, §1, is  
3 amended to read:

4 C. The Legislature finds and declares that, except when a court determines that the  
5 best interest of a child would not be served, it is the public policy of this State to  
6 assure minor children of frequent and continuing contact with both parents after the  
7 parents have separated or dissolved their marriage and ~~that it is in the public interest~~  
8 to encourage parents to share the rights and responsibilities of child rearing in order  
9 to effect this policy.

10 **Sec. 2. 19-A MRSA §1653, sub-§3, ¶L**, as enacted by PL 1995, c. 694, Pt. B, §2  
11 and affected by Pt. E, §2, is amended to read:

12 L. The existence of domestic abuse between the parents, in the past or currently, and  
13 how that abuse affects:

14 (1) The child emotionally; ~~and~~

15 (2) The safety of the child; and

16 (3) The other factors listed in this subsection, which must be considered in light  
17 of the presence of past or current domestic abuse;

18 **Sec. 3. 19-A MRSA §1653, sub-§3, ¶Q**, as amended by PL 2005, c. 567, §2, is  
19 further amended to read:

20 Q. The existence of a parent's conviction for a sex offense or a sexually violent  
21 offense as those terms are defined in Title 34-A, section 11203; ~~and~~

22 **Sec. 4. 19-A MRSA §1653, sub-§3, ¶R**, as enacted by PL 2005, c. 567, §3, is  
23 amended to read:

24 R. If there is a person residing with a parent, whether that person:

25 (1) Has been convicted of a crime under Title 17-A, chapter 11 or 12 or a  
26 comparable crime in another jurisdiction;

27 (2) Has been adjudicated of a juvenile offense that, if the person had been an  
28 adult at the time of the offense, would have been a violation of Title 17-A,  
29 chapter 11 or 12; or

30 (3) Has been adjudicated in a proceeding, in which the person was a party, under  
31 Title 22, chapter 1071 as having committed a sexual offense; and

32 **Sec. 5. 19-A MRSA §1653, sub-§3, ¶S** is enacted to read:

33 S. Whether allocation of some or all parental rights and responsibilities would best  
34 support the child's safety and well-being.

1

## SUMMARY

2 This bill adds an exception to the public policy in favor of a child's contact with both  
3 parents and shared parental rights and responsibilities when the court determines that the  
4 contact or an award of shared parental rights and responsibilities would not be in the best  
5 interest of the child. This bill requires the court to consider how the existence of  
6 domestic abuse between the parents would affect the other best interest factors. This bill  
7 also adds another factor to the list of best interest factors that would require the court to  
8 consider whether allocation of some or all parental rights and responsibilities would best  
9 support the child's safety and well-being.