

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 864

S.P. 309

In Senate, March 12, 2015

### An Act To Require Parenting Plans To Be Timely Filed

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator HASKELL of Cumberland.  
Cosponsored by Representative MOONEN of Portland and  
Senator: DIAMOND of Cumberland.

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

2 **Sec. 1. 19-A MRSA §1653, sub-§2, ¶D**, as amended by PL 2009, c. 345, §1, is  
3 further amended to read:

4 D. The order of the court awarding parental rights and responsibilities must include  
5 the following:

6 (1) Allocated parental rights and responsibilities, shared parental rights and  
7 responsibilities or sole parental rights and responsibilities, according to the best  
8 interest of the child as provided in subsection 3. An award of shared parental  
9 rights and responsibilities may include either an allocation of the child's primary  
10 residential care to one parent and rights of parent-child contact to the other  
11 parent, or a sharing of the child's primary residential care by both parents. If  
12 either or both parents request an award of shared primary residential care and the  
13 court does not award shared primary residential care of the child, the court shall  
14 state in its decision the reasons why shared primary residential care is not in the  
15 best interest of the child;

16 (2) Conditions of parent-child contact in cases involving domestic abuse as  
17 provided in subsection 6;

18 (3) A provision for child support as provided in subsection 8 or a statement of  
19 the reasons for not ordering child support;

20 (4) A statement that each parent must have access to records and information  
21 pertaining to a minor child, including, but not limited to, medical, dental and  
22 school records and other information on school activities, whether or not the  
23 child resides with the parent, unless that access is found not to be in the best  
24 interest of the child or that access is found to be sought for the purpose of causing  
25 detriment to the other parent. If that access is not ordered, the court shall state in  
26 the order its reasons for denying that access;

27 (5) A statement that violation of the order may result in a finding of contempt  
28 and imposition of sanctions as provided in subsection 7;

29 (6) A statement of the definition of shared parental rights and responsibilities  
30 contained in section 1501, subsection 5, if the order of the court awards shared  
31 parental rights and responsibilities; and

32 ~~(7) If the court appoints a parenting coordinator pursuant to section 1659, a~~  
33 ~~parenting plan defining areas of parental rights and responsibilities within the~~  
34 ~~scope of the parenting coordinator's authority.~~

35 (8) A parenting plan as required under section 1660.

36 An order modifying a previous order is not required to include provisions of the  
37 previous order that are not modified.

38 **Sec. 2. 19-A MRSA §1660** is enacted to read:

1           **§1660. Parenting plan**

2           **1. Parenting plan required.** When issuing an order establishing or modifying  
3 parental rights and responsibilities, the court shall include in the order a parenting plan.  
4 When making a parenting plan, the court shall apply the standard of the best interest of  
5 the child as described in section 1653, subsection 3.

6           A. The court shall incorporate into a temporary order a temporary parenting plan that  
7 applies during the course of the litigation.

8           B. The court shall incorporate into the final parental rights and responsibilities order  
9 a permanent parenting plan.

10          **2. Proposed parenting plans.** Each party shall submit, either individually or  
11 jointly:

12          A. A temporary or permanent parenting plan prior to mediation; and

13          B. A permanent parenting plan prior to the pretrial conference or judicial settlement  
14 conference.

15          **3. Contents of parenting plan.** The parenting plan must include:

16          A. Allocation of residential contact, either sole, shared or allocated, and an  
17 explanation of the choice;

18          B. A schedule of parent-child contact that includes at least the following:

19               (1) Day-to-day contact, including rights of contact over the phone and by  
20 electronic means;

21               (2) Holiday contact, including Monday holidays, Easter, July 4th, Veteran's Day,  
22 Halloween, Thanksgiving, Christmas and New Year's Day or other important  
23 cultural or religious holidays;

24               (3) School vacation contact, including winter break, February break, April break  
25 and summer school recesses; and

26               (4) Family holidays, reunions and the child's birthdays;

27          C. Allocation of decision-making authority, including a default method for conflict  
28 resolution in the areas of education; medical care, including mental health care;  
29 religion; discipline; and child care;

30          D. A process for resolving disputes without court action, which may include  
31 counseling, mediation or arbitration by a specified individual or agency, or court  
32 action;

33          E. A method for parental communication and what information needs to be  
34 communicated; and

35          F. A provision for how the plan will be revisited and how frequently.

1 **SUMMARY**

2 This bill establishes the requirement that courts incorporate a parenting plan into any  
3 order that addresses parental rights and responsibilities. Each party must submit a  
4 temporary or permanent parenting plan prior to mediation, or the parties may submit a  
5 temporary or permanent parenting plan jointly. The court shall incorporate a temporary  
6 parenting plan into any order issued during the parental rights and responsibilities  
7 litigation, and that parenting plan applies until a final order is issued. Each party must  
8 submit a permanent parenting plan prior to the pretrial conference or the judicial  
9 settlement conference, or the parties may submit a permanent parenting plan jointly. The  
10 court shall incorporate a permanent parenting plan into the final judgment.

11 The parenting plan must address each parent's specific responsibilities for the child,  
12 as well as establish both a decision-making mechanism and dispute resolution method for  
13 issues not specifically covered or about which the parents cannot agree.