

MAINE STATE LEGISLATURE

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L.D. 1670

Date: 2-16-18

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1157, L.D. 1670, Bill, "An Act To Revise the Grandparents Visitation Act"

Amend the bill in section 1 by striking out all of subsection 2 (page 1, lines 3 to 9 in L.D.) and inserting the following:

2. Sufficient existing relationship. "Sufficient existing relationship" means a relationship involving extraordinary contact between a grandparent and a child, including but not limited to circumstances in which the grandparent has been a primary caregiver and custodian of the child for a significant period of time.'

Amend the bill in section 2 in subsection 1 in paragraph B in the last line (page 1, line 17 in L.D.) by striking out the following: "or" and inserting the following: 'or'

Amend the bill in section 2 in subsection 1 by striking out all of paragraph D (page 1, lines 20 and 21 in L.D.)

Amend the bill in section 2 in subsection 1 by relettering the paragraphs to read alphabetically.

Amend the bill in section 6 in §1806 by striking out all of the indented paragraph (page 3, lines 21 to 24 in L.D.) and inserting the following:

'Nothing in this chapter limits a grandparent's ability to file any action not governed by the provisions of this chapter with respect to a child, including but not limited to an action to establish de facto parentage of a child under section 1891, an action for guardianship of a child under Title 18-A, Article 5 and a child protection petition under Title 22, section 4032, subsection 1, paragraph C.'

SUMMARY

This amendment is the report of the Joint Standing Committee on Judiciary. It amends the substantive test for a grandparent's standing to seek access to or visitation with a child under the Grandparents Visitation Act to add clarity. To establish standing under the amendment, the grandparent must show either that the grandparent has a

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1 sufficient existing relationship with the child or the existence of any other compelling
2 state interest that justifies the court's interference with the parent's fundamental right to
3 deny the grandparent access to the child.

4 The amendment also removes reference to the de facto parentage standard in the bill's
5 definition of the type of sufficient existing relationship that confers standing on a
6 grandparent. Under the amendment, "sufficient existing relationship" is defined as a
7 relationship involving extraordinary contact between the grandparent and the child,
8 including but not limited to circumstances where the grandparent has been a primary
9 caregiver and custodian of the child for a significant period of time. This definition of
10 "sufficient existing relationship" is intended to codify the Law Court's decisions in
11 Rideout v. Riendeau, 2000 ME 198, 761 A.2d 291, and Robichaud v. Pariseau, 2003 ME
12 54, 820 A.2d 1212.

13 The amendment also clarifies that a grandparent's ability to join with 2 or more other
14 persons and file a child protection petition is not limited by the Grandparents Visitation
15 Act.