

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 137

H.P. 83

House of Representatives, January 10, 2023

An Act to Amend the Maine Parentage Act Regarding Joinder of Parties

Reported by Representative MOONEN of Portland for the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 19-A MRSA §1836**, as enacted by PL 2015, c. 296, Pt. A, §1 and affected
3 by Pt. D, §1, is amended to read:

4 **§1836. Parties to proceeding**

5 ~~In addition to a child whose parentage is to be adjudicated a proceeding to adjudicate~~
6 ~~the parentage of a child, all parents of the child must be joined as parties in a proceeding to~~
7 ~~adjudicate parentage.~~

8 **Sec. 2. 19-A MRSA §1844, sub-§2**, as enacted by PL 2015, c. 296, Pt. A, §1 and
9 affected by Pt. D, §1, is amended to read:

10 **2. Adjudication in divorce, annulment or legal separation proceeding ~~to dissolve~~**
11 **~~marriage or proceeding to establish parental rights.~~** In a proceeding for divorce, for
12 legal separation, to dissolve annul a marriage or to establish parental rights and
13 responsibilities, the court is deemed to have made an adjudication of the parentage of a
14 child if the court acts under circumstances that satisfy the jurisdictional requirements of
15 section 2961 and the final order:

16 A. Expressly identifies a child as a "child of the ~~marriage parties~~" or "issue of the
17 marriage" or by similar words indicates that the parties are the parents of the child; or

18 B. Provides for support of the child by the parent or parents.

19 **SUMMARY**

20 This bill is proposed by the Family Law Advisory Commission pursuant to the Maine
21 Revised Statutes, Title 19-A, section 354, subsection 2. It amends 2 provisions of the
22 Maine Parentage Act.

23 The bill clarifies within Title 19-A, section 1836 that a child is not required to be joined
24 as a party in a proceeding to determine that child's parentage.

25 Under Title 19-A, section 1844, if a court in a proceeding to dissolve a marriage acts
26 under the jurisdictional requirements of Maine law and the final order identifies a child as
27 a "child of the marriage" or "issue of the marriage" or by similar words indicates that the
28 parties are the parents of the child, the court is deemed to have made an adjudication of that
29 child's parentage and that adjudication is binding on the parties to the proceeding. The bill
30 clarifies that section 1844 applies not only to divorce proceedings but also to proceedings
31 to annul a marriage or for legal separation. It also expands the scope of section 1844 to
32 apply to proceedings to determine the parental rights and responsibilities with respect to a
33 child's unmarried parents.