

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 414

H.P. 910 - L.D. 1307

An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent

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

19 MRSA c. 20 is enacted to read:

CHAPTER 20**VISITATION RIGHTS OF GRANDPARENTS****§1001. Short title**

This chapter is known and may be cited as the "The Grandparents Visitation Act."

§1002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Grandparent. "Grandparent" is the biological or adoptive parent of the child's biological parent or the child's adoptive parent. "Grandparent" does not include the biological or adoptive parent of a child's biological or adoptive parent who consented to adoption under section 532 or whose parental rights have been terminated pursuant to section 533-A or Title 22, chapter 1071, subchapter VI.

§1003. Petition

1. Visitation rights. A grandparent of a minor child may petition the court for reasonable rights of visitation or access if at least one of the child's parents or legal guardians has died.

2. Best interest of the child. The court may grant a grandparent reasonable rights of visitation or access to a minor child upon finding that rights of visitation or access would be in the best interest of the child and would not significantly interfere with any parent-child relationship or with the parent's rightful authority over the child. In applying this standard the court shall consider the following factors:

A. The age of the child;

B. The relationship of the child with the child's grandparents, including the amount of previous contact;

C. The preference of the child, if old enough to express a meaningful preference;

D. The duration and adequacy of the child's current living arrangements and the desirability of maintaining continuity;

E. The stability of any proposed living arrangements for the child;

F. The motivation of the parties involved and their capacities to give the child love, affection and guidance;

G. The child's adjustment to the child's present home, school and community;

H. The capacity of the parent and grandparent to cooperate or to learn to cooperate in child care;

I. Methods of assisting cooperation and resolving disputes and each person's willingness to use those methods; and

J. Any other factor having a reasonable bearing on the physical and psychological well-being of the child.

3. Modification termination. The court may modify or terminate any rights granted under this section as circumstances require. Modification or termination of rights must be consistent with this section.

4. Enforcement. The court may issue any orders necessary to enforce orders issued under this section or to protect the rights of parties.

5. Costs and fees. The court may award costs, including reasonable attorney's fees for defending or prosecuting actions under this chapter.

§1004. Jurisdiction

An action may be commenced in the Superior Court or the District Court in which the minor child resides. If a child protective proceeding pursuant to Title 22, chapter 1071 is under the jurisdiction of the District Court, any action filed under this chapter must be brought in the District Court and the court may consolidate the proceedings.

An action must be commenced in accordance with the Maine Rules of Civil Procedure. Proceedings under this chapter are governed by the Maine Rules of Civil Procedure.

§1005. Sunset

This chapter is repealed July 31, 1994.

See title page for effective date.