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An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights

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

Sec. 1. 19-A MRSA §1565, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Parental rights and responsibilities. The court may order an initial allocation of parental rights and responsibilities. The order of the court must provide notice that if either party objects to the allocation, that party may file a complaint pursuant to section 1654 and that an order from that action supersedes this initial allocation of parental rights and responsibilities. It is within the court's discretion to award or allocate parental rights and responsibilities under this subchapter and the department is not a party to this issue. In resolving parental rights and responsibilities issues, the court may not delay entering a determination of paternity and an initial order concerning child support. After a final paternity order has been entered, the department may file a motion to withdraw. Whether or not the department has withdrawn, a party or a parent may file a motion to modify pursuant to section 1653 or section 2009. A copy of the motion must be served in accordance with the Maine Rules of Civil Procedure on the other parent and the department, if the department has not withdrawn. A showing of substantial change in circumstances is not required if the moving party has not previously appeared in the action.

Sec. 2. Application. This Act applies to orders issued under the Maine Revised Statutes, Title 19-A, section 1565, regardless of the date of issuance, if the initial allocation of parental rights and responsibilities is still in effect.

Effective September 20, 2007