



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 538

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H.P. 343

House of Representatives, February 9, 2023

### **An Act Regarding the Qualification of Expert Witnesses in Certain Family Court Actions**

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Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative DOUDERA of Camden.  
Cosponsored by Senator CARNEY of Cumberland and  
Representatives: HENDERSON of Rumford, MOONEN of Portland, MORIARTY of  
Cumberland, POIRIER of Skowhegan, RECKITT of South Portland.

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

2 **Sec. 1. 19-A MRSA §1653, sub-§6-C**, as enacted by PL 2021, c. 577, §1, is  
3 amended to read:

4 **6-C. Forensic ~~risk~~ evaluation or assessment**. Upon motion from either party or upon  
5 the court's own motion, the court may order a parent to complete a forensic ~~risk~~ evaluation  
6 or assessment performed by a licensed clinical social worker, psychologist or psychiatrist  
7 qualified to conduct psychosexual evaluations.

8 A. In determining whether to order a forensic ~~risk~~ evaluation or assessment, the court  
9 may consider:

10 (1) The existence of any court findings, including but not limited to a criminal  
11 conviction, that the parent has committed a child-related sexual offense as defined  
12 in subsection 6-A, paragraph A or dissemination of sexually explicit material or  
13 possession of sexually explicit material as described in Title 17-A, chapter 12;

14 (2) The existence of substantiated findings of abuse or neglect under Title 22,  
15 section 4004, subsection 2, paragraph C-1, or an equivalent finding from another  
16 state, against the parent involving a child-related sexual offense as defined in  
17 subsection 6-A, paragraph A or dissemination of sexually explicit material or  
18 possession of sexually explicit material as described in Title 17-A, chapter 12;

19 (3) Whether a guardian ad litem appointed to the case recommends the evaluation  
20 or assessment; and

21 (4) Any other factor the court considers relevant.

22 B. The court may order that the person performing the forensic ~~risk~~ evaluation or  
23 assessment may interview the parent who is the subject of the order and any other  
24 parent of the child and have access to court documents, records of any interview with  
25 the child and other relevant documents.

26 C. The court shall order that the parent ordered to complete the forensic ~~risk~~ evaluation  
27 or assessment is responsible for any fees associated with the evaluation or assessment  
28 unless another parent agrees to pay part or all of the fees.

29 D. If the parent ordered to complete the forensic ~~risk~~ evaluation or assessment has  
30 completed an evaluation or assessment in the past year, the court may order the parent  
31 to release that evaluation or assessment to the court, the guardian ad litem or another  
32 party and may order the parent to complete a new evaluation or assessment only if the  
33 court determines a new evaluation or assessment is necessary.

34 E. In a matter involving the existence of domestic abuse between the parents, in the  
35 past or currently, the court in an action to award parental rights and responsibilities  
36 may not qualify an expert witness to provide a forensic evaluation or assessment  
37 regarding how the court should structure parental rights and responsibilities to achieve  
38 the best interest of the child unless the court finds the witness has training and  
39 demonstrated expertise on at least the following topics:

40 (1) The domestic abuse tactics affecting parent and child safety after separation of  
41 parents;

