

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 446 - L.D. 1577

Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

Preamble. **Whereas**, families in emergency situations regarding the safety of their children do not have a process other than the protection from abuse laws to request temporary emergency custody of children; and

Whereas, the protection from abuse process is not appropriate for all of the emergency situations requiring the court's intervention; and

Whereas, several studies have highlighted the need to address emergency situations, including an appropriate process for access to the courts, for Maine families; and

Whereas, this lack of a process is closely related to the issue of enforcement or timely modification of existing orders; and

Whereas, as studying the possible solutions to these related problems will require time and input from several stakeholders; now, therefore, be it

Sec. 1. Working group. Resolved: That the Maine Commission on Domestic and Sexual Abuse, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C and referred to in this resolve as "the commission," shall convene a working group of stakeholders including commission members, representatives of the judicial branch, family law practitioners, members of the Family Law Advisory Commission established in Title 5, section 12004-I, subsection 52-A, representatives of a statewide coalition to end domestic violence and any others that the commission determines to be necessary participants. The working group shall study the possible responses to emergency child custody situations, including whether an ex parte emergency child custody process can be created within the State's family law statutes and the related issue of how best to enforce or timely modify existing child custody orders.

Sec. 2. Report; legislation. Resolved: That the commission shall submit a report to the Joint Standing Committee on Judiciary no later than December 15, 2022. The report must summarize the activities of the working group under section 1, identify the working group's participants and include any recommended legislation. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out

legislation to the First Regular Session of the 131st Legislature based on the report and recommendations.