



# Administrative Office of the Courts

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## **Judicial Branch testimony in favor of LD 136, An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code:**

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony in support of this bill.

In 2016, the Legislature enacted Chapter 460, "An Act to Ensure a Continuing Home Court for Cases Involving Children," referred to as the "Home Court Act." This law transferred jurisdiction from the Probate Court to the District Court in cases in which matters are pending in both courts involving the same child or children. The purpose of the law was to avoid confusion on the part of the parties and duplication of effort on the part of the courts.

The pending legislation, LD 136, was proposed by the Family Law Advisory Commission (FLAC) after six years of experience with the Home Court Act in order to make some necessary improvements. Briefly stated, the changes are as follows:

- The bill adds proceedings under the Juvenile Code to the list of case types involving a child that will give the District Court jurisdiction over Probate Court actions involving the same child.
- The bill removes proceedings for Protection from Abuse and Harassment from the list of case types that can trigger Home Court jurisdiction.
- The bill provides that the District Court shall have exclusive, continuing jurisdiction over Title 18-C actions involving the child if the child was the subject of a District Court order for termination of parental rights, the appointment of a guardian including a permanency, emergency or interim guardian, an award of parental rights to a third party, or an

adoption. This revision ensures that significant issues involving a child's welfare remain in the court that heard the case originally.

- The bill provides a definition for “pending” that would enable cases in Probate Court that have proceeded to hearing and are under advisement to remain in Probate Court until judgment thereby avoiding the possibility of forum shopping.

While these amendments to the Home Court Act will result in some new types of cases being filed in the District Court, it is difficult to assess the impact with the requisite specificity.

The Judicial Branch supports these changes to the law and agrees with FLAC that LD 136 would make the Home Court dockets more efficient and better for children and families.

Thank you for your time. I would be happy to answer any questions.