



Testimony of Maris Hubbard, Esq.  
Pine Tree Legal Assistance, Inc.

Speaking in Support of LD 1129  
An Act to Clarify Standards for Defendants' Post-judgment Motions for Relief from Protection  
from Abuse Orders

Date of Public Hearing: March 31, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary,

My name is Maris Hubbard. I am a staff attorney with the Family Law and Victim Rights unit at Pine Tree Legal Assistance, Inc., and I am speaking to you today in support of LD 1129, An Act to Clarify Standards for Defendants' Post-judgment Motions for Relief from Protection from Abuse Orders.

I have been asked to share Pine Tree's perspective on this bill, and I am speaking today on behalf of Pine Tree. Pine Tree is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967, Pine Tree has provided free legal services to low-income people throughout the State of Maine.

Attorneys in Pine Tree's Family Law and Victim Rights unit represent survivors of domestic violence, sexual assault, and stalking in Protection from Abuse actions, family matters cases, and other civil legal cases. In 2024, we represented survivors in 1,326 cases.

Final PFAs issue either by agreement of the parties or after a hearing where the plaintiff establishes that the defendant committed abuse and that an order is necessary to bring about the cessation of that abuse. It is rarely appropriate for a defendant to move to extinguish an order they have agreed to or that a judge has imposed after hearing. Likewise, defendants' motions to enforce and for contempt are not proper where PFA orders control only the defendant's behavior; mutual orders are not allowed. Often, defendants' motions to extinguish are a form of litigation abuse. Defendants have other, more suitable avenues to address issues that arise post-judgment, including family matters to address issues pertaining to children, and personal property FEDs, small claims cases, and divorces to address issues pertaining to property.

I'd like to tell you about a former client I'll call Anna. Anna filed a PFA against Steve after Steve sexually assaulted Anna and then stalked her at her sober home. In October, a judge granted Anna

a two-year, final PFA after a contested hearing. In November, Steve pled guilty to violating Anna's PFA. In January, Steve filed a motion to extinguish Anna's PFA. The only stated basis for his motion was that the facilitator of a twelve-step meeting asked Steve to leave a meeting where Anna was present. The day before the final hearing on Steve's motion, Anna was outside taking a walk. Steve suddenly pulled up next to her in his truck and yelled, "hey sexy lady, I can't wait to see you in court!" For Steve, filing a baseless post-judgment motion was an opportunity to see Anna in court again. For Anna, the experience was terrifying and put pressure on her recent sobriety. Steve dismissed his motion just as we were beginning a hearing.

I'd like to tell you about another client I'll call Lena. Lena obtained a two-year PFA after a contested hearing against her former partner, Eric. The court made findings that Eric abused Lena and presented a credible threat to her physical safety. The court awarded Lena temporary sole parental rights and responsibilities of their daughter, Julia, and limited Eric's rights of contact to professionally supervised visits. Instead of taking advantage of these visits or filing a parental rights case to address parent-child contact, Eric filed a motion to extinguish requesting parenting time with Julia "on weekends and during the summer." By the time he filed his motion to extinguish, Eric had chosen not to see Julia for almost a year. Defending against Eric's motion required Lena to travel more than an hour each way between her home and the courthouse. Because the court did not address Eric's motion during the parties' first appearance, Lena had to make this journey twice. Throughout the litigation, Lena panicked that she and Julia would lose their protection against Eric. When the court finally reached Eric's motion, the judge explained to Eric he would need to file a family matters case to address parental rights.

An enumerated purpose of the PFA statute is "to allow family and household members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the nonabusing family or household members are as secure and uninterrupted as possible." As Anna and Lena's experiences illustrate, defendants' post-judgment PFA motions contravene this purpose. LD 1129 supports the underlying purposes of the PFA statute, will ensure survivors maintain the protections that defendants agree to or that judges impose, and will funnel post-judgment litigation regarding children and property into more appropriate venues.

Thank you to Representative Kuhn for sponsoring this bill. I urge you to support the bill and would be happy to answer any questions.