



MAINE COMMISSION ON DOMESTIC AND SEXUAL ABUSE

Testimony of Lucia Chomeau Hunt

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 Committee on Judiciary:

My name is Lucia Hunt. I am a member of the Maine Commission on Domestic and Sexual Abuse ("the Commission") and I am here today speaking on behalf of the Commission in support of LD 1129, An Act to Clarify Standards for Defendants' Post-judgment Motions for Relief from Protection from Abuse Orders.

The Commission is comprised of law enforcement, attorneys, advocates, survivors, tribal members, representatives of underserved communities, a judicial advisory member, and representatives from within state government.¹ The Commission is tasked with advising and assisting the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse.²

This bill is before you because the Family Rules Advisory Committee, (FRAC), identified several issues in the Protection from Abuse (PFA) process that needed clarification during a recent comprehensive review of the civil rules that apply to family cases. This bill addresses whether defendants can move to extinguish final orders, whether defendants can file for contempt or to enforce the terms of the order against them, provides litigants and judges clarity about the process, and allows judges to dispose of inappropriate motions expeditiously.

FRAC determined that a legislative change, not a rule change, was needed to address these issues, and asked the Family Law Advisory Commission (FLAC) to address Defendants' post-judgment PFA filings. FLAC, in turn, requested that the Abuse Commission make recommendations about this issue. I serve as a member of FRAC, as well as the Abuse Commission, and appreciate this

¹ 19-A M.R.S. § 4115 (1)

² 19-A M.R.S. § 4115 (3)

Committee's attention to this important issue, as well as the other PFA bills you have already heard this session.

The Abuse Commission recommends limiting PFA Defendants' ability to file Motions to Extinguish, Motions for Contempt, and Motions to Enforce

Extinguishing Orders

The PFA statute is not clear about what, if any, right a defendant has to extinguish a final order, or what standard the court should use to determine whether to extinguish an order. Currently, 19-A M.R.S. § 4011 reads as follows:

2. Modification of order. *Upon motion by either party, for sufficient cause, the court may modify an order issued under this chapter from time to time as circumstances require.*

3. Action by plaintiff. *A plaintiff may extinguish or modify an order issued under this chapter only by legal process in accordance with the Maine Rules of Civil Procedure. Any other action or inaction on the part of the plaintiff does not alter, diminish or negate the effectiveness of the order. Criminal sanctions may not be imposed upon the plaintiff for violation of a provision of the plaintiff's order for protection.*

The statute is silent about actions to extinguish filed by defendants and silent as to how the court should address a motion to extinguish filed by a defendant. This leads to inconsistent and unpredictable results, with no guidance in the statute for litigants, attorneys, or judicial officers. When such motions are filed, the court typically schedules the case for a hearing on the PFA docket, along with new requests for final orders. This bill would provide guidance to all parties by clearly delineating that such motions should be in line with the Maine Rules of Civil Procedure while also allowing defendants to be heard if there are extraordinary circumstances- not litigation abuse, not issues that are better addressed by filing a different action, not another attempt to litigate a settled matter by an unhappy party.

Contempt/Enforce

Defendants also file motions to enforce or for contempt against Plaintiffs in PFAs- although the order only restricts a defendant's behavior, and there are other more appropriate legal actions that defendants can take to address the most common issues that might need to be addressed more specifically after an order in a PFA- personal property and child custody. Motions to modify would remain available to both parties.

Efficiency

Defendants' post-judgment filings require court and judicial resources, burden victims by requiring them to appear and defend the motions in cases that are already settled, and rarely result in the resolution defendants seek. This bill adds clarity to the statute, prohibits Defendants from filing meritless motions, and allows the court to dispose of inappropriate motions expeditiously.

Thank you for your attention to this important issue, and I would be happy to answer any questions.