

§3314. Initiation by department of support proceedings

1. Duty of department. In a proceeding pursuant to this subchapter, the department shall:

A. Transmit and receive applications; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Proceedings available to obligee. The following support proceedings are available to an obligee under the Convention:

A. Recognition or recognition and enforcement of a foreign support order; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Enforcement of a support order issued or recognized in this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. Establishment of a support order if recognition of a foreign support order is refused under section 3318; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Proceedings available to obligor. The following support proceedings are available under the Convention to an obligor against whom there is an existing support order:

A. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Tribunal may not require guarantee of payment of costs and expenses. A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.