

130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 579

H.P. 422

House of Representatives, February 24, 2021

Resolve, To Conduct an Independent Examination of the Protection Order System To Determine whether There Is Systemic Misuse by Applicants

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative HANLEY of Pittston.

- **Sec. 1. Study. Resolved:** That the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C and referred to in this resolve as "the commission," shall study the protection from abuse order system to determine whether there is a systemic misuse by applicants for protection orders. The commission shall:
- 1. Review the laws and practices governing parental rights when domestic abuse is alleged or suspected;
- 2. Study whether the system supports a fair and just process for all parties involved; and
- 3. Study whether protection orders are being obtained for the reason the system intends and whether de minims violations of orders are being unfairly used against one party in the matter.
- **Sec. 2. Participation. Resolved:** That the commission shall invite interested parties to participate in the study under section 1, including but not limited to the Family Law Advisory Commission; the Maine Coalition to End Domestic Violence; guardians ad litem; the family law section of the Maine State Bar Association; the judicial branch; the Maine Association of Criminal Defense Lawyers; and any others the commission determines helpful to the study.
- **Sec. 3. Report; legislation. Resolved:** That the commission shall submit a report to the Joint Standing Committee on Judiciary no later than December 1, 2021. The report must summarize the activities of the commission, identify the participants in the study under section 1 and include recommendations for action by the legal profession, the judicial branch, advocates for victims of domestic violence, law enforcement and prosecutors. The report may include recommendations for further data collection, research and analysis to address the subjects that are included in the study. The report may include recommended legislation. The Joint Standing Committee on Judiciary may report out legislation to the Second Regular Session of the 130th Legislature based on the report.

28 SUMMARY

This resolve directs the Maine Commission on Domestic and Sexual Abuse to study whether there is systemic misuse of protection from abuse orders by applicants and requires the commission to invite a wide variety of interested parties in the judiciary, the legal profession and public and private organizations involved in the issues of domestic abuse to participate in the study. The resolve directs the commission to issue a report on the study to the Joint Standing Committee on Judiciary by December 1, 2021, and the commission is authorized to report out legislation based upon any recommendations made in the report.