

For Our Children and Families - rev08a Public Review Full Text

Public-review draft material. Not an official ballot measure and not legal advice.

For Our Children And Families

Draft Citizen Initiative / Model Legislation

Long title: An Act To Strengthen Maine Family Court Accountability and Protect Parent-Child Relationships

Status Notice

This proposal is a draft citizen initiative. It has not yet been submitted to the Maine Secretary of State and is not an official ballot measure. The text is published for public review, transparency, and discussion.

This proposed citizen initiative is intended to reform family law dispute resolution in Maine by prioritizing child wellbeing, reducing unnecessary delays, ensuring equal procedural treatment of parents, deterring exploitation within family litigation, and protecting the parent-child relationship.

Legislative Influence Notice

Portions of this proposal were informed by concepts reflected in New Hampshire House Bill 652. This reference is provided for transparency and does not imply adoption, endorsement, or identity of language.

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Record-Supported Public Accountability Notice

For avoidance of doubt, this public-review work may identify public officials, court personnel, agency personnel, and publicly compensated actors by name and title where their actions appear in court records, docket entries, official correspondence, public filings, or other record-supported materials.

Any such references will be made for purposes of accuracy, source attribution, public accountability, and institutional reform. They are not intended as personal attacks. Where a statement concerns disputed facts, the statement should identify the facts as disputed. Where a statement concerns a filed document, order, docket event, or official communication, the statement should describe it by date, role, and record source.

The point is not personality. The point is that children and families experience institutional harm through identifiable decisions, omissions, delays, procedural barriers, and implementation failures. Public accountability requires enough specificity that the pattern can be audited rather than dismissed as a generalized complaint.

An Act

To Strengthen Maine Family Court Accountability and Protect Parent-Child Relationships

Be it enacted by the People of the State of Maine as follows:

Sec. 0. Short title.

This Act may be known and cited as "For Our Children and Families."

Sec. 1. Legislative findings and intent.

The people of the State of Maine find and declare the following.

Government failure.

Persistent court backlogs, procedural inefficiencies, and structural deficiencies in family law proceedings have caused prolonged instability for children and families, resulting in emotional, developmental, educational, and economic harm.

Harmful incentives in adversarial family litigation.

The adversarial structure of family law proceedings incentivizes prolonged conflict, escalates hostility, depletes family resources intended for children, and rewards litigation conduct that prolongs disputes rather than resolves them.

Protection of the parent-child relationship.

Interference with a child's relationship with a fit parent constitutes psychological harm to the child and undermines the child's long-term emotional, educational, and developmental wellbeing.

Best interest of the child.

All family law dispute resolution must adhere strictly to the Best Interest of the Child standard set forth in Title 19-A, section 1653, subsection 3.

Equal treatment of parents.

Structural advantages afforded to represented parties undermine equal access to justice and must be remedied to ensure fairness to self-represented parents.

Unexamined professional incentives and privileges.

Family law proceedings uniquely combine emotional vulnerability, information asymmetry, and prolonged litigation timelines, creating conditions in which unexamined professional privileges and financial incentives may distort outcomes to the detriment of children.

Premature adversarial framing.

Adversarial advocacy frequently precedes neutral fact-finding, allowing allegations and narratives to be framed before any independent assessment of the child's circumstances occurs.

Limits of self-regulation.

Professional self-regulation alone has proven insufficient to deter conduct that prolongs family conflict or depletes resources intended for children.

Accountability proportional to authority.

Attorneys exercise significant authority over family outcomes, access to the courts, and the financial trajectory of family disputes. Accountability proportional to that authority is necessary when discretion is knowingly exercised in a manner that harms children.

Intent.

It is the intent of this Act to reorder family law proceedings so that neutral fact-finding and child protection occur before adversarial escalation; to reduce unnecessary litigation; to preserve family resources for children; to ensure equal procedural treatment of parents; to deter economic exploitation within family litigation; to criminalize intentional destruction of the parent-child relationship; to prevent abuse of protective and procedural mechanisms; and to introduce transparency and oversight mechanisms while preserving judicial independence.

Sec. 2. Amendment to duties of Family Law Magistrates.

Title 4, section 183 is amended to read:

Section 183. Family Law Magistrates; duties

Neutral evaluation enforcement; ministerial filing control.

In all family matters involving minor children, no contested or adversarial filing may be accepted for docketing unless the filing certifies that:

- A. Any required threshold safety screening by the Department of Health and Human Services has occurred;
- B. An interim Guardian ad Litem has been automatically appointed when required by this Act; and
- C. Any mandatory stay on adversarial advocacy imposed by this Act has expired.

A filing submitted in violation of this subsection shall be rejected by the clerk as a ministerial act.

If accepted in error, the filing shall be stricken upon motion or upon the court's own review.

Seven-day cure period.

A party whose filing is rejected under subsection 1 must be provided written notice of the deficiency and afforded seven calendar days to cure the defect.

Failure to cure does not prejudice substantive rights but precludes adversarial consideration.

Limitation on contested interim hearings.

Except in emergency circumstances involving imminent risk of serious physical harm to a child, no contested interim hearing may occur until the Guardian ad Litem's Preliminary Investigative Report has been filed.

Emergency authority preserved.

Nothing in this section limits the authority of the court to issue temporary orders strictly necessary to protect a child from imminent physical harm.

Sec. 3. Title 19-A, chapter 5 is enacted to read:

Chapter 5

Office Of Family Mediation And Parental Protection

Section 151. Office established

An Office of Family Mediation and Parental Protection is established within the Judicial Branch.

The Office operates independently from adversarial judicial proceedings and is not an advocacy body for any party.

The Office is administered by a board consisting primarily of certified family mediators with demonstrated child-centered experience.

The Office exists to reduce adversarial conflict, preserve family resources for children, promote cooperative parenting arrangements, and provide early non-adversarial intervention.

Section 152. Jurisdiction and duties

The Office shall provide voluntary mediation services for matters arising under this Title.

Mediation participation is voluntary and nonbinding unless approved by a court.

Mediation communications are confidential except as otherwise provided by law.

Nothing in this chapter delays emergency protective authority.

Section 153. Judicial oversight of attorney fees in family matters

An attorney may not bill, charge, collect, or attempt to collect fees exceeding fifteen thousand dollars from a single parent without prior written court authorization.

Fees rendered beyond the threshold without authorization are unenforceable.

A tiered authorization may be granted upon written findings of complexity or extraordinary circumstances.

Nothing prohibits voluntary payment by a client.

This section regulates economic conduct only and does not impair judicial regulation of the bar.

Sec. 4. Title 17-A, section 354-B is enacted to read:

Section 354-B. Predatory legal conduct

An attorney commits predatory legal conduct if the attorney knowingly violates a court-authorized fee determination after notice and opportunity to comply.

Criminal liability applies only upon a written judicial finding of knowing defiance.

A violation is a Class D crime for a first or second offense and a Class C crime thereafter.

Good-faith billing errors promptly corrected constitute a safe harbor.

Sec. 5. Title 4, section 807-A is enacted to read:

Section 807-A. Equal procedural standing in family matters

An attorney owes a duty of loyalty solely to the client.

Courts may not grant procedural advantages unavailable to self-represented parties.

Neutral enforcement of procedural rules is preserved.

Sec. 6. Retention of District Court jurisdiction.

Family matters under Title 19-A remain within the jurisdiction of the District Court and are subject to the sequencing and safeguards of this Act.

Sec. 7. Limitations on interim hearings.

No more than two interim hearings may occur absent written findings of immediate physical danger.

Interim hearings must be scheduled within thirty days.

Final disposition must occur within ninety days absent good cause.

Docket congestion and litigation strategy do not constitute good cause.

Sec. 8. Protection of minors.

Minors may not appear in court absent written necessity findings.

Minors may not be exposed to parental disparagement.

Attorneys may not communicate directly with minors.

Licensed professionals may speak for minors.

Sec. 9. Licensed therapist requirements.

Therapists shall meet equally with each parent.

Sessions may document alienation.

Therapists may not override court orders.

Sec. 10. Protection from abuse process safeguards.

Knowingly misusing protective orders constitutes abuse of process.

Mental health crises must be treated as health emergencies.

Therapeutic intervention is prioritized.

Sec. 11. Guardian ad Litem requirements.

An interim Guardian ad Litem shall be automatically appointed upon qualifying allegations.

Adversarial filings are stayed pending the preliminary report.

Emergency filings are limited to imminent physical danger.

Interference with a Guardian ad Litem is prohibited.

Sec. 11-A. Phased implementation.

Threshold screening protocols adopted within six months.

Guardian ad Litem roster expansion within twelve months.

Full enforcement within eighteen months.

Sec. 12. Title 17-A, section 553-A is enacted to read:

Section 553-A. Intentional parental alienation

A person commits intentional parental alienation if the person knowingly engages in a pattern of conduct resulting in substantial impairment of parenting rights without legitimate safety justification.

Prohibited conduct includes false abuse allegations, coercion, repeated disparagement, and misuse of systems.

Expert or Guardian ad Litem corroboration is required.

A violation is a Class D crime, escalating to Class C.

This section does not require child testimony.

Sec. 12-A. Title 17-A, section 553-B is enacted to read:

Section 553-B. Abuse of protective allegation processes

A person commits abuse of protective allegation processes if the person repeatedly or knowingly makes false or unsubstantiated allegations of abuse or domestic violence for the primary purpose of interfering with parenting rights.

A pattern may be established through repeated dismissed allegations or findings of lack of credibility.

Escalating sanctions include custody modification, fee shifting, and criminal penalties.

Good-faith reporting supported by evidence is protected.

Sec. 13. Civil accountability for attorney participation in intentional parental alienation.

A child subjected to alienation may bring a civil action against an attorney who knowingly facilitated such conduct.

Proof must be clear and convincing.

Remedies include damages, fees, and equitable relief.

Limitations period extends twenty years after majority with delayed discovery.

Sec. 13-A. Title 17-A, section 354-C is enacted to read:

Section 354-C. Attorney facilitation of abusive litigation conduct

An attorney commits this offense if the attorney knowingly assists repeated false allegations or procedural abuse after notice.

A pattern plus notice is required.

Penalties escalate from Class D to Class C.

Good-faith advocacy is excluded.

Sec. 14. Family law transparency dashboard and automatic enforcement triggers.

A public dashboard shall publish anonymized data on case duration, filings, fees, and findings.

Repeated metrics thresholds automatically trigger judicial review conferences.

Data may not be used as evidence in individual cases.

Sec. 15. Family law advisory oversight and funding incentives.

A non-enforcement advisory committee is established.

The committee issues public reports and recommendations.

Legislative funding may be conditioned on progress metrics.

Sec. 16. Non-waiver of child protections.

No waiver may undermine child protections.

Sec. 17. Rules and implementation deference.

The Judicial Branch may adopt implementing rules consistent with this Act.

Sec. 17-A. Title 19-A, section 1653-B is enacted to read:

§ 1653-B. Early implementation review of covered family-matter orders

1. Definitions.

As used in this section, unless the context otherwise indicates:

A. "Covered order" means a temporary, interim, pendente lite, post-judgment, or final order in a family matter involving one or more minor children, or any family-matter order that allocates, changes, restricts, or directs parenting time, parental rights and responsibilities, exchanges, communication, school access, medical access, child support, supervised contact, treatment participation, transportation, document exchange, information sharing, or any other implementation step requiring

action within 60 days after entry.

B. "Implementation review" means a limited post-entry trial court review to determine whether a covered order has been received, understood, served if required, and is being carried into effect; whether clarification is needed; whether a practical, safety, service, access, or due-process barrier exists; and whether the matter should be referred to an enforcement, clarification, emergency, or modification process otherwise authorized by law.

C. "Family matter" has the same meaning as under Maine law and includes, for purposes of this section, any divorce, parental-rights-and-responsibilities, parentage, guardianship, child-support, post-judgment enforcement, post-judgment modification, protection-order crossover, or substantially similar matter assigned to a family docket when the order affects a minor child.

2. Mandatory scheduling.

When a trial court enters a covered order, the clerk shall, as part of the same docketing event or as soon as practicable thereafter, schedule an implementation review to occur no earlier than 30 days and no later than 45 days after entry of the covered order, unless:

- A. the covered order is effective for 14 days or less by its own terms;
- B. the court makes written findings that the covered order imposes no affirmative implementation obligation within the first 60 days after entry;
- C. the court consolidates the implementation review with another hearing already set within the same 30-to-45-day period; or
- D. an emergency or protection-order process requires an earlier hearing under otherwise applicable law.

3. Purpose and limits.

An implementation review is a child-stability and order-compliance checkpoint. It is not a rehearing on the merits, does not stay the covered order, does not extend any appeal period, and does not prevent a party from seeking emergency relief, enforcement, modification, reconsideration, or appeal under otherwise applicable law.

4. Notice.

The notice of implementation review must be included in the covered order or served with the covered order and must state:

- A. the date, time, method, and location of the review;
- B. that the review is limited to implementation, service, receipt, clarity, safety, access, logistical barriers, and compliance status;
- C. that the review does not stay the order and does not toll or enlarge any appeal period;
- D. how a party may request interpreter services, disability accommodation, remote appearance, protected-address handling, separate arrival and departure, or other safety procedures; and
- E. how a party may file a short implementation statement before the review.

5. Implementation statements.

No later than 7 days before the review, each party may file a short verified implementation statement on a form prescribed by the Judicial Branch. The form must be written for self-represented litigants and must allow a party to identify receipt of the order, service problems, ability to comply, barriers to compliance, child-safety issues, need for clarification, interpreter or accommodation needs, and whether the matter may be resolved on the papers.

6. Paper review, remote appearance, and cancellation.

To avoid unnecessary cost, lost work time, travel burden, attorney fees, and repeated litigation expense, the court shall permit paper review or remote appearance when consistent with safety, due process, and court operations. The court may cancel a live implementation review, convert it to a paper review, or issue an order on the papers if:

- A. all appearing parties file implementation statements showing substantial compliance and no unresolved safety concern;

- B. the court can determine from the record that a live review is unnecessary; or
- C. the review has been consolidated with another timely hearing.

No party may be sanctioned solely because the court cancels or converts the review.

7. Conduct of review.

At an implementation review, the court may:

- A. confirm service, receipt, and understanding of the covered order;
- B. clarify ambiguous language without materially changing the substantive rights established by the covered order;
- C. set deadlines for ministerial or logistical actions necessary to carry the covered order into effect;
- D. address exchange logistics, school or medical access, information sharing, transportation, support initiation, supervised contact setup, and similar implementation details;
- E. direct referrals to services, mediation, supervised exchange, parenting education, treatment intake, or family services only when otherwise authorized by law and safe under the circumstances;
- F. set an expedited enforcement, contempt, clarification, emergency, or modification hearing when legally warranted; and
- G. take any additional child-safety measure authorized by law.

8. Sanctions and due process.

The court may not impose coercive or punitive sanctions, make a final contempt finding, restrict parenting time, or impose attorney fees at the implementation review unless the issue was expressly noticed for that purpose and all procedural protections otherwise required by law have been afforded. If the court identifies probable noncompliance that may require sanctions, contempt, fee-shifting, or a rights-affecting remedy, the court shall issue a separately noticed order to show cause or set a separate enforcement hearing as provided by law.

9. Safety protections.

Upon request or on the court's own motion, the court shall use reasonable safety procedures, including remote appearance, staggered arrival and departure, separate waiting areas, protected-address handling, support-person procedures when permitted by law, and screening to avoid inappropriate joint processes in cases involving domestic violence, coercive control, stalking, sexual abuse, child abuse, credible fear, or emergency protective allegations. Nothing in this section may be construed to punish good-faith safety reporting, mandated reporting, protective action, or emergency help-seeking.

10. No new financial barrier.

No additional filing fee may be charged for an implementation review. Any fee waiver or indigency determination in the underlying matter applies automatically to the implementation review. The court may not require a party to retain counsel, purchase a private service, pay for private supervision, pay for private evaluation, or incur a new private expense as a condition of participating in the review unless separately authorized by law and supported by written findings.

11. Children; interpreters; accommodations.

A child may not be required to attend an implementation review absent written findings of necessity and safety. The court shall provide interpreter services and reasonable disability accommodations as required by law and shall make the request process clear in the notice of review.

12. Record and aggregate reporting.

The clerk shall code each implementation review in the case-management system in a manner that permits aggregate reporting of scheduling, appearances, cancellations, paper reviews, continuances, clarifying orders, referrals, enforcement referrals, interpreter usage, accommodation requests, and safety-procedure requests. Reports must be anonymized and may not disclose protected personal information or be used as evidence in an individual family matter.

13. Construction.

This section supplements and does not repeal, limit, or delay any existing enforcement, modification, contempt, protection-order, emergency, child-protection, appeal, or reconsideration authority otherwise available under law.

Sec. 17-B. Statewide family procedure rule; forms; event codes.

The Judicial Branch may adopt rules, standing orders, forms, event codes, remote-appearance procedures, safety procedures, and scheduling practices necessary to implement section 1653-B. Implementation materials must be designed to minimize additional financial burden on low-income families, self-represented parties, and families already subject to high litigation costs, while preserving judicial discretion, due process, child safety, interpreter access, disability access, and protection-order safeguards.

Sec. 17-C. Pilot authority; phased rollout; public report.

The Judicial Branch may phase implementation of early implementation reviews by docket type, county, region, order category, or case-management capacity, provided that any phased rollout is publicly reported and does not deny emergency relief or existing enforcement remedies. Within 18 months after the effective date of this Act, the Judicial Branch shall publish an anonymized implementation report identifying the number of reviews scheduled, cancelled, converted to paper review, continued, or referred to enforcement or clarification proceedings; the average number of days from covered order entry to review; and any recommendations for statutory, rule, staffing, technology, interpreter, or safety-protocol improvements.

Sec. 18. Severability.

Invalid provisions do not affect remaining provisions.

Sec. 19. Effective date.

This Act takes effect January 1, 2027.