

For Our Children and Families

Draft Citizen Initiative / Model Legislation - rev07E

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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.

Draft Version: January 2026 - rev07E (Publication-Grade Full Text)

Status: Pre-submission

AN ACT

To Reform Family Law Dispute Resolution, Protect Children, and Ensure Equal Treatment of Parents

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. 18. Severability. Invalid provisions do not affect remaining provisions.

Sec. 19. Effective date. This Act takes effect January 1, 2027.