

Maine Proposed Virtual Visitation Bill - Revision Number 1 – May 30, 2005

- new wording is underlined

Part 1, Chapter 1. General Provisions - Definitions

Section 1 - §101. (11) of the statutes is created to read:

11. “Electronic communication” means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

Chapter 55 - Parental rights and responsibilities

Section 2 - §1653. (1) (D.) of the statutes is created to read:

C. The Legislature finds and declares that it is the public policy of this State that Electronic communication shall not be used as a replacement or as a substitute for a parent’s periods of in-person parent-child contact. In-person parent-child contact is preferred over electronic communication. Electronic Communication with the child may be used only to supplement a parent’s periods of in-person parent-child contact. Electronic Communication may be used to provide frequent and continuing contact for the child with both parents.

Section 2 - §1653. (1) (E.) of the statutes is created to read:

C. The Legislature finds and declares that it is the public policy of this State that the court may not use the availability of electronic communication as a factor in support of a modification of an in-person parent-child contact order or in support of a relocation.

Section 3 - §1653. (2) (B.) of the statutes is amended to read:

B. The court may award reasonable rights of contact **including electronic communication** with a minor child to a 3rd person.

Section 4 - §1653. (3) (H.) of the statutes is amended to read:

H. The capacity of each parent to allow and encourage frequent and continuing contact between the child and the other parent, including physical access **and electronic communication**;

Section 5. §1653. (6) (B.) (2a) of the statutes is created to read:

2a. Order the parents and child use **electronic communication**;

Modification or termination of orders for parental rights and responsibilities

Section 6. §1657 (2) (B.) (2a) of the statutes is created to read:

2a. Order the parents and child use **electronic communication**;

Chapter 59 – Visitation rights of Grandparents

Section 7 - §1803. (2) (A.) of the statutes is amended to read:

A. The grandparent must file with the petition for rights of visitation, **electronic communication or** access an affidavit alleging a sufficient existing relationship with the child, or that sufficient efforts have been made to establish a relationship with the child. When the petition and accompanying affidavit are filed with the court, the grandparent shall serve a copy of both on at least one of the parents or legal guardians of the child.

Section 8 - §1803. (3) of the statutes is amended to read:

3. Best interest of the child. The court may grant a grandparent reasonable rights of visitation, **electronic communication** or access to a minor child upon finding that rights of visitation, **electronic communication** or access are in the best interest of the child and would not significantly interfere with any parent-child relationship or with the parent's rightful authority over the child. In applying this standard, the court shall consider the following factors: