

**§1770. Hearing and order**

**1. Immediate physical custody of child.** Unless the court issues a temporary emergency order pursuant to section 1748, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

A. The child custody determination has not been registered and confirmed under section 1765 and that:

- (1) The issuing court did not have jurisdiction under subchapter II;
- (2) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under subchapter II; or
- (3) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 1738, in the proceedings before the court that issued the order for which enforcement is sought; or [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

B. The child custody determination for which enforcement is sought was registered and confirmed under section 1765 but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under subchapter II. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]  
[PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

**2. Award of fees, costs and expenses.** The court shall award the fees, costs and expenses authorized under section 1772 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

**3. Refusal to answer.** If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

**4. Privilege and immunity may not be invoked.** A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this subchapter. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

**SECTION HISTORY**

PL 1999, c. 486, §3 (NEW). PL 1999, c. 486, §6 (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 First Special Session of the 130th Maine Legislature and is current through October 31, 2021. 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.