

Maine Justice for Children Task Force
MEETING NOTES
January 21, 2025, 10:00 a.m. - 12:00 p.m.
Via Zoom

IN ATTENDANCE: Chief Justice Valerie Stanfill, Chief Judge Brent Davis, Justice Rick Lawrence, Dean Leigh Saufley, Michelle Ardabilly, Jamie Brooks, Christine Alberi, Molly Owens, Chris Taub, Travis Bryant, Andrea Mancuso, Xi Chen, Ariel Piers-Gamble, Hunter Umphrey, Elizabeth Ward-Saxl, Courtney Beer, Kelly Dell-Aquila, Esther Anne, Liam Shaw, Elizabeth Shardlow, Kaela Scott, Ann Marie Lemire, Sarah Branch, Michael Dixon, Caroline Jova, Bobbi Johnson, Bette Hoxie, Mara King, Darcy Fisher, Erin Swanson, Sarah Loud, Clint Boothby, Toni Goncalves, Jim Billings, Chelsea Peters, and Joanna Davis

Welcome (10:00 a.m. - 10:05 a.m.) - Chief Justice Valerie Stanfill

Citizen Review Panel Updates: (10:05 a.m. - 10:15 a.m.)

- **Maine Child Death and Serious Injury Review (CDSIRP) (10:05 a.m. -10:15 a.m.):** Dr. Nick Miles, Child Abuse Pediatrician, Spurwink Center for Safe and Healthy Families, CDSIRP Co-Chair
- **Maine Child Welfare Advisory Panel (MCWAP) 2024 Annual Report (10:15 - 10:25 a.m.):** Ahmen Cabral, MCWAP Co-Chair, Senior Policy Associate, Catherine Cutler Institute, University of Southern Maine and Andrea Mancuso, Esq., Public Policy Director, Maine Coalition to End Domestic Violence
 - MCWAP's annual report will be finalized by end of January
 - In the fall of 2024, MCWAP changed its bylaws to meet less frequently as a full panel in 2025, as more work is being done in the subcommittees. Fewer large meetings will allow more capacity for members to work in subcommittees.

Organizational Updates (10:15 a.m. - 10:45 a.m.)

- **Maine Supreme Judicial Court:** Chief Justice Valerie Stanfill
 - The Family Rules Advisory Committee is currently finalizing a draft of standalone rules for formal submission to the SJC within the month. At that time, the Court will be posting the rules for public comment. As it relates specifically to this Task Force, that Committee has proposed a set of rules governing child protection cases. These rules seek to supplement statutory procedure and set forth standards in child protection cases for service, discovery, hearing best practices, claims of ineffective assistance of counsel, and withdrawals of attorneys. The MJB hopes to have substantial engagement in the upcoming public comment period, including from members of this Task Force.
 - The MJB has identified funds through the Court Improvement Project grant that can be used to pilot a small GAL mentor program for child protection cases. There would be an application process for GALs who are interested in serving as mentors. It is anticipated that any GAL could submit a request to the Family Division for an initial one hour of mentor services. The mentor GAL would be compensated at \$150 per hour. There has been collaboration with the GAL Review Board to develop the process for this pilot project. Work is still ongoing, and the Family Division will communicate further updates to the GALs on the GAL roster.

- The Judicial Branch's annual child welfare conference is scheduled for April 3rd and 4th at Sunday River and is titled "Improving Family Outcomes Through Effective Communication in High Conflict Cases." As in prior years, all of the child welfare project professionals were invited to attend. We were recently informed that the Office of the Attorney General and the Office of Child and Family Services will not be in attendance. The Judicial Branch is still moving forward with the conference and thanks all of the members of the subcommittee for their hard work in putting this conference together.
- Review of the 2024 Justice for Children Task Force Annual Report
 - Submitted to the SJC on January 15, 2025
 - Report was attached to the meeting materials that was distributed prior to this meeting.
- **Maine Judicial Branch:** Chief Judge Brent Davis
 - From January 1, 2024, to December 6, 2024, there were a total of 848 new child protection filings statewide. For the same time period during 2023, there were 923 new filings. This represents about an 8% decrease in new filings.
 - In calendar year 2024, the Maine Judicial Branch onboarded 8 new District Court judges:
 - Hon. David Hathaway;
 - Hon. Katherine Dufour;
 - Hon. Jon Haddow;
 - Hon. Heather Seasonwein;
 - Hon. Theodore Irwin;
 - Hon. Jeffrey Wilson;
 - Hon. Julia Greenleaf Pitney; and
 - Hon. Harris Mattson
 - The next training for CASA volunteers is scheduled for March 10th through the 14th.
 - It is anticipated that the next GAL Core Training dates for attorneys and mental health professionals will be announced in the near future.
 - The Judicial Branch has reviewed the changes to the U.S. Department of Education regulations regarding the federal public service loan forgiveness program and has determined that some GALs may qualify for the program as a result of GAL services performed for the MJB. The Family Division has notified all rostered GALs of this opportunity. Please contact the Family Division if you have any questions.
 - At the end of 2024, the Maine Judicial Branch began a pilot project with Maine PDS utilizing resource counsel to help assign parent attorneys to child protection cases. PDS approached Judicial Branch leadership with a proposal to have Attorney Taylor Kilgore help assign attorneys to child protection cases in the Lewiston District Court. She has secured at least 36 attorneys for cases in Lewiston. That project has now been ongoing for a few months and is working well to decrease the number of cases needing attorneys. The Judicial Branch and PDS are now coordinating expansion of this project to the Portland District Court.
- **Office of the Attorney General:** Ariel Piers-Gamble, Assistant Attorney General Chief of the Child Protective Division

- There are currently 27 trial attorneys, one appellate position, one division chief, and 17 support staff within the child protective division of the OAG. They are currently finalizing the onboarding of two AAGs, including the return of Zack Paakonen.
- There are 2300 cases currently pending with child protection AAGs.
- AAG Piers-Gamble has asked the AAGs to conduct self-audits of cases filed prior to 2023 to determine if additional steps can be taken toward finalization.
- OAG staff will be participating in a number of upcoming trainings, including two day-long division CLE.
- The National Association of Attorneys General is hoping to start a child protection division and AAG Piers-Gamble anticipates participating in that development.
- AAG Hunter Umphrey is once again teaching a course at Maine Law, which has in the past helped generate interest in positions within the child protective division.
- OAG's decision to not attend the upcoming MJB child protection conference:
 - AAG Piers-Gamble reports that, from her perspective, the conference is becoming increasingly tailored more toward parent attorneys.
 - Instead, the child protective division AAGs will attend other training to focus on trial skills.
- Withdrawal of Counsel
 - Found that there is no consistency in the procedure for when attorneys seek to withdraw.
 - Clarification was provided that the Rule 88 language is directed toward when appointed counsel withdraws when a party retains an attorney.
 - The ministerial treatment of the motions to withdraw, including not allowing the Department to object to such withdrawal, is leading to delays in permanency. In some cases, the OAG has seen the court grant a motion to withdraw without successor counsel identified.
 - OAG has data that shows parents needing appellate counsel total 49 children awaiting that permanency.
 - Possible process solutions:
 - Oral motions to withdraw need to happen in all presence of the parties (recognizing that the underlying reason may need to be offered ex parte), allowing parties to state position on the records.
 - Written motions should be served to all parties with 21-day response period, or 7-day expedited response period.
 - Motion should not be granted until successor counsel is assigned absent an explicit waiver of counsel by the party.
 - Absent a true conflict with the representation, those attorneys should remain on the case until a new attorney is identified.
 - Jim Billings agrees that attorneys need to copy the other parties on motions to withdraw, but offered warnings about what to put in those motions (rather than relaying to the court ex parte).
 - Jim understands that the court has denied motions to withdraw from parent attorneys whose clients are claiming ineffective assistance on appeal.
 - Chief Judge Davis stated that MJB leadership is providing direction to judges that when a motion to withdraw is filed that the attorneys are to remain on the case until successor counsel is appointed.
- Term "no-knock appointment" was recently used in briefs to the Law Court. AAG Piers-Gamble asked that practitioners stop using that language in briefs.

- **Office of Child and Family Services at DHHS: Bobbi Johnson, Director**
 - Organization improvements and improving the culture.
 - In 2024, Director Johnson visited each district at least three times.
 - Director Johnson noted the following themes came from her visits with each district:
 - Access to services for children and parents. Some waitlists are 6 months to 2 years.
 - Delays in achieving permanency, including the lack of counsel available to represent parents, delays in court scheduling (which is more difficult in some parts of the state), Summary Preliminary Hearings are not scheduled timely, Hearings on Petitions to Terminate Parental Rights are scheduled over several months. Director Johnson noted that an issue is children not achieving permanency within appropriate time frames, and new children continue to come into the system.
 - Children in care awaiting placement and residing in hotels. Director Johnson is working with staff to figure out strategies to figure out how to place these children as quickly as possible. One area of interest is to explore kinship care. Maine has one of the lowest rates of children in congregate care facilities, but this may need to be realigned to meet the current needs.
 - Overtime assignment process. This has been changed internally.
 - Recruitment and retention of child welfare workforce is a top priority.
 - Three cops and caseworker trainings held in 2024. The Department has been asked to do this with other key partners like medical providers, for example.
 - Casey Family Programs did a legislative convening in the fall of 2024. Director Johnson was able to share information about the work of OCFS more broadly as it relates to prevention, early care and education. They are focused on partnering with others on prevention.
 - Work is being done around mandated reporting. The statistics for child protection services in Maine show that a high number of reports do not screen as appropriate for child welfare intervention. 20,000 to 25,000 calls are received each year. 10,000 to 12,000 are opened each year for investigation. A small number results in findings. The Department is looking at the gap between the cases that are opened and those that are not, to ensure there are pathways available to those families for support.
 - The Department is reviewing the definition of poverty vs. neglect, and exploring other pathways for support for families who may be navigating poverty.
 - Since September, there has been a decrease of about 140 children in care. There are permanency review teams looking at why certain children are not moving toward permanency.
 - In response to the Department's concerns with regard to scheduling of termination of parental rights hearings, Justice Stanfill commented that local judges have been advised to contact the Chief Judge with any concerns about scheduling of hearings.
 - Discussion about recent cases and whether those could serve as impetus to obtain additional funding to secure people to do the jobs that are lacking.
 - Director Johnson noted that the OAG is having to do more investigative subpoenas as it's harder for caseworkers to obtain information from providers and other stakeholders to help the Department make well-informed decisions.

- The negative media has been difficult and impacted caseworkers' ability to do this work in their communities. Inaccurate statistics can cause parents to be more fearful of the OCFs. Director Johnson is trying to increase transparency with the child welfare system.
 - Justice Stanfill noted that lack of services and lack of response to records requests also makes it difficult for other system professionals to move forward toward permanency.
- **Maine Commission on Public Defense Services:** Jim Billings, Executive Director
 - Annual report filed on January 15, 2025
 - Three positions for parents counsel are currently open for which PDS is actively recruiting, inside and outside of Maine.
 - PDS is asking for a significant increase of those positions in the biennial budget, but no new positions made it into the governor's proposed budget.
 - PDS has a 4-day parent attorney training upcoming during spring admin week
 - M.R. Civ. P. 44 issue—PDS has advised that because M.R. Civ. P. 44 cites to M.R.U. Crim. P. 88, that PC attorneys moving to withdraw are counsel of record and are responsible for actively advocating for their client until they are withdrawn from the case. Overseers seems to be offering conflicting advice.

Strategic Plan Updates (10:45 a.m. - 12:00 p.m.)

- **Race and Equity Committee:** Mary Bonauto and Regina Phillips
 - The committee hasn't met again. With the passed legislation, there is a permanent commission working on this project.
 - Mary Bonauto has offered the help of this subcommittee down the road if that is at all helpful to the ongoing efforts.
- **Continuing Education Subcommittee:**
 - Annual conference April 3 and 4.
 - Focusing on effective communication in high-conflict situations and how system partners can work through that for better resolutions for families. The High Conflict Institute is coming in to conduct a number of sessions for attendees.
 - Draft agenda is very robust and will be finalized very soon for CLE and CPE approval.
 - Invitations have been extended to those enrolled in AAG Umphrey's law school class.
- **Parent Attorney/GAL Retention and Recruitment Subcommittee:**
 - Discussion and overview of recommendations:
 - **Recommendation #1:** Maine Commission on Public Defense Services (PDS), the Maine Judicial Branch, and the Office of the Attorney General should implement an exit interview protocol for parent attorneys, GALs, and AAGs who are no longer working with the protective custody docket. Survey results should be shared with the Justice for Children Task Force on an annual basis.
 - **OAG:** OAG does do exit surveys when AAGs depart, but is unsure as to the level of detail that can be offered.
 - **PDS:** PDS is supportive of implementing an exit interview protocol if there are attorneys who do not re-enroll on the roster (rather than when someone comes off the roster because of the ability to toggle on and off).

- **MJB:** No objection to implementing this process. Kaela Scott offered that there would be capacity in the Family Division to do so and will circulate a proposal to MJB leadership.
 - PDS and MJB will coordinate to ensure that an attorney serving as both a parent attorney and GAL will not receive overlapping requests for information. The OAG will also participate in these discussions.
- **Recommendation #2:** Ask that the Board of Overseers of the Bar establish the National Association of Counsel for Children (NACC) Child Welfare Specialist designation in Maine. The purpose of offering this designation to attorneys practicing child welfare law in Maine is to provide them with an *optional* opportunity to deepen their expertise; PDS agrees this designation should not become a requirement.
 - No one from the Board was present at the meeting. Prior response from the Board on this issue offered hesitation because no one in Board leadership has child welfare expertise, and thus would be unable to determine the credibility of the program.
 - Recognition of this designation could also serve as a good recruitment tool.
 - A request needs to be made to the Board pursuant to Rule 7.4 of the Maine Rules of Professional Conduct to designate this as a specialty, but the Chief Justice does not believe it is appropriate for the MJB to make this request.
 - Taylor Kilgore is the current NACC State Coordinator, and Mara King will follow up with her.
 - PDS is willing to pay for rostered attorneys to get this designation and will also connect with Mara for ongoing discussions.
- **Recommendation #3:** The Maine Supreme Judicial Court should amend M.R. Civ. P. 90(a) and M.R. Crim. P. (56)(a) to allow students of an ABA accredited law school to receive student practice authorization for internships and externships with contract counsel supervised by PDS.
 - Currently, child welfare externship positions only exist within the OAG.
 - Chief Justice Stanfill stated that this opportunity has been extended to organizations with a supervisory structure. The considerations are different when we are thinking about individual lawyers supervising externs. Dean Saufley echoed these thoughts.
 - The SJC has approved a pilot project for students to work with resource counsel. Saufley recommends currently focusing on the pilot project for right now and will have further discussions regarding expansion of opportunities down the road.
- **Recommendation #6:** The University of Maine School of Law should return to offering the child protection class each year and consider adding a clinic that is focused on child protection. The Maine State Legislature and/or PDS should provide financial support to establish and maintain this clinic to ensure sustainability. Additionally, the University of Maine School of Law should partner with PDS to ensure that the curriculum qualifies as the minimum standards training required for PDS.

- Dean Saufley stated that the child protection class has been offered for the last three years.
- Maine Law has unsuccessfully sought additional funding for expansion of clinic programming.
- Discussion regarding recommendations #4, 5, 7, and 8 were deferred until the next meeting due to time constraints.

2025 Meeting Dates: March 18, June 17, September 16, December 16

Subcommittee Meeting Schedule:

- Continuing Education Subcommittee: TBD
- Parent Attorney/GAL Retention and Recruitment Subcommittee: First Monday of the month from 12:00 p.m. to 1:00 p.m.

ADJOURNED at 12:02 p.m.