

## **Minutes**

### **Maine Justice for Children Task Force**

**March 18, 2025, 10:00 a.m. - 12:00 p.m.**

#### **Via Zoom**

**In attendance:** Chief Justice Valerie Stanfill, Justice Rick Lawrence, Chief Judge Brent Davis, Annalee Bloom, Norma Saulis, Christine Thibeault, Xi Chen, Bette Hoxie, Mara King, Molly Owens, Sarah Labonte, Ariel Piers-Gamble, Liam Shaw, Sarah Branch, Christine Alberi, Travis Bryant, Bobbi Johnson, Esther Anne, Darcy Fisher, Betsy Boardman, Caroline Jova, Kaela Scott, and Joanna Davis (guest).

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

**Organizational Updates** (10:05 a.m. - 10:45 a.m.)

- **Maine Supreme Judicial Court** - Chief Justice Valerie Stanfill
  - The Honorable Julia Lipez has been appointed to the Supreme Judicial Court. Justice Lipez will have her confirmation hearing on March 19<sup>th</sup>.
  - The Maine Commission on Public Defense Services recently released its annual report. As of December 30, there were 1,150 matters pending without counsel, including 112 child protective cases. In the Supreme Judicial Court alone, we have had about 40 child protective appeals awaiting appointment of counsel. Some steps that the courts have taken to help with this problem are:
    - Last year the Chief Justice wrote to some of Maine's law firms who employ former Supreme Judicial Court law clerks to ask if they would take child protective appeals. Some agreed to do so and have relieved some of the list of appeals needing counsel.
    - In September, we amended Rule 11C of the Bar Admission Rules to authorize temporary permission to practice (up to 2 years) for an attorney who is a member in good standing of the Bar of another state if that attorney is employed by the Maine Commission on Public Defense Services, or PDS, as well as those employed by civil legal services providers. This is primarily to aid in recruiting attorneys from out of state, as the formal process of admission by motion can take months to complete.
    - We have expanded the student practice rules that allow law students to represent clients in court under the supervision of an attorney. Those rules now identify the PDS as an appropriate entity for student practice, in addition to prosecutors' offices and civil legal service providers.
    - Finally, we have submitted a bill to provide that when there is no attorney available through the PDS, the courts may appoint any attorney who agrees to take the case, something we have always had the inherent right to do. Under the bill we have proposed, however, the PDS would have to pay that attorney. The bill is crafted as emergency legislation and will also sunset in 3 years. The purpose is not to pull away lawyers away from the PDS roster, but to bridge the next three years until the public defender offices are fully up and running and able to fill what is now a yawning gap in appointed counsel services.

- 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." Registration is now closed and we are expecting approximately 250 attendees each day of the conference.
- **Maine Judicial Branch** - Chief Judge Brent Davis
  - From January 1, 2025, to March 7, 2025, there were a total of 174 new child protection filings statewide. For the same time-period during 2024, there were 190 new filings. This represents about an 8% decrease in new filings.
  - GAL/CASA Update: 17 CASAs trained last week.
  - Next GAL Core Training for attorneys and mental health professionals will be during fall admin week which is October 20th.
  - New judge appointment: Amy Dieterich to the Maine District Court. Her confirmation hearing is on Thursday, March 20th.
- **Office of the Attorney General** - Ariel Piers-Gamble, Assistant Attorney General, Chief of the Child Protective Division
  - Updates: System reflects that AAGs are handling about 2300 cases (seems out of line with what the MJB reports as having for open cases). The inconsistency may lie with how the OAG closes permanency guardianship cases, but Ariel and Betsy will continue the discussion on trying to determine why the two systems.
  - Discussion: How can we ensure that we are holding timely, substantive, and statutorily compliant Judicial Reviews?
    - Contested judicial reviews are particularly hard to schedule timely.
    - Ariel is often getting reports that JRs are more focused on the parents, rather than the child.
- **Office of Child and Family Services at DHHS** - Bobbi Johnson, Director
  - In the process of hiring a Deputy Director for OCFS (new role), will be primarily responsible for overseeing OCFS's strategic plan, which was built based on federal and state outcomes OCFS needs to achieve, as well as external feedback.
  - OCFS continues to have children housed in hotels due to a lack of foster homes.
  - The number of children in care is decreasing overall.
  - OCFS has put forward three bills for the current legislative session and are actively involved with a total of about 40 bills.
- **Maine Commission on Public Defense Services** - Molly Owens, Chief, Parents Counsel Division, Maine Commission on Public Defense Services
  - PDS hired the first experienced parent attorney last week, who came in from Alaska. She will start primarily in the Augusta area for now.
  - Another position for an entry-level attorney has been posted, as well as a reclassified position to provide the unit with a legal administrative assistant.
  - As to appeals, Molly has discussed with Matt Pollack PDS's ability to take appellate cases, and she is hopeful that as the unit expands there will be an appellate division of the unit. Molly stated that the attorneys will primarily focus on establishing a District Court practice while there is still a smaller number of attorneys, but will take appeals as they are able.
  - PDS is also very active in the current legislative session.

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

- **Continuing Education Subcommittee** - Betsy Boardman, Child Protection and Juvenile Process Specialist

- The Maine Judicial Branch conference is two weeks away. Registration numbers are at capacity for both days, and all the breakout sessions are going to be very well-attended.
- **Parent Attorney/GAL Retention and Recruitment Subcommittee** - Subcommittee Recommendation Report
  - Recommendation discussion on recommendations 4, 5, 7, and 8 - Chief Justice Valerie Stanfill and Executive Director Jim Billings
    - **Recommendation #4:** The Maine Judicial Branch should prioritize implementation of an electronic billing system for guardian ad litem billing.
      - GALs feel as though that electronic submission of vouchers and payment would be a much more expedient way to ensure GALs are getting paid. Access to a database would also provide better data and could illuminate process pain points to remove payment delay. The Chief Justice noted the MJB's desire to implement an electronic submission and payment system, but cited a lack of financial and personnel resources until Enterprise Justice is rolled out statewide.
        - The Chief Justice welcomes ideas from systems partners on programs to utilize for electronic billing.
    - **Recommendation #5:** The Maine Judicial Branch should eliminate the requirement for GALs to submit a motion for prior approval to exceed the legal stage hourly cap for billing, and should instead allow GALs to submit a justification for any hours above the cap at the time the voucher is submitted. The justification would be reviewed for reasonableness (akin to the process adopted by PDS).
      - One of the concerns from the MJB is the budget for GAL services. January 2025 costs were 15% higher than paid in any prior month. The MJB sought more funding in the supplemental budget, as it is about \$1.5 million short, but that money was not approved. The MJB has viewed motions to exceed the cap as one of the ways to try and keep costs leveled.
      - The Chief Justice asked if a motion reviewed for reasonableness after work is completed would serve the same purpose of budget mindfulness as filing the motion for permission to exceed the cap?
        - Mike Dixon opined that it would, and would be happy to work on gathering more concrete data. As to the increase in costs generally, Mike reported that GALs are having to spend more time on cases for various reasons, including:
          - More turnover in cases;
          - Fewer case management services;
          - The number of children in care going up; and
          - GALs being asked to take cases geographically further away from where they practice due to the lack of GALs in some parts of the state.
        - All this inherently increases costs.
        - Ariel noted that the lack of parent counsel being appointed in some cases is going to increase GAL costs.
        - Mike noted that GALs are being called on to expand their lane in a multitude of ways. There is often external pressure for GALs to help above and beyond.

- It has been observed that GALs are sometimes filling the gap in lack of parent attorneys. When cases go a long time without a parent attorney, GALs are stepping up to fill that gap, *sua sponte* or as a conduit that the court looks to.
  - Observation shared that the world has changed in many ways (counsel availability, services, etc), but expectations in the courtroom have remained.
  - This is happening across the board, not just in child protection cases.
- Would review for reasonableness at the invoice stage (rather than before performing the services) result in GALs performing work for which they are ultimately not going to get paid?
  - PDS allows more frequent billing opportunities; discussion about how the MJB shifting to a similar cadence for GAL vouchers could help to mitigate the risk of denial of large amounts of services for lack of reasonableness at the billing stage. However, an increase in frequency by the MJB under the current voucher system would be difficult to implement. There are already approximately 6,000 GAL vouchers that are submitted per year. We may not be able to absorb this without a robust electronic payment system.
- **Recommendation #7:** The pay rate for Title 22 GALs and parent counsel should be re-evaluated and increased at least every two years to meet or exceed statewide, regional, and national cost-of-living adjustments, inflation rates, and market rate trends for legal services.
  - An increase in payment rate for parents attorneys takes legislative action. In turn, the MJB has ensured that the GAL rate matches that of attorneys. The subcommittee is not suggesting that the GALs should be compensated at a different rate, but would welcome advocacy from the MJB and PDS for pay increases. The Chief Justice noted that the MJB does not get involved in advocating for the budget of other entities—the one exception was the MJB ensuring that there was parity for GALs and parent attorneys. Molly Owens offered to meet with Mike Dixon to provide what information she could on PDS's position in seeking an increase in compensation.
- **Recommendation #8:** The requirement that GALs – alone among all other practicing attorneys in the State -- accept pro bono or reduced fee referrals from the courts, as set forth in M.R.G.A.L. 2(b)(5), should be eliminated.
  - This recommendation stems from the lack of parity with other legal professions, who are not required to take a pro bono case each year. Additionally, the current rule requires only Title 22 GALs to take a pro bono Title 19-A case. Question as to if this is appropriate.
  - Should the Task Force want this rule to change, a request would be made to the GAL Rules Committee to consider that rule amendment for presentation to the SJC.

- Discussion regarding continuation of the Parent Attorney/GAL Retention and Recruitment Subcommittee
  - Mike Dixon sees value in the subcommittee continuing to meet, as there are more discussions to be had and also recommendations that were previously tabled for exploration at a later time.
  - Kaela Scott offered that the subcommittee's work has been valuable in her work as GAL Services Coordinator and related initiatives.
  - The subcommittee will continue to meet at its regularly scheduled times.

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

**Subcommittee Meeting Schedule:**

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

**ADJOURN**