

GAL Review Board Meeting
September 16, 2016 – 9:30 a.m.
Board of Overseers of the Bar – Augusta

Minutes

Call to order: A meeting of the GAL Review Board was held on September 16, 2016. A quorum being present, the meeting convened at 9:35 a.m. with Chair Prescott presiding. Board members in attendance were Chair Dana E. Prescott, Vice Chair Diane A. Tennes, Kenneth P. Altshuler (via phone), Karen E. Boston, Lisa A. Bryant, Wayne P. Doane, Malcolm T. Dow, Brenda M. Harvey, Catherine C. Miller (via phone), and Mary Zmigrodski. Also in attendance were staff members Paul W. Chaiken and Jacqueline M. Rogers. David Dutremble, Judicial Liaison Justice Joseph M. Jabar, and Christopher P. Leddy were unable to attend the meeting. Special guest Chief Judge Charles C. LaVerdiere also attended the meeting.

1) Accept April 25, 2016 Minutes

Upon motion by Mr. Dow and second by Ms. Harvey, the April 25, 2016 Minutes were unanimously approved.

2) Hon. Charles LaVerdiere Remarks

Chair Prescott thanked Chief Judge LaVerdiere for attending the meeting and introduced him to members of the GAL Review Board.

Chief Judge LaVerdiere opened his remarks by advising that the Court had met yesterday and had approved, with minor changes, the proposed revisions to the Maine Rules for Guardians ad Litem submitted by the GAL Review Board.

He also reported that registration is underway for the 2016 GAL Core Training to be held on October 25-28, 2016. Given the Courts revision to Rule 2(b)(2)(A), he expects that some of the slots will be filled by the GALs who meet the revised credential standard.

With respect to the revised Maine Rules for Guardians ad Litem, Chief Judge LaVerdiere advised that he has talked to colleagues across the state and believes that the new system is working well. Appointment orders issued under the new rules provide GALs with a clear understanding of their role, constraints, and limitations. Based on his observation, both members of the bar and the judiciary are responding well to the new system.

Chief Judge LaVerdiere advised that in some instances, motions filed by the Board to transfer GAL files to courthouses convenient to Special Counsel or GAL Review Board public members occasionally creates a logistical problem for the courts. If Special Counsel or a public member is unable to view a file at the “home court,” Chief Judge Laverdiere asked that the motion request that file be transferred to the office of the Chief Judge. Once the review is finalized at the Chief Judges’ office, the file will then returned the “home court.” Several public members advised that they view travelling to geographically distant courts to review files part of their responsibility as GAL Review Board members.

In closing, Chief Judge LaVerdiere stated that the role of the GAL Review Board is extremely important. The GAL complaint system serves as a quality control measure for GALs and ensures that parties involved in the system have a mechanism for review. He thanked GAL Review Board members for their willingness to serve the Court.

3) Administrative Matters

a) Registration Update

Ms. Rogers reported that registration documents were mailed on June 30th. Second notices were mailed in mid-October. As of August 15th, 15 GALs have resigned from the roster and 24 have not yet completed the registration process.

b) Roster Statistics

As of August 15, 2016, the roster stands at 229.

4) CLE Sub-Committee Report

a) Receive report from Registration/CLE Coordinator Susan Adams

Ms. Adams reported that the CLE Committee, comprised of Diane Tennes, Brenda Harvey, and Ken Altshuler, has reviewed and approved two continuing education courses. Ms. Adams also reported that she has received inquiries from course providers regarding the annual sponsor fee. Mr. Prescott stated he had received similar calls and responded that the fees are charged to providers to help defray the costs associated with the staffing and operation of the new system.

5) Docket Report

a) Case Status Report

The Board received a verbal and written report from Special Counsel Chaiken regarding the receipt, review, investigation, and status of the complaints filed with the GAL Review Board.

b) Disclosure of Complaint Submission to Respondents

Special Counsel Chaiken advised that upon the dismissal of a complaint pursuant to Rule 9(d), the respondent GAL is provided with a copy of the dismissal letter sent to the complainant. Special Counsel's dismissal letter often serves as the respondent GAL's first notification that a complaint has been filed. In an effort to avoid escalating any animosity amongst the parties, particularly in pending matters, the dismissal letter intentionally does not include a copy of the complaint filing. Should the respondent GAL subsequently request a copy, it is promptly provided. Board members agreed that this is the best practice for the reasons described above.

c) Request for Inspection of Confidential Court Records with Respect to Title 22 Complaints: Process/Experience

Special Counsel Chaiken reviewed the newly established motion practice to review court records in Title 22 cases.

6) Public Member Review: Process/Experience

Public members in attendance shared their experience with the process and procedure being utilized to review dismissed cases pursuant to Rule 9(d)(3)(B). Members agreed that they are provided with the necessary information to accomplish the review and that the allotted 30 day time period is sufficient. Mr. Prescott reminded public members to contact Board Clerk Morse should they have any questions regarding the process. Ms. Morse will in turn notify Executive Director Rogers if any concerns need to be brought to the Board's attention.

7) Old Business

**a) Proposed amendments to the Maine Rules for Guardians ad Litem
Rules have been adopted with some refinement.**

See Chief Judge Laverdiere report at item 2 above.

8) New Business

a) October GAL Core Training

Chief Judge LaVerdiere reported that the program is complete and registration is underway for the 2016 Annual Core Training. Mr. Prescott extended an invitation for public members to attend.

b) M.Prob.R. 71B(e): Effect of Previous Probate Orders - Are Rule Changes Needed?

Mr. Prescott provided an overview of Public Law 2015, chapter 460 (also known as the "Home Court Act") that was enacted by the 127th.

c) Maine Legislature and became effective on July 29, 2016. The Act made a change to the jurisdiction of the District Court at Title 4 § 152(5-A) so that it will hear any Maine Probate Code (MPC) guardianship, adoption, or name change matters involving a child if there is a case involving that child pending in the

District Court. Prior to the law, all MPC cases involving children were under the exclusive jurisdiction of the Maine Probate Courts. Mr. Prescott explained that in some cases the new legislation may require active appointment orders to be reviewed and revised due to the differing rules between Probate Court to the District Court matters. Board members agreed that ethical concerns will arise in these situations and that guardians ad litem need to be educated on this new legislation.

d) GAL Report to Board of Overseers of the Bar

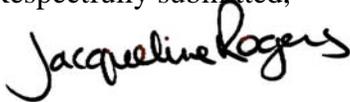
Passed over.

9) Confirm Next Meeting Date

GAL Review Board members confirmed the next meeting will be held on Tuesday, January 17, 2017, at 9:30 a.m. The meeting will be held at the office of the Board of Overseers of the Bar in Augusta.

The meeting adjourned at 10:45 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jacqueline Rogers". The signature is written in a cursive, flowing style.

Jacqueline M. Rogers
Executive Director