

GAL Review Board Meeting

April 25, 2016 – 9:30 a.m.

Med-Mal Screening Room (4th Floor) – Capital Judicial Center – Augusta

Minutes

Call to order: A meeting of the GAL Review Board was held on April 25, 2016. A quorum being present, the meeting convened at 9:30 a.m. with Chair Prescott presiding. Board members in attendance were Chair Dana E. Prescott, Vice Chair Diane A. Tennes, Lisa A. Bryant, Wayne P. Doane, Malcolm T. Dow, Catherine C. Miller, and Mary Zmigrodski. Also in attendance were staff members Paul W. Chaiken and Jacqueline M. Rogers. Kenneth P. Altshuler, Karen E. Boston, David Dutremble, Brenda M. Harvey, Judicial Liaison Justice Joseph M. Jabar, and Christopher P. Leddy were unable to attend the meeting.

1) Accept Minutes

Upon motion by Ms. Miller and second by Ms. Bryant, the January 19, 2016 Minutes were approved.

2) Administrative Matters

a) Proposed Registration Fee Waiver/CPE Exemption

Ms. Rogers and Mr. Dana provided a summary of the proposed policy. After discussion and upon motion by Ms. Miller and second by Mr. Dow, Board members approved the attached proposed Registration Fee Waiver Policy and voted to table consideration of the CPE Exemption Policy.

b) Receive report from Registration/CLE Coordinator Susan Adams

Ms. Rogers reported that CLE/Registration Coordinator Susan Adams was unable to attend the meeting.

c) Discuss confidentiality Language Contained in Rule 7(a)(8)(A-H)

Ms. Rogers distributed a copy of Rule 7(a)(8)(A-H) which states that the “Review Board shall maintain as confidential information relating to guardians ad litem...” Ms. Rogers further noted that prior to the Court’s adoption of the revised rules this past September, earlier drafts contained language stating that the “Review Board would maintain current information relating to all guardians ad litem...” She further reported that the final “confidential” language conflicts with the corresponding footnote in adopted rules. Noting that the confidential language appears to prohibit the Board from publishing a GAL roster on its website, Ms. Rogers asked for clarification from the Board.

Board members discussed the matter and agreed that it was not the intent of the Court or the Legislature to keep roster information confidential. However, it was acknowledged that certain information should be designated as confidential. Therefore, a motion was made by Ms. Tennes and seconded by Mr. Doane, to maintain as confidential the date of birth, social security number or federal identification number, and the current residence address, telephone number, and email address, unless that contact information is designated as public by the guardian ad litem. The motion was approved. Ms. Rogers was directed to prepare a proposed amendment to Rule 7(a)(8) (A-H) on behalf of the Board for the Court’s consideration.

d) Review FY-2017 GAL Registration Form /Annual CPE Report

Ms. Rogers distributed template registration forms for review. Board members reviewed the forms and recommended a few minor revisions.

3) Docket Report

Mr. Chaiken provided a statistical report of pending cases.

4) Old Business

a) **Update on Proposed an Amendment to the Maine Rules for Guardian Ad Litem with Respect to Rostering**

Chair Prescott and Vice Chair Tennes reported on a recent meeting with Justice Jabar, Chief Judge Laverdiere, and Ms. Rogers to discuss the Court's proposed amendment to Rule 2(b) in response to the Board's amendment submitted this past November. After discussion, it was the consensus of the Board to support the Court's proposed amendment. Upon receipt, Ms. Rogers will distribute a copy of the proposed amendment to Board members.

5) New Business

a) **Request for Inspection of Confidential Court Records with Respect to Title 22 Complaints**

Chair Prescott and Vice Chair Tennes reported on a recent meeting with Justice Jabar, Chief Judge Laverdiere, and Ms. Rogers to discuss Board Counsel's access to confidential Court records with respect to Title 22 complaints. As a result of that meeting, Chief Judge Laverdiere proposed that Special Counsel submit a motion requesting such records to his office for consideration. If approved, Board Counsel would then be allowed to inspect the records. If the complaint is dismissed and the complainant seeks a review, the Board Clerk, on behalf of the reviewing public member, will submit a similar request. A confidential copy of the proposed motion and order were reviewed by Board members.

b) **Court Proposed Amendment to Rule 9(d)(2) Regarding Placing a Complaint on Inactive Status if Underlying Case is Pending**

Chair Prescott and Vice Chair Tennes reported on a recent meeting with Justice Jabar, Chief Judge Laverdiere, and Ms. Rogers to discuss concerns relating to GAL complaints involving cases that are pending with the Court. The Court and GAL Review Board leadership agreed that such complaints should be placed on inactive status until the underlying Court matter is concluded. Board members acknowledged their support of this policy. Mr. Prescott will inform the Court of the Board's support on an amendment to Rule 9(d)(2).

c) **Approval of Qualifying Continuing Professional Education Credits**

In order to qualify for credits under Rule 10, Board members affirmed that courses must be presented in a live environment. All courses or CPE activities must be approved by the GAL Review Board.

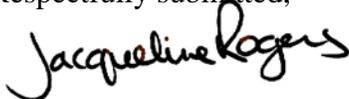
d) **Website Roster**

Ms. Rogers was directed to add the email address and licensure status of rostered GAL's to the website and to remove the appointment type column.

6) Confirm next meeting Date

Members of the GAL Review Board will be notified of the next meeting date.

Respectfully submitted,



Jacqueline M. Rogers
Executive Director