

GAL Review Board Meeting
June 20, 2017 – 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 June 20, 2017. A quorum being present, the meeting convened at 9:30 a.m. with Chair Prescott and Vice Chair Tennies presiding. Board members in attendance were Chair Dana E. Prescott, Vice Chair Diane A. Tennies, Karen E. Boston, Lisa A. Bryant, Malcolm T. Dow, Brenda M. Harvey, Judicial Liaison Justice Joseph M. Jabar, Christopher P. Leddy (via phone), Catherine C. Miller, and Mary Zmigrodski. Also in attendance were staff members Angela M. Morse and Jacqueline M. Rogers. Board member Kenneth P. Altshuler was unable to attend the meeting. Special guests in attendance were Family Division and Civil Process Manager Elaine Clark and Tracy Leigh, Coordinator of Guardian ad Litem Services for the Family Division of the Maine Judicial Branch.

1) Welcome New Special Counsel Angela Morse

On behalf of the Board, Mr. Prescott welcomed and congratulated Ms. Morse on her new position as Special Counsel.

2) Approve January 17, 2017 Minutes

Upon motion by Mr. Dow and second by Ms. Harvey, the January 17, 2017 Minutes were unanimously approved.

3) Administrative Matters

a) Roster Update

Ms. Rogers reported that the GAL roster stands at 225 (207 attorneys/18 non-attorneys).

b) CLE Activity – Approved Courses Report

Ms. Rogers distributed a list of courses approved from January 1, 2016, to June 20, 2017.

c) Website Enhancements

Ms. Rogers reported that website navigation on the GAL pages has been enhanced and refined to improve the end-user experience, and that the CLE course calendar has been added to help GALs. Additionally, the Guardian ad Litem complaint form was redesigned in a fillable format.

d) 2017 Registration

Ms. Rogers reported that the FY-2018 registration cycle would begin on July 1, 2017.

4) CLE Subcommittee Report

Dr. Tennies provided a report concerning the work of the CLE Subcommittee. She reported that there is some confusion surrounding self-study credits. Several GALs have requested self-study credit for the *Mandated Reporter Training for Suspected Child Abuse and Neglect* that was made known to GALs by the GAL Review Board. The program does not technically meet the standards defined in Rule 10. However, given the fact that the GAL Review Board communicated the training via email, many GALs assumed it was credit worthy. After discussion, it was a consensus that the *Mandated Reporter Training for Suspected Child Abuse and Neglect* would be granted credit for calendar year 2016 reporting only. Moving forward, all credits must be earned in a live environment.

5) Update from the AOC

Ms. Leigh provided an overview of the programming for the GAL Core Training that will take place in October and shared the draft agenda. Pre-registrations are coming in slowly. Efforts are underway to promote increased attendance. Board members noted that there is a strong need throughout the state to recruit new attorneys and other professionals to serve as GALs.

Ms. Leigh also reported that the court is also offering a conference titled *Understanding Trauma and the Importance of Providing Trauma Informed Services* in Portland and in Bangor in October. Ms. Clark reported that the court has received grant monies which will be used for GAL training in the coming year.

Ms. Leigh advised that the Judicial branch is in the process of revising the appointment order for family matters and is also creating a new amended appointment order. The revised form will provide a breakdown of fees, state whether a written report by the GAL is mandatory, and if required, indicate additional hours allotted for production of the report. Board members discussed their experiences regarding fees and reported that their work varies from one case to the next depending on the complexity of the case. It was noted that each court handles the processing of cases differently which can sometimes increase the number of hours required to complete an assignment. Ms. Leigh thanked Board members for their input and will share their comments with Judge Kelly.

In response to comments received at a recent legislative work session, Ms. Leigh, on behalf of Judge Kelly, asked the Board to revise the complaint form to provide guidance to the public on standing requirements. Ms. Rogers and Ms. Morse will review the complaint form to address this concern.

Board members commented on what they perceive as a hesitancy by magistrates to appoint GALs in family matters. In the past, appointments typically occurred within two to three weeks. However, due to the increased complexity of cases and the filing of motions, there is oftentimes significant delay in the appointment process. While this delay may be related to an attempt to control costs, Board members expressed how the delay may impact families in crisis.

Lastly, Board members shared their concerns that certain magistrates expect GALs to attend docket calls in family law matters hoping that the GAL can be of assistance in settlement efforts. If settlement is possible, the GAL could potentially spend six to eight hours at the courthouse which negatively impacts the hours assigned to the GAL to complete their assignments.

Mr. Prescott thanked Ms. Leigh and Ms. Clark for their attendance at the meeting and expressed the Board's appreciation for the magistrates who are doing a tremendous job adjudicating family law matters.

6) Judicial Liaison Report

a) GAL Review Board Vacancies

Justice Jabar reported that the Court has invited the Governor, the President of the Senate, and the Speaker of the House to submit recommendations for the Board's public member vacancy. With respect to the attorney vacancy, he asked that Board members submit any recommendations to Mr. Prescott who will submit a recommendation to the court on behalf of the Board.

b) GAL Review Board Member Reappointments

Justice Jabar reported that he will submit the names of Ms. Boston, Mr. Prescott, Ms. Miller, Mr. Dow, and Ms. Harvey for reappointment by the Court.

c) Discuss the Relationship between Rules 6 and 9 of Maine Rules for Guardians ad Litem

Justice Jabar and Mr. Prescott provided an overview of the interplay between Rules 6 and 9. Justice Jabar asked for the Board's input as to whether the Rule 9 report is discretionary or mandatory when a GAL is removed by a magistrate. Recognizing that removals occur for a variety of reasons, it was the consensus of the Board that magistrates should use their discretion when considering a Rule 9 report.

7) Chair Report

Mr. Prescott provided an overview of bills that were considered by the Legislature impacting GALs and commented on the Governor's recent letter vetoing LD 457, "An Act to Repeal the Sunset Date on the Children's Guardian ad Litem Law."

8) Legislative Activity

Ms. Rogers reported that she attended the Judiciary Committee work session on the sunset provision and responded to several questions from members of the Committee.

9) Docket Report

Ms. Morse provided statistical data regarding complaints filed with the Board.

10) Unfinished Business

There was no unfinished business to discuss.

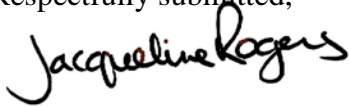
11) New Business

Mr. Dow expressed concerns about the need for qualified GALs in the rim counties. Ms. Leigh advised that the court is actively working on recruitment efforts.

12) Confirm next meeting date of October 18, 2017

Upon motion by Ms. Boston and second by Ms. Bryant, the meeting adjourned at 11:00 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