



Administrative Office of the Courts

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To: Members of the Joint Standing Committee on Judiciary

From: Mary Ann Lynch, Esq. 

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I am writing to follow up on Director Ashcroft's presentation to the Judiciary Committee on Thursday, January 31, 2013, regarding the 2006 OPEGA review of Guardian ad Litem laws and systems in Maine.

I hope to correct any misimpression that the Judicial Branch has been less than fully responsive to the Legislature's concerns regarding GALs or to the approach that OPEGA suggested in its report 7 years ago. To the contrary, the OPEGA report has been addressed on multiple occasions by the Judiciary Committee. The 124th Legislature's Judiciary Committee, chaired, at the time, by Sen. Larry Bliss and Rep. Charles Priest, held exhaustive and detailed discussions with Director Ashcroft and the Judicial Branch regarding the 2006 audit, and the Judicial Branch response to the audit.

As you know, there have never been any funds allocated by the Legislature for a GAL oversight program. Because the OPEGA recommendations called for that oversight through a number of mechanisms, its recommendations brought with them the requirement of extensive funding. In fact, at that time it was estimated that implementing the audit recommendations would cost hundreds of thousands of dollars. Of course, given the state budget crisis in 2009, which continues today, no additional money was appropriated for GAL oversight, regulation, training or investigation.

Accordingly, at the conclusion of those discussions in 2009, the Judiciary Committee wrote to the Government Oversight Committee. In that letter the Chairmen, speaking for a unanimous Judiciary Committee said; *"We appreciate the analysis that OPEGA has done, and we are satisfied that the Judicial Branch has made as much progress as it possibly can within its limited resources."*

To this date, no new resources have been appropriated to the Judicial Branch for GALs. The Branch, nonetheless has undertaken significant efforts in the intervening years to improve the service provided by GALs. These efforts were shared and described, in detail, to the 124th Judiciary Committee.

The Judicial Branch has set standards for admission to the roster for GALs, established a complaint process with the Chief Judge, and provides mandatory, substantive, training for GALs, who are already highly educated, licensed professionals. We invite any member of the Judiciary Committee to attend the GAL training to get a first hand measure of the quality of the training program.

The improvement efforts continue today. As the Chief Justice said last spring to the Judiciary Committee, “the primary concerns encompass two very separate issues: (1) the need for a more thorough complaint process independent of the Judicial branch, and (2) the potential for the creation of a “program” for support and supervision of GALs”

The Chief Justice has recognized the need for more extensive complaint resolution process and created a Task Force last summer chaired by Justice Warren Silver. You have a copy of the Task Force Report, and the Branch will make a recommendation on an investigatory and complaint process independent of the Courts in the next few days.

In addition, Deputy Chief Judge Mullen recently chaired a group of broadly represented stakeholders that is proposing several significant improvements that will require express limitations on GAL cost and work scope at the commencement of a case, and require a judicial order to change the cost and the scope of work, after the initial retention.

As to the second issue – the potential creation of a full program – it is well within the Legislature’s prerogative to fund and create such a program. I would note that, to ensure the continued neutrality of the courts, the Judicial Branch cannot house a “program” to counsel, mentor, and supervise the work of one who appears before the court as a witness in a litigated, contested proceeding, but the creation of a program within the Executive Branch of government could certainly augment the delivery of services to children and families.

In conclusion, the Judicial Branch continues to do the best it can, within existing resources, to train and maintain a roster of GALs who serve as investigators in litigated, highly contentious family matters.

As always, I appreciate your attention to these matters, and I am happy to provide additional information or answer any questions.