

STATE OF MAINE
SUPREME JUDICIAL COURT



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Hon. Anne Carney
Senate Chair, Judiciary Committee
Maine State Legislature
3 State House Station
Augusta, Maine 04333-0003

Hon. Amy Kuhn
House Chair, Judiciary Committee
Maine State Legislature
2 State House Station
Augusta, Maine 04333-0002

Re: Rules Governing the Confidentiality of Records in Probate Court Proceedings

Greetings Senator Carney and Representative Kuhn,

Pursuant to P.L. 2023, ch.4, § 17 (effective Mar. 13, 2023), I am pleased to provide a report to the Judiciary Committee summarizing the Court's progress toward adopting rules governing the confidentiality of records in probate court proceedings, and specifically the rules governing the confidentiality of adult guardianships, conservatorships, and other protective arrangements.

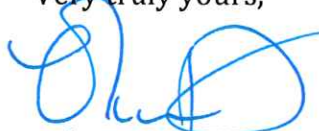
As you know, the same bill also extended the effective date for the confidentiality of adult guardianship, conservatorship, and other protective arrangement matters to April 1, 2025.

The current Rules of Probate Procedure are the same rules that were in place when LD 196 was enacted and have not yet been amended. In addition to addressing the confidentiality issues identified above, the Advisory Committee on Probate Procedure Rules worked on a more complete overhaul of the rules governing the electronic filing in Probate Court. The Committee prepared a comprehensive package of rule changes related to electronic filing, including addressing the issue of confidentiality. The issue of confidentiality is, of course, bound up in access to the e-dockets at the Probate Courts.

The Supreme Judicial Court is also working on an overhaul of the Maine Rules of Electronic Court Systems (MRECS). Those rules are not applicable to proceedings in Probate Court but rather govern in the District, Superior and Supreme Judicial Courts. The consensus was to delay adoption of the new rules governing electronic filing in Probate Court until the MRECS were also updated. To be clear, the Probate Courts use a different electronic platform for e-filing than that used by the Maine Judicial Branch, and quirks, capabilities and limitations in the two systems may affect some of the rules.

Because an overhaul of MRECS is not imminent, however, and because the bill regarding confidentiality of adult guardianships, conservatorships, and other protective arrangements is effective April 1, 2025, the Supreme Judicial Court is moving forward with amendments to the probate rules. We expect to post the proposed rules amendments soon, and they will be in effect before the effective date of the amendments to the Probate Code on April 1, 2025.¹

Very truly yours,



Valerie Stanfill
Chief Justice

VS/nms

cc: Barbara Cardone, Director of Legal Affairs and Public Relations
Janet Stocco, Legislative Analyst
Elias Murphy, Legislative Analyst
Susan Pinette, Committee Clerk

¹ It is also our understanding that the Probate Courts have already arranged for a "work around" through their IT vendor for MaineProbateNet, should it become necessary, whereby the vendor can just turn off the guardianship and conservatorship search function entirely, which blocks the public from accessing all pleadings, case names and dockets numbers in confidential cases.