

Commission to Create a Plan to Incorporate the Probate Courts into the Judicial Branch

County Probate Judge Terms by Judicial Branch Court Region

Court Region	County	Term End Date
1	York	Dec. 31, 2024
2	Cumberland	Dec. 31, 2022
3	Androscoggin	Dec. 31, 2022
	Franklin	Dec. 31, 2022
	Oxford	Dec. 31, 2024
4	Kennebec	Dec. 31, 2024
	Somerset	Dec. 31, 2024
5	Penobscot	Dec. 31, 2022
	Piscataquis	Dec. 31, 2024
6	Sagadahoc	Dec. 31, 2024
	Lincoln	Dec. 31, 2024
	Knox	Dec. 31, 2022
	Waldo	Dec. 31, 2024
7	Hancock	Dec. 31, 2022
	Washington	Dec. 31, 2022
8	Aroostook	Dec. 31, 2024

Proposed Transition Plan

(Proposed by Senator Carney and Representative Cardone)

A. Judge Transition and Attendant JB Staff

Step 1: When the terms of 7 current county Probate Judges expire on Dec. 31, 2022, they will be replaced by 5 appointed state Probate Judges whose terms commence Jan. 1, 2023, one of whom will be designated a Chief Judge by the Chief Justice of the Supreme Judicial Court.

<i>Unresolved question</i>	<i>Recommendation</i>
Will the judges be assigned to certain regions or will the regional assignments not take place until all 9 of the judges are on board? <ul style="list-style-type: none"> ▪ See chart showing term expiration by region 	
How many JB support staff are needed for this cohort of 5 judges, which includes a Chief Judge? <ul style="list-style-type: none"> • Law clerks? • Judicial admins.? • Marshals? • Administrative Staff? (facilities manager / IT staff / other?) 	
Are any JB staff required prior to January 1, 2023 to help prepare for the transition?	

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Step 2: When the terms of the remaining 9 county Probate Judges expire on Dec. 31, 2024, they will be replaced by 4 appointed state Probate Judges whose terms commence Jan. 1, 2024.

<i>Unresolved question</i>	<i>Recommendation</i>
How many JB support staff are needed for this cohort of 4 judges? <ul style="list-style-type: none"> • Law clerks? • Judicial admins.? • Marshals? • Administrative Staff? (facilities manager / IT staff / other?) 	
What occurs if one of these 9 county Probate Judges resigns early, before Dec. 31, 2024? <ul style="list-style-type: none"> • How many vacant county Probate Judge positions will trigger an additional state Probate Judge? • How many support staff are required for each new state Probate Judge? 	

B. Transition of court-appointed professionals funding

Court-Appointed Attorneys:

- Beginning January 1, 2023, the Maine Commission on Indigent Legal Services will assume responsibility for the selection and funding of all constitutionally-required or statutorily-required counsel appointed to represent indigent individuals by either a county or a state Probate Court Judge.

Guardians ad litem and visitors:

- Beginning Jan. 1, 2023, when a state Probate Judge appoints a guardian *ad litem* or a visitor who will not be paid by the parties, the Maine Judicial Branch will bear responsibility for paying the fees. If the guardian *ad litem* or visitor is appointed by a county Probate Judge, however, the county will be responsible for paying the fees to the same extent that the county is responsible under current law.
- Beginning Jan. 1, 2025, only the Maine Judicial Branch will bear responsibility for paying the fees of a guardian *ad litem* or a visitor appointed in a probate matter who will not be paid by the parties because there will no longer be county Probate Judges.

C. Other? Are there any other items for which a transition plan must be created?