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**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence  
In SUPPORT of LD 113: “An Act to Provide Funding for Guardians Ad Litem”**

**Before the Joint Standing Committee on Judiciary  
Thursday, January 26, 2023**

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in support of LD 113, “An Act to Provide Funding for Guardians Ad Litem.”

While protection from abuse orders can and often do address short-term, exigent issues for survivors and their children, our family courts are where long-term safety and stability needs are addressed. Maine’s family courts have long suffered from insufficient resources across the board. There is very limited access to pro bono legal representation. Our judges and magistrates suffer from high caseloads, leading to limited availability to timely hear contested issues. There is insufficient time and resources to ensure adequate training of court personnel on the myriad of complex issues the courts are confronted with. Though guardians *ad litem* can be part of the solution to this problem, they are out of reach for families without significant financial means. Guardians *as litem* are only available in two circumstances: when a family can afford to pay either an hourly rate or a set fee – often thousands of dollars; or where a guardian *ad litem* is willing to provide their services pro bono.

A skilled guardian *ad litem* can help ensure judicial decision makers are presented with all of the facts they need to make an informed decision. In family court cases involving domestic violence, that will often include information from extended family members, the Office of Child and Family Services, health and mental health professionals, school professionals, and criminal justice records. A guardian *ad litem* can speak to these contacts at length and report back to the court. More importantly, a guardian *ad litem* can bring forward a child’s experience and perspective without that child needing to testify in a court proceeding.

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<sup>1</sup> MCEDV serves a membership of eight regional domestic violence resource centers as well as the Immigrant Resource Center of Maine. Our member programs provided services to more than 12,000 victims of domestic violence in Maine last year, including court advocacy services in the civil and criminal courts.

For survivors of abuse, the current practice of requiring private funding of guardians *ad litem* comes with an additional layer of challenge. The mere presence of *any* guardian *ad litem* is not going to necessarily have a positive impact. Though many survivors identify the guardian *ad litem* assigned in their case as having helped them keep themselves or their child(ren) safe, for just as many other survivors, the guardian *ad litem* appointed in their case was experienced by the survivor to undermine their ability to achieve safety and stability. Survivors need access to well-trained, highly-skilled guardians who understand the dynamics of abuse and its impact on families post-separation of the parents. Legal advocates at Maine's domestic violence resource centers spend not an insignificant amount of time each year attempting to secure a guardian *ad litem* to take a survivor's family court case pro bono or for a reduced fee. Most advocates have developed a relationship with a small handful of guardians *ad litem* who have demonstrated a trauma-informed approach and an ability to understand the impact of abuse on the adult victim's ability to achieve safety and stability for themselves and their children. However, understandably, many of these guardians are financially able to take only one or two cases each year pro bono. For those families without great financial means, that effectively results in a very small pool of survivors statewide able to retain a well-informed, highly skilled guardian working with their family.

If payment for guardians *ad litem* was no longer the responsibility of the litigant survivor, guardians *ad litem* with a particular aptitude and interest in working on cases involving domestic abuse and violence would be able to more frequently utilize their skills in these cases to help courts make more informed decisions that appropriately attend to safety and stability needs of survivors and their children. Not only would more families benefit from having a guardian *ad litem*, more families would benefit from having the *right* guardian *ad litem* to help achieve outcomes that are in the best interest of children.

As always, thank you for the opportunity to share our perspective. MCEDV and our member programs look forward to continuing to engage with legislators and other interested parties on these important issues.

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