



March 7, 2023

Sen. Margaret Rotundo, Chair
Rep. Melanie Sachs, Chair
Joint Standing Committee on Appropriations
& Financial Affairs
Maine State Legislature
100 State House Station
Augusta, ME 04333

Sen. Anne Carney, Chair
Rep. Matt Moonen, Chair
Joint Standing Committee on the Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *Supplemental Testimony of MSBA regarding Biennial Budget, Part A related to Guardian ad Litem rates*

Dear Sen. Rotundo, Rep. Sachs, and Members of the Appropriations and Financial Affairs Committee;
Sen. Carney, Rep. Moonen, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we are pleased to provide this supplemental testimony regarding Guardian Ad Litem funding in Part A of the Governor's Biennial Budget proposal (p. 485). We previously provided testimony in support of ensuring sufficient attorney rates for providers of indigent legal defense services through the Maine Commission on Indigent Legal Services. In this supplemental testimony, we further recommend that the rates for providers of guardian ad litem services be raised to a level similar to that provided to indigent defense attorneys.

About us. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3,000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law to Family Law. Access to justice for all is a key element of our mission, hence our strong interest in ensuring an appropriate level of funding for guardian ad litem services.

Guardian ad litem funding. Guardians ad litem (GALs) are a critical part of our judicial system and child welfare system, and they perform important functions within both systems. It is imperative that children have the benefit of competent GALs, who provide investigations independent of the Department of Health and Human Services and the parents, advocating for the best interests of children during times when they are the most vulnerable. Through guardians ad litem, courts can benefit from children's perspectives, along with the GAL's independent investigatory reporting and problem solving.

Despite the importance of guardians ad litem, the roster of individuals available to take on these important cases has shrunk over the past several years. In many respect, the challenges confronting the GAL system are similar to the challenges facing Maine's indigent criminal defense system.

To address the challenge of shrinking MCILS rosters, the Legislature appropriated additional funds in the Supplemental Budget to enable rates to increase to \$150 per hour. These higher rates were recently adopted by MCILS on an emergency basis. At the same time, the Supplemental Budget did not provide for an increase in rates for guardians ad litem, even though the rates for guardians has historically been

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coupled with the rates of indigent legal defense attorneys. However, in the Governor's Biennial Budget, additional funds are appropriated to enable an increase in GAL rates. We believe an increase in GAL rates is important, and given that many of attorneys who undertake indigent legal defense work also undertake GAL work, it makes sense to appropriate sufficient funds to enable GAL rates to rise to \$150 an hour as well.

Conclusion. Thank you for the opportunity to provide these comments in support of raising guardian ad litem rates to \$150 per hour. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stacy O. Stitham", with a stylized flourish at the end.

Stacy O. Stitham
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Okun, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP
Clara McConnell, Maine Street Solutions