



March 16, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Standing Committee on Judiciary
State House, Room 438
Augusta, Maine 04333

Re: Testimony in Support of LD 966, An Act Allowing Access by State Agencies and Hospitals to Certain Confidential Probate Court Records If the Access Is in the Public Interest

Dear Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

My name is Lauren Wille and I am the Legal Director at Disability Rights Maine. DRM is Maine's designated Protection and Advocacy Agency, and our mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine. Thank you for the opportunity to provide testimony in support of LD 966.

In early 2023, when this confidentiality law first took effect, emergency legislation was enacted to delay its implementation so that stakeholders could consider whether certain exceptions should be made. Otherwise, the statute requires that all records regarding adult guardianship and conservatorship remain confidential, except for the existence of the guardianship or conservatorship. This bill creates certain exceptions, including allowing DRM, as the designated protection and advocacy agency, to access such records. DRM receives many requests for assistance from people under guardianship who seek information, or to limit or terminate the guardianship. Having access to these records allows DRM to more efficiently assist individuals with information to which they are entitled. Without such access, every request for assistance would require DRM to help the person subject to guardianship to make a direct request to the probate court for their complete records (to which they are entitled under the law). This would place a significant burden not only on DRM's ability to assist our clients, but would present yet one more barrier to the person subject to guardianship, as well as place a significant

160 Capitol Street, Suite 4, Augusta, ME 04330
207.626.2774 • 1.800.452.1948 • Fax: 207.621.1419 • drme.org

MAINE'S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

administrative burden on probate courts, who would have to address every such request from a Respondent. This bill will directly address this issue by allowing DRM to continue to have access to court records.

I want to take this opportunity, however, to highlight the importance of the confidentiality that this statute provides for people subject to guardianship and conservatorship. As it stands, most of the dockets of these cases, including most court filings, are fully viewable to general public via www.maineprobate.net. In our experience, most Respondents have no idea that their private information is easily accessible online to anyone who might look for it.

I want to share a bit of the information I was able to access online in a brief search of adult guardianship cases on www.maineprobate.net. The names have been changed to maintain privacy.

“Robert’ continues to suffer from some psychotic delusions which result in paranoid thoughts relating to religion.”

“Allison’ had a malignant tumor removed from her ovaries.”

“Ramona’ has a history of living with an older man and not paying rent owed on an apartment. When she was homeless, she would go to [a club] and ask various club members to ‘take her home’ with them.”

In one case, I was able to view a packet of exhibits for a hearing that included a Respondent’s full medical records. This included a list of all of her medications and dosages, a full record regarding a previous psychiatric hospitalization, her family medical history including details of the removal as a child from her biological parents due to “severe emotional, physical, and sexual abuse,” and counseling records in which the Respondent disclosed during a therapy session of a recent sexual assault. The abundance of information readily available in this case is not an uncommon occurrence.

Available records often contain detailed information on where Respondents live, what their diagnoses are, what medications they take, who they are in a relationship with, what their personal goals are, and how “vulnerable” they might be to exploitation. I was able to access this information with just a few clicks of a mouse from my computer, as everyone can without a provision requiring confidentiality.

I would ask this Committee to imagine what it might be like to look for a job, to apply for college, to date, to move through life with this kind of intimate information accessible to anyone who wanted to search for it.

An adult subject to guardianship or conservatorship has already had much of their right to privacy removed in so many ways. Having such personal information available to the general public is unnecessary and exposes the Respondent to victimization, discrimination, and indignity. Only the fact that a guardianship or conservatorship exists should be publicly available.

For the foregoing reasons, DRM supports LD 966.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Wille". The signature is written in a cursive, flowing style.

Lauren Wille, Esq.
Legal Director
Disability Rights Maine