

ELIZABETH H. MITCHELL
JUDGE



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March 17, 2025

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

Re: Testimony Neither for Nor Against 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 Brielle Balmer. I am the Deputy Register of Probate for Kennebec County and am speaking neither for nor against LD 966. Although the Kennebec County Registry of Probate fully supports the intention behind this bill to allow certain agencies and hospitals access to confidential records in adult guardianship, conservatorship, and other protective arrangements when it comes to carrying out an official function, duty or responsibility in the public interest, we have information that we would like to share for your consideration in relation to this bill.

Our current case management system has three levels of access: internal for Court use only, access for interested parties and attorneys with registered filer accounts, and public access. There is currently no functionality in the case management system used by the Probate Courts to give certain agencies or hospitals access to nonpublic files or proceedings if they are not included as a party in the case. When an agency or a hospital is not considered an interested party or a party that is entitled notice under 18-C M.R.S. §5-310 and/or §5-411, the agency or hospital would not be able to remotely access the confidential information and would instead have to contact the Court in the correct county to view the confidential filings in person or to request copies that are subject to a fee.

Another consideration I would like to present is that, as written, this LD not only provides access to records in cases of adult guardianships, adult conservatorships, and other protective arrangements for adults, but also access to minor conservatorships and other protective arrangements for minors. Oftentimes conservatorships or other protective arrangements for minors consist of a parent or legal guardian of a minor looking to manage life insurance proceeds or some form of inheritance that the minor is a recipient of. If the intention is to include access to cases involving minors (including minor guardianships), similar language may be needed in Title 18-C, Article 5, Part 2. If the proposed amendments to the Maine Rules of Probate Procedure, released for public comment on January 28, 2025, are adopted as drafted, all records involving guardianships of minors will be nonpublic and not accessible by the agencies and hospitals indicated in this LD unless they are included as an interested party to the case.

Thank you for taking the time to hear my considerations as presented. I am happy to answer any questions you may have.

Sincerely,



Brielle Balmer

Deputy Register of Probate, Kennebec County