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Judicial Branch testimony in support of LD 922, An Act to Amend the Procedure for Filing a Petition to Terminate Parental Rights and Responsibilities:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to present testimony in support of LD 922 because it (1) eliminates a statutory procedural requirement that presents technical challenges in the Maine Judicial Branch's new electronic case management, filing, and access system known as Maine eCourts, and (2) removes from statute procedural guidance that should be in court rule.

Under Maine law, a parent can file to terminate another parent's rights under Title 19-A without intervention by DHHS. These are commonly referred to as private termination of parental rights (TPR) cases. Records related to private TPR petitions are confidential. *See* 19-A M.R.S. § 1658(2-A)(G). Private TPR petitions can be filed as original actions, in which case the entire case file is made confidential. *See* 19-A M.R.S. §§ 1658(2)(A) and (B). Sometimes private TPR petitions are filed as a post-judgment action in a family matter after the court has entered a divorce or parental rights and responsibilities judgment. *See* 19-A M.R.S. § 1658(2)(C). When they are filed as post-judgment petitions, the statute requires that they be filed in the *same case* as the underlying family matter. 19-A M.R.S. § 1658(1-A). The governing court rule states that the court records of the underlying family matter remain public, but the court records related to the post-judgment private TPR petition are confidential. *See* M.R. Civ. P. 128.

This bill removes the procedural requirement from the statute that post-judgment private TPR petitions be filed in the underlying family matter to align with the technical requirements of Maine eCourts. In Maine eCourts, these matters must be docketed as separate actions in order to ensure the records can be accessed electronically by the parties, and at the same time, remain confidential to the public.

The Maine Judicial Branch also supports this amendment because it removes from statute procedural guidance that should be addressed by court rule. The Supreme Judicial Court is prepared to amend its court rule to require that the post-judgment petitions be filed as separate actions, instead of being filed into the underlying family matter. This amendment would ensure procedural guidance for these matters is governed by court rule, not statute.

Thank you for your time. I would be happy to answer any questions.