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Testimony of the Office of Aging and Disability Services
Maine Department of Health and Human Services
Before the Joint Standing Committee on Judiciary

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*

Sponsor: Representative Kuhn
Hearing Date: March 17, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, my name is Gina Googins, and I serve as the Associate Director of Adult Protective Services of the Office of Aging and Disability Services (OADS) in the Maine Department of Health and Human Services. I am here today to testify 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*.

On April 1, 2025, Probate Code 18-C MRSA §5-308, sub-§2 is scheduled to take effect. This law as currently written does not provide continuing access for certain entities to probate court records through the Maineprobate.org Electronic Filing System (EFS) without being a party to a specific case. LD 966 allows employees and legal counsel of the Department of Health and Human Services, the Office of the Attorney General, agencies designated by the Governor to provide protection and advocacy for persons with disabilities, private mental hospitals and hospitals access to confidential probate court records in adult guardianship, conservatorship and protective arrangement proceedings if the access is to carry out an official function, duty or responsibility in the public interest.

OADS Adult Protective Services (APS) and Public Guardianship (PG) programs rely heavily on access to the EFS in order to conduct APS investigations, complete guardianship studies and effectively support adults who are under public guardianship and public conservatorship. APS law and rules require OADS to protect incapacitated and dependent adults from abuse, neglect and exploitation. The law governing OADS further requires a petition for guardianship or a protective order under Title 18-C, Article 5, when all less restrictive alternatives have been tried and failed to protect the incapacitated adult. In order for OADS employees to fulfill their duties, staff must show due diligence in the investigative and guardianship study process which includes reviewing court records for prior and current probate court involvement with the person being investigated and or studied. The work of APS will be seriously compromised without continuing access to these records.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.