



HOUSE OF REPRESENTATIVES

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Testimony of Rep. Lori K. Gramlich presenting
LD 1893, An Act to Establish an Independent Office of the Child Advocate

Before the Joint Standing Committee on Health and Human Services

Senator Ingwersen, Representative Meyer and colleagues of the Health and Human Services Committee, my name is Lori Gramlich. I have the honor and privilege of representing House District 131, the lovely seaside community of Old Orchard Beach, and of serving as Assistant House Majority Leader. I am before you today to present ***LD 1893, An Act to Establish an Independent Office of the Child Advocate***.

This legislation is a critical step forward to ensure that the most vulnerable members of our society—our children—receive the protection, care and advocacy they deserve.

For too long, children receiving services from state systems—whether in foster care, mental health treatment, juvenile justice or special education—have lacked a truly independent, empowered voice to ensure their rights are upheld and their needs are met. This bill addresses that gap by establishing an Office of the Child Advocate as an independent agency.

Children cannot advocate for themselves, especially in complex systems. This bill ensures they will have a dedicated office that is not only watching but acting on their behalf. It is modeled after New Hampshire's Office of the Child Advocate.

By granting the Child Advocate the authority to receive complaints, access information, conduct investigations and make public recommendations, this legislation creates a transparent and accountable mechanism to evaluate and improve how our state serves children. It is particularly important that the Office be able to speak directly to the Governor, the Legislature and the public—this kind of independence is essential for systemic change and public trust.

This bill would transfer the functions and funding of the current Child Welfare Ombudsman into the new office, building on existing infrastructure while expanding its scope and effectiveness.

The current ombudsman does incredibly important work, and this proposal is meant to extend that important work, not end it.

Core Functions of the Child Advocate

This legislation outlines a comprehensive, carefully considered mandate for the Office of the Child Advocate:

- **Oversight:** The Office would conduct periodic reviews of policies and practices within state agencies, particularly those that impact children in state custody or supervision. These functions would allow the Office to identify both immediate concerns and long-term patterns that require reform.
- **Advocacy and Services:** The Office would provide direct, case-specific advocacy for children and families, offer referrals and ensure that the public is informed about available services and their rights. By fielding complaints, resolving disputes and helping navigate the complex systems, this Office would be a lifeline for children and families in crisis.
- **Critical Incident Response:** The bill would require that the Office is immediately notified of any serious injury or fatality involving a child in state care. This would allow for timely, transparent and independent review of how such tragedies occurred and how they can be prevented in the future.
- **Systems Reform and Policy Guidance:** The Office would advise the Governor, Legislature and the public on how we can improve the way that state government serves children. Importantly, its work on systems improvement will be rooted in the real experiences of children and families served by the state.

A Mechanism for Long-Term Change

The Office's ability to appear in court and administrative proceedings, to evaluate the conditions of facilities where children are placed, and to collect and analyze data all serve a singular purpose: protecting the rights, dignity and potential of every child in our state. It would not be merely reactive but proactively engage in outreach and education to build a culture of child well-being.

One of the major underpinnings of this bill would be to build a durable framework in monitoring how children are served and safeguarded across our institutions. By mandating annual reports that analyze the quality of services, identify areas for improvement and recommend specific changes in agency policy, the bill promotes continuous system-wide improvement. Requiring

these reports to be made public ensures transparency and provides policymakers and the public with clear, honest assessments of how the State is meeting its obligations to children.

Particularly important is the requirement for in-depth, biennial reports on juvenile justice conditions, including confinement, detention, and institutional placements. This level of oversight is long overdue. Young people in state custody are among the most vulnerable in our society, and they deserve humane, safe and rehabilitative environments. Public reports will bring necessary visibility to the treatment of youth in these facilities, and regular reporting ensures that conditions cannot be ignored.

Equally critical is the privilege and confidentiality section. To be effective, the Office of Child Advocacy must have the independence to operate without fear of retaliation or the appearance of political influence. The protections outlined in §24207 safeguard the integrity of investigations and internal deliberations, while still making reasonable exceptions for imminent risk or criminal activity. This balance protects both the children the Office serves and the integrity of its work.

Finally, the establishment of an Advisory Committee brings an essential element of collaboration and community engagement. No single office can understand the full complexity of children's needs in isolation. This Advisory Committee would ensure that a range of expertise, lived experience and perspectives inform the Advocate's priorities and strategies.

Over the course of the past 6 months, I have met and worked with Director of the New Hampshire Office of the Child Advocate Moira O'Neil, Maine Children's Trust, The Maine Children's Alliance, Disability Rights Maine and the Maine Child Welfare Ombudsman, and I have collaborated with legislative colleagues, all of whom have provided valuable insight regarding not only the merits of this legislation but also the benefits of having an independent office that can effectively advocate for all children in an inclusive and holistic manner.

I have also spoken with the Office of the Attorney General, which has suggested several modest amendments. I have attached those to my testimony and am happy to work with the committee to incorporate them.

In closing, this bill builds a foundation for meaningful oversight and reform, while ensuring children's voices and interests remain at the forefront. I urge you to vote in favor of this critical legislation and commit to making our child-serving systems more transparent, accountable and just.

Thank you, and I would be happy to try to answer any questions for you.

From: Hayes, Danna <Danna.Hayes@maine.gov>
Sent: Wednesday, May 7, 2025 4:59 PM
To: Gramlich, Lori
Cc: MacDonald, Ryan
Subject: FW: LD 1893
Attachments: title4sec807 amendment.docx

This message originates from outside the Maine Legislature.

Hi Representative,

We think there need to be two revisions. One is to the current language in the bill enacting 5 MRS sec. 24202(10) (at page 5, lines 16-18), as follows:

10. Court and other proceedings. The office, through the Child Advocate or such other personnel of the office as the Child Advocate may designate, shall appear or intervene, as necessary, 17 in any proceeding before any court, agency, board or advisory committee in the State in which matters related to child protection and juvenile justice services are an issue.

And then an amendment would also need to be made to 5 MRS section 807, as attached.

Let me know if you have any questions!

Danna



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§807. Unauthorized practice of law

1. Prohibition. No person may practice law or profess to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802.
[PL 1989, c. 755 (RPR).]

2. Violation. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime.
[PL 1989, c. 755 (RPR).]

3. Application. This section shall not be construed to apply to:

A. Practice before any Federal Court by any person admitted to practice therein; [PL 1989, c. 755 (RPR).]

B. A person pleading or managing that person's own cause in court; [PL 1989, c. 755 (RPR).]

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, or a member, manager or authorized employee of a limited liability company, who is not an attorney but is appearing for that organization:

(1) In an action cognizable as a small claim under Title 14, chapter 738; or

(2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title 29-A; [PL 2001, c. 119, §1 (AMD).]

D. A person who is not an attorney, but is representing a municipality under:

(1) Title 30-A, section 2671, subsection 3;

(3) Title 30-A, section 4452, subsection 1; or

(4) Title 38, section 441, subsection 2; [PL 1997, c. 296, §1 (AMD).]

E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7; [PL 1989, c. 755 (RPR).]

F. A person who is not an attorney, but is representing the Bureau of Unemployment Compensation or the Bureau of Revenue Services under section 807-A; [PL 1995, c. 560, Pt. G, §1 (AMD); PL 1997, c. 526, §14 (AMD).]

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Board as provided in Title 39-A, section 317; [PL 1995, c. 419, §1 (AMD).]

H. A person who is not an attorney but has been designated to represent the Department of Health and Human Services under Title 22, section 3473, subsection 3 or under Title 22-A, section 207, subsection 7 in Probate Court proceedings; [PL 2007, c. 539, Pt. N, §4 (AMD).]

I. A person who is not an attorney, but is representing the Department of Health and Human Services in a child support enforcement matter as provided by Title 14, section 3128-A, subsection 7; Title 18-C, section 5-204; and Title 19-A, section 2361, subsection 10; [PL 2017, c. 402, Pt. C, §5 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

J. For the purposes of defending a civil action filed against a corporation, an officer of the corporation if the corporation is organized in this State and has 5 or fewer shareholders; [PL 1997, c. 683, Pt. E, §2 (AMD).]

K. A person who is not an attorney, but who is representing the Department of Health and Human Services in accordance with Title 19-A, section 1615; Title 19-A, section 2009, subsection 8; Title

19-A, section 2201, subsection 1-B; and Title 19-A, section 2202, subsection 1-B; [PL 1999, c. 139, §1 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

L. A person who is not an attorney, but who is representing the Department of Agriculture, Conservation and Forestry in accordance with Title 7, section 3909, subsection 2; [PL 2003, c. 278, §1 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney; [PL 2007, c. 249, §4 (AMD).]

N. A person who is not an attorney, but is representing the State under section 807-A; [PL 2007, c. 611, §1 (AMD).]

O. A person who is not an attorney, but who is representing a party in any hearing, action or proceeding before the Maine Public Employees Retirement System; [PL 2009, c. 480, §1 (AMD).]

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; [PL 2013, c. 45, §1 (AMD); PL 2013, c. 134, §1 (AMD).]

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; [RR 2013, c. 1, §5 (COR).]

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D; [PL 2019, c. 449, §1 (AMD).]

REVISOR'S NOTE: (Paragraph R as enacted by PL 2013, c. 134, §3 is REALLOCATED TO TITLE 4, SECTION 807, SUBSECTION 3, PARAGRAPH S)

S. **(REALLOCATED FROM T. 4, §807, sub-§3, ¶R)** An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; [PL 2021, c. 567, §4 (AMD).]

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207; ~~or~~ [PL 2019, c. 597, §2 (AMD).]

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association; ~~or~~ [PL 2019, c. 597, §3 (NEW).]
[PL 2021, c. 567, §4 (AMD).]

V. An employee of the Office of the Child Advocate who is not an attorney but is appearing on behalf of the Office of the Child Advocate in a proceeding before any court, agency, board or advisory committee in the State under Title 5, section 24202, subsection 10.

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State.
[PL 1989, c. 755 (RPR).]

SECTION HISTORY

PL 1965, c. 92, §1 (AMD). PL 1969, c. 396 (AMD). PL 1973, c. 625, §13 (AMD). PL 1975, c. 636 (AMD). PL 1977, c. 593, §1 (AMD). PL 1977, c. 696, §26 (AMD). PL 1979, c. 700, §2 (AMD). PL 1983, c. 126 (AMD). PL 1983, c. 420 (AMD). PL 1983, c. 796, §2 (AMD). PL 1985, c. 124, §8 (AMD). PL 1985, c. 598, §1 (AMD). PL 1985, c. 742, §1 (AMD). PL 1987, c. 30 (AMD). PL 1987, c. 402, §A8 (AMD). PL 1987, c. 559, §B1 (AMD). PL 1987, c. 737, §§C4,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C2,C8,C10 (AMD). PL 1989, c. 265, §1 (AMD). PL 1989, c. 755 (RPR). PL 1989, c. 858, §1 (AMD). PL 1991, c. 885, §E4 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1995, c. 65, §A5 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 419, §§1-3 (AMD). PL 1995, c. 560, §§G1,K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 599, §§1-3 (AMD). PL 1995, c. 694, §D4 (AMD). PL 1995, c. 694, §E2 (AFF). RR 1997, c. 1, §2 (COR). PL 1997, c. 238, §1 (AMD). PL 1997, c. 296, §1 (AMD). PL 1997, c. 393, §A6 (AMD). PL 1997, c. 393, §A7 (AFF). PL 1997, c. 466, §§1,2 (AMD). PL 1997, c. 466, §28 (AFF). PL 1997, c. 526, §14 (AMD). PL 1997, c. 669, §1 (AMD). PL 1997, c. 683, §§E2-4 (AMD). PL 1999, c. 139, §§1-3 (AMD). PL 2001, c. 119, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 554, §1 (AMD). RR 2003, c. 2, §1 (COR). PL 2003, c. 278, §§1-3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 58, §3 (REV). PL 2007, c. 249, §§4-6 (AMD). PL 2007, c. 539, Pt. N, §4 (AMD). PL 2007, c. 611, §§1-3 (AMD). PL 2009, c. 480, §1-3 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). RR 2013, c. 1, §§5-7 (COR). PL 2013, c. 45, §§1-3 (AMD). PL 2013, c. 134, §§1-3 (AMD). PL 2015, c. 195, §1 (AMD). PL 2017, c. 402, Pt. C, §§5, 6 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 449, §§1-3 (AMD). PL 2019, c. 597, §§1-4 (AMD). PL 2021, c. 567, §4 (AMD).

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