

Maine	Legal Authority
<p><b>1. General Duties:</b>  <i>Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</i></p>	GENERAL DUTIES AND ACTIVITIES OF THE CHILD'S LEGAL REPRESENTATIVE
	<p>- The District Court is required to appoint a guardian ad litem in every case. <a href="#">22 M.R.S.A. § 4005</a> GALs may be either a court-appointed special advocate or an attorney. If both a court-appointed special advocate and an attorney are not available, the court may appoint another individual rostered in accordance with statewide rules.  <a href="#">Maine Rules for Guardians ad litem, Rule II(1)(B).</a></p> <p>If the GAL is an attorney, she or he acts in his or her capacity as a GAL, rather than as an attorney, and information he or she receives is not subject to the attorney-client privilege, but is instead governed by the GAL Standards.  <a href="#">Maine Rules for Guardians ad litem, Rule II(3)(A).</a></p> <p>- A Guardian ad litem acts as a quasi-judicial officer of the Court. Accordingly, a Guardian ad litem shall be guided by the best interests of the child and shall exercise the Guardian's independent judgment on behalf of the child in all relevant matters. These standards represent a compilation of "best practices" for Guardians ad litem. A Guardian is not required to engage in all of the activities listed in every case, but is expected to tailor the Guardian's activities to the individual circumstances of each child and each case, being guided in all instances by the Guardian's evaluation of the best interests of the child.  <a href="#">Maine Rules for Guardians ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 1.1.</a></p> <p>- The GAL Rules and the incorporated Standards are designed to improve the services provided by Guardians ad litem to the Court and to ensure that GALs diligently work to protect and promote the best interests of the children they are appointed to represent. Interpretation is governed and interpreted by application of the principles that a GAL is a quasi-judicial officer of the Court, and that a GAL does not act as a member of the GAL's underlying profession, but rather as a judicial officer, primarily subject to and governed by the Court. Accordingly, the GAL is afforded substantial latitude and deference in tailoring her or his role to the particular circumstances of a case and needs of a child, but, in general, a GAL must:</p> <ul style="list-style-type: none"> <li>• represent consistently the best interests of the child and advocate on behalf of the child's best interests;</li> <li>• understand and uphold the law as it pertains to the GAL's appointment;</li> <li>• maintain the highest standards of professionalism, cultural sensitivity, and ethics;</li> <li>• within the scope of authority defined by statute or court order, plan, carry out, document, and complete thorough, appropriate, and fair investigations in a timely fashion;</li> <li>• assess any physical, sexual, developmental, and/or emotional risks to or abuse of the child by utilizing: risk</li> </ul>

	<p>assessment tools; evaluations, assessments, and reports; medical records; observation; and interviews with appropriate persons;</p> <ul style="list-style-type: none"> <li>• work effectively with other professionals involved in the assessment or treatment of the child and/or parties to a child's case,</li> <li>• communicate in a developmentally appropriate way with the child; advocate that steps are taken to protect the child from harmful communication;</li> <li>• make appropriate, well-reasoned, and defensible recommendations regarding the best interests of the child;</li> <li>• inspire confidence in the GAL process by including parties in the investigation, by utilizing effective communication techniques, and by being sensitive to the cultural and socioeconomic status of the parties; and</li> <li>• communicate effectively with the court in motions, reports, recommendations and testimony.</li> </ul> <p><a href="#">Maine Rules for Guardians ad litem, Rule I(B).</a></p> <p>GALs must comply with the Standards of Practice for Guardians ad Litem in Maine Courts and with various, specified sections of the Judicial Branch Code of Conduct.</p> <p>- The District Court shall consider the wishes of the child, in a manner appropriate to the age of the child, including, but not limited to, whether the child wishes to participate or be heard in court. In addition, when a child's expressed views are inconsistent with those of the guardian ad litem, the court shall consider whether to consult with the child directly, when the child's age is appropriate.</p> <p><a href="#">22 M.R.S.A. § 4005(3).</a></p>
<p><b>2. Out of Court - Actions to be Taken:</b> <i>Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</i></p>	<p>- ...</p> <p>B. The guardian ad litem shall act in pursuit of the best interests of the child. The guardian ad litem must be given access to all reports and records relevant to the case and investigate to ascertain the facts. The investigation must include, when possible and appropriate, the following:</p> <ol style="list-style-type: none"> <li>(1) Review of relevant mental health records and materials;</li> <li>(2) Review of relevant medical records;</li> <li>(3) Review of relevant school records and other pertinent materials;</li> <li>(4) Interviews with the child with or without other persons present; and</li> <li>(5) Interviews with parents, foster parents, teachers, caseworkers and other persons who have been involved in caring for or treating the child.</li> </ol> <p>The guardian ad litem shall have face-to-face contact with the child in the child's home or foster home within 7</p>

days of appointment by the court and at least once every 3 months thereafter or on a schedule established by the court for reasons specific to the child and family. . . .

D. The guardian ad litem shall make a written report of the investigation, findings and recommendations and shall provide a copy of the report to each of the parties reasonably in advance of the hearing and to the court, except that the guardian ad litem need not provide a written report prior to a hearing on a preliminary protection order. The court may admit the written report into evidence.

E. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed his wishes, regardless of the recommendation of the guardian ad litem.

F. The guardian ad litem or the child may request the court to appoint legal counsel for the child. The District Court shall pay reasonable costs and expenses of the child's legal counsel.

G. A person serving as a guardian ad litem under this section acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem.

[22 M.R.S.A. § 4005\(1\).](#)

- Commencing upon appointment the Guardian ad litem should:

(1) Obtain copies of all relevant pleadings and notices;

(2) Participate in depositions, negotiations, and discovery that are relevant to the child's best interests, and participate in all case management, pretrial or other conferences, and hearings, unless excused by the court;

(3) Confirm with the Court Clerk that he or she has been appointed. The Clerk must send copies of all subsequent notices and orders to the GAL. Parties and their counsel are on notice that the GAL is entitled to copies of all pleadings and correspondence with the Court and is entitled to reasonable notification prior to case conferences, changes of placement, and other changes of circumstances affecting the child and the child's family;

(4) Attempt to reduce case delays and if unnecessary delays are encountered, remind the court or its staff of the need to speedily resolve children's issues;

(5) Develop a theory and strategy of the case to implement at hearings, including factual and legal issues;

(6) Identify appropriate family and professional resources for the child.

[Maine Rules for Guardians ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 2.1.](#)

- Regardless of the child's age, the Guardian ad litem should visit with the child as soon as possible after appointment, consistent with statutory requirements or the order of appointment, or both, generally within 7 days.

Meetings with the child should include interviews both in the child's home and unless impractical or inappropriate, in a neutral setting. The GAL should meet with the child prior to court hearings and when apprised of emergencies or significant events impacting on the child, and in any event at least quarterly. The Guardian ad litem should meet with the child in the child's placement as often as necessary to determine that the child is safe and to ascertain and represent the child's best interests.

[Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 2.2.](#)

Unless otherwise provided by law, the Guardian ad litem shall be provided, upon request, with all reports relevant to the case made to or by any agency or any person and shall have access to all relevant records of such agencies or persons relating to the child or the child's family members or placements of the child.

[Maine Rules for Guardians ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.1.](#)

- To support the child's best interests, the Guardian ad litem should conduct prompt thorough, continuing, and independent investigations and discovery which must, unless otherwise directed by the appointing court include,

(1) Reviewing the child's social services, psychiatric, psychological, drug and alcohol, medical, law enforcement, school, and other records relevant to the case, including, when necessary, obtaining court orders to facilitate this review;

(2) Contacting and meeting with the parents, legal guardians, foster parents and caretakers of the child;

(3) Meeting separately with the child and each party, unless inappropriate in a particular case;

(4) Interviewing other individuals involved with the child, including school personnel, child welfare case workers, school personnel, physicians, and mental health professionals who are treating the child.

In addition to the above elements, the GAL's investigation may include, but is not limited to:

(5) Reviewing the court files of siblings and other family members, and other case-related records of involved social service agencies and other service providers;

(6) Contacting lawyers for other parties and Guardians ad litem in the case and in other relevant cases for background information;

- (7) Obtaining necessary authorizations for the release of information;
  - (8) Interviewing individuals involved with the child, including school personnel, child welfare case workers, foster parents and other caretakers, neighbors, relatives, school personnel, coaches, clergy, mental health professionals, physicians, law enforcement officers, and other potential witnesses;
  - (9) Reviewing relevant photographs, video or audio tapes and other evidence; and
  - (10) Attending and participating in, where appropriate, treatment, placement, administrative hearings, other proceedings involving legal issues, and school case conferences concerning the child as needed;
  - (11) Assessing any physical, sexual, developmental, and/or emotional risks to or abuse of the child by utilizing: risk assessment tools; evaluations, assessments, and reports; medical records; observation; and interviews with appropriate persons;
  - (12) Working effectively with other professionals involved in the assessment or treatment of the child and/or parties to a child's case, to include:
    - (a) identifying the need for assessments related to domestic violence, abuse of a child, chemical dependency, mental health, and/or special developmental, educational, or medical needs of a child and making referrals to appropriate specialists or treatment programs;
    - (b) requesting educational testing of, or an individualized education plan for a child;
    - (c) understanding measurement tools, risk assessments, and reports related to domestic violence, abuse of a child, chemical dependence, mental health, and/or the special needs of a child; and
    - (d) understanding scientific data related to paternity and/or medical needs of a child; disclosing information to other professionals, when it is in the child's best interests to do so, in order that they can adequately perform their functions, and reviewing tentative conclusions or recommendations with them in order to test their validity or appropriateness;
  - (13) inspiring confidence in the GAL process by including parties in the investigation, utilizing effective communication techniques, and being sensitive to the culture and socio-economic status of the parties.
- [Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.2.](#)
- The Guardian ad litem shall explain, when appropriate, the court process and the role of the Guardian ad litem to

the child. The Guardian ad litem will assure, when necessary, that the child is informed of the purpose of court proceeding.

[Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.3.](#)

- The Guardian ad litem should elicit the child's preferences in a developmentally appropriate manner, advise the child, and provide guidance. The Guardian ad litem should assure the child that the child's opinions and feelings will be made known to the Court even when not consistent with the recommendations of the Guardian ad litem.

[Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.4.](#)

- The Guardian ad litem should advocate for appropriate services (by motion for court order if necessary) to access entitlements, to protect the child's interests and to implement a service plan. These services may include, but not be limited to:

- (1) Family preservation prevention or reunification services;
- (2) Sibling and family visitation;
- (3) Child support;
- (4) Domestic violence prevention, intervention, and treatment;
- (5) Medical and mental health care;
- (6) Drug and alcohol treatment;
- (7) Parenting education;
- (8) Semi-independent and independent living services;
- (9) Foster care;
- (10) Termination of parental rights action;
- (11) Adoption services;
- (12) Education;

	<p>(13) Recreational or social services; and</p> <p>(14) Housing.</p> <p><a href="#">Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 5.2.</a></p> <p>- When needs created by a disability are not otherwise being addressed the Guardian ad litem should advocate that a child or a child's family is referred to appropriate supplemental services to address the child's physical, mental, or developmental disabilities. These services may include, but are not limited to:</p> <p>(1) Special education and related services;</p> <p>(2) Supplemental security income (SSI) to help support needed services;</p> <p>(3) Therapeutic foster or group home care; and</p> <p>(4) Residential/inpatient and outpatient psychiatric treatment.</p> <p><a href="#">Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 5.3.</a></p> <p>...</p> <p>GALs are considered mandated reporters.</p> <p><a href="#">22 M.R.S.A. § 4011-A(1)(A)(16).</a></p>
<p><b>3. In Court - Active Participation in Hearings:</b> <i>Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</i></p>	<p>- If the GAL is not an attorney, s/he may request that the court appoint one to represent the GAL upon showing extraordinary cause.</p> <p><a href="#">Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.5.</a></p> <p>- ...The guardian ad litem shall report to the court and all parties in writing at 6-month intervals, or as is otherwise ordered by the court, regarding the guardian ad litem's activities on behalf of the child and recommendations concerning the manner in which the court should proceed in the best interest of the child. The court may provide an opportunity for the child to address the court personally if the child requests to do so or if the guardian ad litem believes it is in the child's best interest.</p> <p>C. The guardian ad litem may subpoena, examine and cross-examine witnesses and shall make a recommendation to the court.</p>

D. The guardian ad litem shall make a written report of the investigation, findings and recommendations and shall provide a copy of the report to each of the parties reasonably in advance of the hearing and to the court, except that the guardian ad litem need not provide a written report prior to a hearing on a preliminary protection order. The court may admit the written report into evidence.

E. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed his wishes, regardless of the recommendation of the guardian ad litem.

F. The guardian ad litem or the child may request the court to appoint legal counsel for the child. The District Court shall pay reasonable costs and expenses of the child's legal counsel.

G. A person serving as a guardian ad litem under this section acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem.

[22 M.R.S.A. § 4005\(1\).](#)

- The Guardian ad litem should file such reports, motions, responses or objections as necessary to represent the best interests of the child, and must provide copies to all parties of record. Relief requested may include, but is not limited to:

(1) A mental or physical examination of a party or the child;

(2) A parenting, custody or visitation evaluation;

(3) An increase, decrease, or termination of contact, or the imposition of conditions on contact;

(4) Restraining or enjoining a change of placement;

(5) Contempt for noncompliance with a court order;

(6) Termination of the parent-child relationship;

(7) Child support;

(8) A protective order concerning the child's privileged communications or tangible or intangible property;

(9) Request for services for child or family; and

(10) Dismissal of petitions or motions.

[Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 3.6.](#)



	<p>Whether or not the GAL's report is objected to, the report may be reviewed by the Court and is fully admissible. In Title 19-A cases, it is fully admissible unless objected to at least 7 days prior to the hearing.</p> <p><a href="#"><u>Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 4.1.</u></a></p> <p>- The guardian ad litem shall appear at all proceedings to represent the child's best interests, unless previously excused by order of the Court. The guardian ad litem may present evidence and ensure that, where appropriate, witnesses are called and examined, including, but not limited to, foster parents and psychiatric, psychological, medical, or other expert witnesses. If the guardian ad litem testifies, the guardian ad litem shall be duly sworn as a witness and be subject to cross-examination.</p> <p>In the event any new developments or significant changes in the child's circumstances occur during the pendency of the court process, the Guardian ad litem may file appropriate pleadings.</p> <p><a href="#"><u>Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 4.2.</u></a></p> <p>- The guardian ad litem should protect the interests of the child who is a witness in any judicial proceeding relating to the case in which the guardian ad litem has been appointed. The guardian ad litem may advocate for special procedures, including, but not limited to, special procedures to protect the child witness from unnecessary psychological harm resulting from the child's testimony, with or without the consent of other parties.</p> <p><a href="#"><u>Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 4.3.</u></a></p> <p>- The guardian ad litem should request orders that are clear, specific, and, where appropriate, include a time line for the assessment, services, placement, treatment and evaluation of the child and the child's family.</p> <p><a href="#"><u>Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 4.4.</u></a></p> <p>- GALs are entitled to review court documents that are otherwise confidential. <a href="#"><u>22 M.R.S.A. § 4007(1)(D).</u></a></p>
<p>4. <b>Post-Hearing:</b> Review courts order, communicate order to</p>	<p>- The Guardian ad litem should participate in the development and negotiation, including mediation, of any plans or orders that affect the best interests of the child. The Guardian ad litem should monitor implementation of service plans and court orders, through the termination or expiration of the GAL's appointment, to determine whether</p>

<p><i>child, and monitor implementation of orders.</i></p>	<p>services ordered by the court are being provided in a timely manner.  <a href="#">Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 5.1.</a></p> <p>- The GAL is entitled to move for judicial review of a case that previously ended with custody or guardianship being granted to a non-respondent.  <a href="#">22 M.R.S.A. § 4038(2).</a></p>
<p><b>5. Appellate Advocacy:</b>  <i>Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</i></p>	<p>- A party aggrieved by an order of a court regarding adjudication of abuse or neglect 22 M.R.S.A. § <a href="#">4035</a>, termination of parental rights 22 M.R.S.A. § <a href="#">4054</a>, or medical treatment of a child, 22 M.R.S.A. § <a href="#">4071</a>, may appeal directly to the Supreme Judicial Court. (In Maine, the GAL is considered a party to dependency actions.)  <a href="#">22 M.R.S.A. § 4006.</a></p>
<p><b>6. Cessation of Representation:</b>  <i>Contacts post representation, if any.</i></p>	<p>- A Guardian ad litem may seek to withdraw by filing a motion with the court that appointed the Guardian. The Guardian must continue representation until the motion is granted, and if the Court's order so provides, until a successor Guardian is appointed.... In Title 22 cases, an order that appoints a guardian ad litem "for the duration of the case" obligates the GAL to serve until final action, including adoption of the child. <a href="#">Maine Rules for Guardian ad litem, Appendix A: Standards of Practice for Guardians ad litem in Maine Courts. R. 6.3.</a></p> <p>- If the court appoints a “permanency guardian” and does not schedule a judicial review, the court's appointments of the guardian ad litem and attorneys for parents and guardians terminate, and the attorneys and guardian ad litem have no further responsibilities to their clients or the court when the permanency guardian is named. (If a party files a motion for judicial review when no judicial review is required pursuant to <a href="#">section 4038, subsection 1-A</a>, or if a party files a petition pursuant to subsection 6 to terminate a permanency guardianship or determine rights of contact, the court shall appoint a guardian ad litem and attorneys for indigent parents and custodians, including permanency guardians, as required by <a href="#">section 4005.</a>) <a href="#">22 M.R.S.A. § 4038-C(12).</a></p>
	<p><b>Organizational and Administrative Supports for the Child Representative</b></p>

<p><b>7. General Representation Rules:</b>  Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</p>	<p>[Guardians ad litem appointment and training is administered by the courts. For more information, see <a href="http://www.courts.state.me.us/court_info/gal/index.shtml">http://www.courts.state.me.us/court_info/gal/index.shtml</a>].</p> <ul style="list-style-type: none"> <li>- There are two ways to become eligible for appointment as a Guardian ad litem in Maine's courts.</li> <li>• The Chief Judge of the Maine District Court maintains a roster of individuals approved to serve as a GAL in Maine's courts. Unless rostered, and individual is not authorized to be appointed to serve as a GAL in an individual case. Actual case appointments are made, however, by the presiding Judge or Case Management Officer who signs a written court order which sets forth the GAL's rights and responsibilities.</li> <li>• Maine's Court Appointed Special Advocate (hereinafter, "CASA") maintains a list of volunteers who are eligible for appointment only in Title 22 child protection cases on a volunteer basis. <a href="#">Maine Courts, Guardian ad litem FAQ.</a></li> </ul> <p>- The Chief Judge shall screen applications utilizing the criteria set forth in this section. The Chief Judge may waive one or more of the particular criteria for a specific applicant, who is otherwise deemed qualified.</p> <p>i. <i>Credentials.</i></p> <ol style="list-style-type: none"> <li>1. A current valid license to practice law in the state of Maine.</li> <li>2. A current valid license to practice as an LSW, an LCSW, LPC LCPC, LMSW, LMFT, LPC, psychologist or psychiatrist in the state of Maine.</li> <li>3. A Certification of Qualification by the Director of the CASA program, or</li> <li>4. Waiver of the licensure or qualification requirement by the Chief Judge pursuant to paragraph II(3).</li> </ol> <p>ii. <i>Core Training.</i> Attendance at a Guardian training with a curriculum of at least 16 hours that has been approved by the Chief Judge satisfies this requirement. The curriculum must include specified learning outcomes and activities designed to meet these outcomes, and must cover Titles 19-A and 22, dynamics of domestic abuse and its effect on children, dynamics of divorce and its effect on children, child development, the effects of abuse, neglect and trauma on children, substance abuse, legal issues and processes, the duties and obligations of the Guardian as an agent of the court and interviewing techniques.</p> <p>For a Guardian acting under the auspices of the CASA program, successful completion of CASA training satisfies this requirement. CASA Guardians who accept appointment in non-CASA cases must complete the core training</p>
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	requirements. <a href="#">Maine Rules for Guardians ad litem, Rule II(2)(B) &amp; (C).</a>
<b>8. <i>Lawyer Training:</i></b> <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i>	<p>- Unless these requirements are waived by the Chief Judge, a Guardian shall attend and complete any continuing professional education events or seminars designated as mandatory by the Chief Judge. In addition, in each 12 month period beginning July 1, 2001, a Guardian must annually participate in a total of at least 6 hours of continuing professional education programs applicable to one or more of the following:</p> <p>Titles 19-A and 22, dynamics of domestic abuse and its effect on children, dynamics of divorce and its effect on children, child development, the effects of trauma on children, substance abuse, legal issues and processes, the duties and obligations of the Guardian as an agent of the court and interviewing techniques.</p> <p>Completion of the specified training hours shall be demonstrated by filing a statement, on a form approved by the Chief Judge, by June 30 of 2002 and each year thereafter. <a href="#">Maine Rules for Guardian ad litem, Rule II(2)(E).</a></p> <p>- The GAL Rules require that applicants attend a Guardian training with a curriculum of at least 16 hours that has been approved by the Chief Judge. The curriculum must include specified learning outcomes and activities designed to meet these outcomes, and must cover Titles 19-A and 22, dynamics of divorce and its effect on children, child development, the effects of abuse, neglect and trauma on children, substance abuse, legal issues and processes, the duties and obligations of the Guardian as an agent of the court and interviewing techniques.</p> <p>The Maine Court Services Committee sponsors an annual training program which satisfies the requirements for the core training. The program is generally held in the fall. Information regarding the next training is available by writing to the Administrative Office of the Courts; Family Division, 171 State House Station, Augusta, ME 04333-0171. Individuals who complete the core training program receive a certificate. Completion of the training does not automatically result in those in attendance being added to the GAL roster. A person is only added to the roster after he or she has submitted a written application which is approved by the Chief Judge.</p> <p>The core training requirement is not required for individuals serving as GALs under the auspices of the CASA program which sponsors its own three-day training conference twice a year. <a href="#">Maine Courts, Guardian ad litem FAQ.</a></p>
<b>9. <i>Lawyer Compensation:</i></b> <i>Adequate and timely compensation, reimbursement provided expenses.</i>	<p>- An hourly rate of up to \$50 per hour is authorized for time spent on the appointed case or cases. Guardians/Appointed Counsel shall prorate among the cases any time spent in common with other cases (e.g., travel, waiting, and research time). Revised Fee Schedule For Guardians Ad Litem and Court Appointed Workers' Compensation Attorneys In All Courts, State Of Maine Supreme Judicial Court, <a href="#">ADMINISTRATIVE ORDER JB-05-05 (A.8-10).</a></p> <p>- A. Routine expenses are considered to be included in the hourly rate. Routine office expenses (including but not limited to postage, express postage, regular telephone, cell telephone, fax, office overhead, utilities, secretarial</p>

services, parking, and office supplies) will not be reimbursed. Itemized nonroutine expenses, such as reasonable long distance calls, relevant in-state mileage, tolls, and fees paid to third parties, shall not exceed actual cost.

Mileage shall not exceed the applicable State rate and shall not be paid for travel to and from counsel's or guardian's home court. All out-of-state travel or overnight travel must be approved by the court in writing prior to incurring the expense. Use of the telephone, video equipment, and email in lieu of travel is encouraged as appropriate.

Claims for all such expenses must be itemized.

B. Other nonroutine expenses for payment to third parties, which have historically required preapproval by the court (e.g., investigators, medical and psychological experts, testing, transcripts, depositions.) are still required to be approved in advance. Funds for third-party services and extraordinary expenses will be provided by the court only upon (1) written motion; (2) a sufficient demonstration of reasonableness, relevancy, and need; and (3) a demonstration that the third party expense or service is not one that is, in the usual course, the responsibility of the State or counsel for one of the parties.

- It is the responsibility of guardian to assure that the service provider is given clear instructions as to responsibilities; is made aware that there is a limit on the amount of funds approved by the court; and that the court will not approve payment of any charges in excess of amounts previously approved.
- The court may set both a maximum fee and an hourly rate for any service provider. Amounts approved by the court are deemed to include reasonable expenses, including but not limited to, office and out-of-pocket expenses, mileage, travel time, preparation of reports, and appearances at court.
- An arrangement for services is between counsel/guardian and the service provider. The guardian must inform service providers that they are not authorized to act as an agent of the court nor is any agreement with the guardian to be construed as an appointment by the court or endorsement of services. It is the responsibility of the guardian to assure that the court has approved a motion for funds before any services are engaged. The guardian cannot assume that requests for supplemental funds will be approved.

Upon receipt of a statement for services guardians shall forward it to the clerk for processing and payment. The guardian must state whether the services were satisfactory and that all applicable reports and other information have been received. Guardians are not required to advance funds to investigators or other service providers. Revised Fee Schedule For Guardians Ad Litem and Court Appointed Workers' Compensation Attorneys In All Courts, State Of Maine Supreme Judicial Court, [ADMINISTRATIVE ORDER JB-05-05 \(A.8-10\)](#).

- Maximum fees, excluding any itemized expenses, for court appointed guardians in child protective services, are

	<p>set in accordance with the following schedule:</p> <ul style="list-style-type: none"> <li>• Child protective services \$750 for “each stage”—separate \$750 max is allowed for the shelter care hearing, the adjudication, each permanency or judicial review hearing, hearing to dispense with reasonable efforts, and post-TPR hearings)</li> <li>• Termination of parental rights (if there is a hearing) \$1,050.</li> </ul> <p>Revised Fee Schedule For Guardians Ad Litem and Court Appointed Workers' Compensation Attorneys In All Courts, State Of Maine Supreme Judicial Court, <a href="#">ADMINISTRATIVE ORDER JB-05-05 (A.8-10)</a>.</p>
<p>10. <b>Caseload Levels:</b> Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>