

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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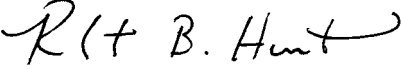
H.P. 780

House of Representatives, March 20, 2025

### **An Act Regarding the Appointment and Payment of Counsel for Indigent Parents and Minors**

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Submitted by the Judicial Department pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative KUHN of Falmouth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1802, sub-§4, ¶B-1** is enacted to read:

3 B-1. An indigent party or minor child in a civil case in which federal or state law gives  
4 the court discretion to provide representation for that indigent party or minor child;

5 **Sec. 2. 18-C MRSA §5-205, sub-§4**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
6 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

7 **4. Appointment of counsel.** A nonconsenting parent whose parental rights have not  
8 been terminated is entitled to court-appointed legal counsel if indigent. In a contested  
9 action, the court may also appoint counsel for any indigent guardian or petitioner when a  
10 parent or legal custodian has counsel. The Maine Commission on Public Defense Services  
11 under Title 4, section 1801 shall pay for the reasonable costs and expenses of an attorney  
12 appointed under this subsection.

13 **Sec. 3. 18-C MRSA §5-205, sub-§5**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
14 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

15 **5. Attorney for a minor; notice to minor.** If the court determines at any stage of the  
16 proceeding, before or after appointment, that the interests of the minor are or may be  
17 inadequately represented, the court may appoint an attorney to represent the minor, giving  
18 consideration to the choice of the minor if the minor has attained 14 years of age. The  
19 Maine Commission on Public Defense Services under Title 4, section 1801 shall pay for  
20 the reasonable costs and expenses of an attorney appointed under this subsection. A minor  
21 may appear with or through counsel, but the court is not restricted from requiring the minor  
22 to be present for some or all of a hearing or other proceeding. A minor 14 years of age or  
23 older must receive notice of any proceeding subsequent to the appointment of a guardian  
24 through the same means as required for any other party, and the minor may consent, object  
25 or otherwise participate in the proceeding.

26 **Sec. 4. 18-C MRSA §9-106, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
27 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

28 **1. Attorney for parents.** The parents are entitled to an attorney for any hearing held  
29 pursuant to this Article. If a parent or putative parent wants an attorney but is unable to  
30 afford one, the parent or the putative parent may request the court to appoint an attorney.  
31 If the court finds the requesting party indigent, the court shall appoint ~~and pay the~~  
32 ~~reasonable costs and expenses of the~~ an attorney of for the indigent party. The attorney  
33 may not be the attorney for the adoptive parents. The Maine Commission on Public Defense  
34 Services under Title 4, section 1801 shall pay for the reasonable costs and expenses of an  
35 attorney appointed under this subsection.

36 **Sec. 5. 18-C MRSA §9-106, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
37 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

38 **2. Attorney for minor indigent parent.** When the adoptee is unrelated to the  
39 petitioner, the court shall appoint an attorney who is not the attorney for the adoptive  
40 parents to represent a minor indigent parent at every stage of the proceedings unless the  
41 minor indigent parent refuses representation or the court determines that representation is  
42 unnecessary. The Maine Commission on Public Defense Services under Title 4, section

1 1801 shall pay for the reasonable costs and expenses of an attorney appointed under this  
2 subsection.

3 **Sec. 6. 19-A MRSA §1658, sub-§2-A, ¶A**, as enacted by PL 2021, c. 340, §2, is  
4 amended to read:

5 A. The court shall appoint an attorney for a parent who is the subject of a petition to  
6 terminate parental rights and responsibilities under this section and who is indigent. In  
7 a contested action, the court may also appoint counsel for any indigent petitioner who  
8 files a petition under this section when the parent who is the subject of the petition is  
9 represented by counsel. The Maine Commission on Public Defense Services under  
10 Title 4, section 1801 shall pay for the reasonable costs and expenses of an attorney  
11 appointed under this section.

12 **Sec. 7. 22 MRSA §4005, sub-§1, ¶F**, as amended by PL 1995, c. 405, §20, is  
13 further amended to read:

14 F. The guardian ad litem or the child may request the court to appoint legal counsel  
15 for the child. ~~The District Court~~ Maine Commission on Public Defense Services under  
16 Title 4, section 1801 shall pay reasonable costs and expenses of the child's legal  
17 counsel.

18 **SUMMARY**

19 This bill clarifies that the payment of counsel in matters involving indigent parents and  
20 minors must be made by the Maine Commission on Public Defense Services.