

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 498

6
7 S.P. 180

In Senate, February 8, 1985

8 Referred to the Committee on Judiciary. Sent down for concurrence and
9 ordered printed. Ordered sent forthwith.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

Cosponsored by Senator Berube of Androscoggin, Representative Nelson
11 of Portland and Representative Allen of Washington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Relating to the Guardian Ad Litem in
18 Proceedings Under the Child and Family
19 Services and Child Protection Act.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 22 MRSA §4005, sub-§1, ¶D, as enacted by PL 1983,
24 c. 183, is amended to read:

25 D. The guardian ad litem shall make a written
26 report of his investigation, findings and recom-
27 mendations, and shall provide a copy of his re-
28 port to each of the parties reasonably in advance
29 of the hearing, ~~and to the court on consent of~~
30 ~~all parties,~~ except that he need not provide a
31 written report prior to a hearing on a prelimi-
32 nary protection order. The report of the guardian
33 ad litem shall be admissible in evidence if pre-
34 pared in accordance with this section.

1 STATEMENT OF FACT

2 In child protection proceedings a guardian ad li-
3 tem is appointed to represent the interests of the
4 child. The costs and expenses for the guardian ad
5 litem are paid by the court. The guardian is re-
6 quired to thoroughly review health, medical and
7 school records and conduct interviews with persons
8 involved in the care or treatment of the child. The
9 guardian is required to prepare a written report of
10 his investigation and make a copy of it available to
11 all parties before hearing on a final protection or-
12 der.

13 The report of the guardian is not admissible into
14 evidence without the consent of all parties. Fre-
15 quently, the court is deprived of the use of the
16 guardian's report because a parent who is displeased
17 with the contents of the report objects to its intro-
18 duction into evidence.

19 This bill allows the court to routinely receive
20 into evidence the guardian's report provided it was
21 prepared in accordance with the guardian's duties un-
22 der this section. Since the court must make the ul-
23 timate decision on the disposition of a child protec-
24 tion petition, the court should have at its disposal
25 all relevant information to assist it in making its
26 determination.

27 1186010485