

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 120, L.D. 144, Bill, "An Act Regarding the Duties of Guardian Ad Litem"

Amend the bill by striking out all of sections 1 and 2 (page 1, lines 3 to 38 in L.D.) and inserting in their place the following:

'Sec. 1. 19 MRSA §752-A, sub-§1-A, as enacted by PL 1995, c. 405, §11, is repealed.

Sec. 2. 19-A MRSA §1507, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected Pt. E, §2, is amended to read:

2. Qualifications. A guardian ad litem appointed on or after September 1, 1997 1998 must meet the qualifications established by the Supreme Judicial Court.'

Further amend the bill in section 3 in subsection 3 in paragraph A in subparagraph (1) in the first line (page 2, line 48 in L.D.) by inserting after the following: "child" the following: 'face-to-face'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 22 MRSA §4005, sub-§1, ¶A, as amended by PL 1995, c. 405, §18, is further amended to read:

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders, shall

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appoint a guardian ad litem for the child. The guardian ad litem's reasonable costs and expenses must be paid by the District Court. The appointment must be made as soon as possible after the proceeding is initiated. Guardians ad litem appointed on or after September 1, 1997 1998 must meet the qualifications established by the Supreme Judicial Court.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Judicial Department may realize savings in unbudgeted costs from eliminating the requirement that the court appoint a special counsel in certain contested proceedings when a child and a child's guardian ad litem are not in agreement. The amount of General Fund savings can not be estimated at this time.'

SUMMARY

This amendment strikes out the amendments to the Maine Revised Statutes, Title 19.

This amendment eliminates the requirement in Title 19 that a guardian ad litem appointed on or after September 1, 1997 meet the qualifications established by the Supreme Judicial Court. The comparable sections in Title 19-A and Title 22 are amended to postpone the date upon which guardians must meet the qualifications until September 1, 1998. This is consistent with the recommendations made by the Judicial Department in a study undertaken pursuant to Public Law 1995, chapter 405, section 25, and transmitted to the Joint Standing Committee on Judiciary by letter of the Chief Justice dated March 7, 1997.

The amendment also adds a fiscal note.