

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 513

H.P. 352

House of Representatives, February 24, 2015

**An Act To Clarify the Protections of Court Appointed Special
Advocate Workers under State Law**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HYMANSON of York.
Cosponsored by Representatives: CHENETTE of Saco, HOBBS of Saco, WARREN of
Hallowell.

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

2 **Sec. 1. 4 MRSA §1506**, as amended by PL 2001, c. 253, §2, is further amended to
3 read:

4 **§1506. Immunity from civil liability; legal representation; medical and other costs**

5 A person serving as a court appointed special advocate for the Judicial Department or
6 as Director, deputy director or regional volunteer coordinator of the Court Appointed
7 Special Advocate Program is immune from any civil liability, as are employees of
8 governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts
9 performed within the scope of that person's administrative duties, and is entitled to quasi-
10 judicial immunity for acts performed within the scope of the person's duties as a guardian
11 ad litem.

12 The State shall, with the consent of the person serving as a court appointed special
13 advocate, assume the defense of and shall indemnify the person against a claim that arises
14 out of an act or omission occurring within the course and scope of that person's duties as
15 a guardian ad litem. Except as otherwise provided, in lieu of assuming the defense of a
16 person, the State may pay the reasonable attorney's fees and court costs of the person. If
17 the defense of the person creates a conflict of interest between the State and the person,
18 the State shall pay the reasonable attorney's fees and court costs of the person.

19 The State shall reimburse a person serving as a court appointed special advocate for
20 out-of-pocket medical costs not otherwise reimbursed or for out-of-pocket costs not
21 otherwise reimbursed for the repair or replacement of personal property, such as broken
22 eyeglasses, if the injury or damage that led to the costs occurs during the person's
23 performance of services and within the person's scope of the duties as a court appointed
24 special advocate.

25 **SUMMARY**

26 This bill amends the laws applicable to individuals who volunteer to serve as court
27 appointed special advocates. Current law provides quasi-judicial immunity for acts
28 performed within the scope of the volunteer's duties as a guardian ad litem. This bill
29 requires the State, with the consent of the volunteer, to assume the defense of the
30 volunteer and indemnify the volunteer against a claim that arises out of the volunteer's
31 work as a court appointed special advocate. In addition, this bill requires the State to
32 reimburse out-of-pocket medical costs and costs to repair or replace personal property,
33 such as broken eyeglasses, if the injury or damage occurs during the person's performance
34 of services and within the person's scope of the duties of the court appointed special
35 advocate.