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STATE OF MAINE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

COMMITTEE ON JUDICIARY

June 5, 2013

TO: Senator Dawn Hill, Senate Chair
Representative Margaret Rotundo, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Linda M. Valentino, Senate Chair *LV*
Representative Charles R. Priest, House Chair *CP*
Joint Standing Committee on Judiciary

Re: LD 872, Guardians ad litem

The Joint Standing Committee is pleased to announce that we have reached unanimous agreement on our Committee Amendment to LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine. We have come to think of this as our signature legislation of the 126th Legislature, and we respectfully request your serious consideration of funding this proposal.

We have been involved in the guardian ad litem issues resolved by this Committee Amendment for several months, and both the Judiciary Committee and the Government Oversight Committee of the 125th Legislature also struggled with concerns raised in this area. We have benefited greatly from the input of many members of the public, practitioners, the Office of Program Evaluation and Government Accountability and the Judicial Branch.

The problems we face are long-standing. In 2006, the Office of Program Evaluation and Government Accountability released a lengthy report identifying problems and recommending action, and the Judicial Branch's Advisory Committee on Children and Families responded with proposals in 2008. The analysis of the problems indicates that the complaints about guardians ad litem stem significantly from the inability of the Judicial Branch to devote funding to an ever-increasing practice of appointing guardians ad litem in the family law cases involving high

levels of conflict, and as required by federal law in the rising number of child protection cases. Without any funding, the Judicial Branch could not develop a coordinated approach to administer this special category of expert witnesses that serve as agents of the court and whose work is so crucial to the lives of so many children. A basic complaint process was put into place which, at least partly because of the lack of faith in the process, does not satisfy the needs of the parties who enter into the courts when their families are already subjected to upheaval. The outpouring of pain and frustration in the form of testimony to us was very real.

Our Committee Amendment builds on the constructive work taken by the Judicial Branch under the direction of Chief Justice Saufley. Both the Mullen Commission and the Silver Commission have contributed specific elements of an overall plan to address the deficiencies. Our role is to establish solid standards for the courts and the guardians ad litem they appoint, and we believe we have made substantial and meaningful progress in clarifying the role of guardians ad litem, the expectations in how their work is administered and evaluated and enhancing and preserving the integrity of guardians ad litem. We are relying on the Judicial Branch to carry out the complaint process through rule-making in a way that will not increase the financial cost to the State or the parties.

The Judiciary Committee has spent significant time in trying to reduce costs while increasing the effectiveness of the guardian ad litem structure. We believe we have delivered a proposal with the minimum cost and the greatest value. The preliminary information we have received requires an estimated General Fund appropriation of \$193, 608 in FY14 and \$211,330 in FY15.

We draw your attention to the savings identified by the Judicial Branch within the Branch's budget, and we strongly recommend that those resources be devoted to improving the guardian ad litem picture in this State. We cannot emphasize enough how important it is for these services to be funded to address years of inadequate attention and resources.

Thank you for your consideration of our recommendations.

Attachment (JB letter)



Administrative Office of the Courts

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May 24, 2012

Senator Dawn Hill
Representative Margaret Rotundo
Committee on Appropriations and Financial Affairs
5 State House Station
Augusta, ME 04333

I am pleased to be able to give you some good financial news at a time when such news is hard to come by. My hope and request is that you will reciprocate with some good news for certain Judicial Branch employees. Allow me to explain.

There is money in the Fiscal Year '14 budget for the increase in debt service costs for the Augusta and Machias Courthouse projects. This is pursuant to PL 2009, Chapter 213, and this is reference number 1985 in the budget document.

The sale of the bonds for these projects is about to occur and the cash flow analysis has been completed by the bond underwriters and the Maine Governmental Facilities Authority. Because the sale is not occurring as soon as had been anticipated, the cash flow analysis does not include a principal payment in October 2013, as had been expected. As a result, the amount required in the first year of the biennium can be reduced by \$1.2 million.

In addition, when the bonds are sold, we will learn the interest rate that we will be charged. As you know, on the advice of bond counsel, we have submitted a budget that assumes an interest rate of 4.25%. We can now tentatively predict that the rate will likely be approximately 1% lower and the savings will be in the range of \$350,000.

That is the good financial news that I can offer. My request is that you consider the following.

Judicial Branch employees have not received raises or COLAs in four (4) years and it is taking its toll on those employees and on State Government generally. By the end of the month in my office alone, we will lose two more young, talented people who can find better compensation elsewhere. That is very unfortunate for the people of Maine who rely on the services of the Judicial Branch.

My hope is that money will be provided so that increases can be given to the women and men who keep State Government operating every day. Until that happens, I would like to be in a position to offer at least a small lump sum payment to our employees. This would have to be achieved through Collective Bargaining, and I am requesting a modest amount with which to bargain. It is my understanding that the Legislative Branch was able to provide such a payment last year and I applaud them for doing so. I would like to be able to do so in the upcoming fiscal year for the Judicial Branch.

So in summary, we have identified two (2) sums of money that will be available in the next fiscal year; \$1.2 million from the principal payment that will not have to be made and approximately \$350,000 due to delayed issuance and lower than budgeted interest rates.

I am requesting that that smaller amount (approximately \$350,000) be dedicated to the Judicial Branch Personal Services account to provide for a one-time payment to Judicial Branch employees subject to the outcome of Collective Bargaining.

Sincerely,

James T. Glessner
State Court Administrator

Cc: Sawin Millet, Commissioner of Administrative and Financial Services
Senator Linda Valentino
Representative Charles Priest