

A MAINE STATE BAR ASSOCIATION



CONTINUING LEGAL EDUCATION PROGRAM



# GAL CORE TRAINING

March 26-29, 2019

Capital Judicial Center  
1 Court Street, Augusta



Presented by the  
Maine State Bar Association  
in conjunction with the  
Maine Judicial Branch

Credits: See page 2 for credit information.





# GENERAL INFORMATION

## GAL CREDITS:

GALs who wish to be rostered for Title 22, 19-A and Title 18-A cases must complete/attend the entire four-day training to be eligible for placement on the roster. Total GAL and CLE credits: 26.50, including 1.50 ethics and 1.25 H&D.

DAY 1: Tuesday, March 26: 6.25, including .75 ethics

Day 2: Wednesday, March 27: 6.25

Day 3: Thursday, March 28: 6.5, including .75 ethics

Day 4: Friday, March 29: 7.5, including 1.25 H&D

## DIRECTIONS:

The Capital Judicial Center is located at 1 Court Street, Suite 101, in Augusta. For detailed directions, visit [www.courts.state.me.us](http://www.courts.state.me.us) and go to Courts, Court Locations, Kennebec, Kennebec County Superior Court, Augusta.

## PARKING:

There are two free public parking lots at the courthouse. There is limited metered parking near the courthouse.

## SECURITY:

Anyone entering the Capital Judicial Center is required to go through screening each time they enter. Please allow sufficient time for the screening process.

## REGISTRATION:

Registration and conference room are located on the second floor of the courthouse. **You must check in and check out each day you attend.**

## PROGRAM MATERIALS:

A link to the program materials will be provided by email to all registrants prior to the program. Printed materials **will not be available** at the program.

## HOTEL ACCOMMODATIONS:

**Best Western Plus Augusta Civic Center Inn.** A limited number of rooms are available at the Best Western Plus Augusta Civic Center Inn, 110 Community Drive in Augusta. For those in need of lodging on March 25, 26, 27 and 28, the MSBA has secured a rate of **\$80.00 per room for non-smoking kings or non-smoking doubles** (plus any applicable taxes) per night. This rate is guaranteed until Monday, **March 10, 2019**. After **March 10, 2019**, reservations will be taken on a space-available basis. **Please call Best Western Plus directly at (207) 622-4751 and request the Maine State Bar Association GAL CLE group rate.**

---

## PLEASE COMPLETE THE FORM BELOW AND PROVIDE PAYMENT INFORMATION.

Name \_\_\_\_\_ ME Bar # \_\_\_\_\_  
Organization \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Tel # \_\_\_\_\_ Email Address \_\_\_\_\_

### Registration & Fees

#### **Pre-registration & payment are required.**

☐ 4-DAY REGISTRATION

March 26 - March 29 ..... \$380

### Payment Information: Registrations cannot be processed without payment.

Total \$ \_\_\_\_\_

Check Enclosed # \_\_\_\_\_ | MasterCard - VISA - AMEX - Discover

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

CSC Code \_\_\_\_\_

Name as it appears on card \_\_\_\_\_

Billing address \_\_\_\_\_

Telephone # \_\_\_\_\_

Signature \_\_\_\_\_

### COMPLETE THIS FORM & MAIL, FAX OR CALL:

Maine State Bar Association

124 State Street, Augusta, ME 04330

Telephone: 207-622-7554 • Toll Free: 1-877-622-7554

Fax: 207-623-0083 • Email: [cle@mainebar.org](mailto:cle@mainebar.org) • Website: [mainebar.org](http://mainebar.org)

**TUESDAY, MARCH 26 | DAY 1**  
**(6.25 HRS., INCLUDING .75 ETHICS)**

**REMINDER: You must check in and register and check out each day you attend.**

**8:00 REGISTRATION**

**8:30 WELCOME, PROGRAM OVERVIEW AND INTRODUCTION**

*Hon. Susan E. Oram, Chief Judge, Maine District Court, Lewiston*

**8:45 THE STRUCTURE OF MAINE'S COURTS: A ROADMAP**

- The Maine Constitution and the enabling legislation
- The historical *parens patriae* authority of the judiciary
- Child Protection: Title 22 and its unique jurisdiction
- Family Law: Title 19-A magistrates and judges
- Probate: Title 18-A
- The Role of the Maine Supreme Judicial Court: rule-making and appeals

*Professor Deirdre M. Smith, University of Maine School of Law, Portland*

**10:00 BREAK**

**10:15 ROLE OF THE GAL**

- Title 4, Title 19-A & Title 22
- Relevant GAL duties and obligations under the M.R.G.A.L.

*Hon. Susan E. Oram, Chief Judge, Maine District Court, Lewiston*

*Hon. Susan Sparaco, Deputy Chief Judge, Maine District Court, Rockland*

**11:30 SCOPE OF THE APPOINTMENT ORDER (AO): EXAMPLES AND RESPONSIBILITIES**

- Title 19-A Order of Appointments: limited, standard, expanded, and amended
- Title 22 Order of Appointment

*Hon. Susan Sparaco, Deputy Chief Judge, Maine District Court, Rockland*

**12:30 LUNCH (INCLUDED)**

**1:30 ETHICAL DUTIES AND IMMUNITY: WHY THE APPOINTMENT ORDER MATTERS**

- Independent judgment
- To whom is the duty owed?
- Immunity
- Confidentiality
- Mandated reporting

*Dana E. Prescott, Esq., Prescott Jamieson Murphy Law Group, LLC, Saco*

**2:15 BREAK**

**2:30 FRAMEWORK OF THE GAL ROLE BY RULE**

- M.R.G.A.L. 5: Standards of conduct
- M.R.G.A.L. 9: Guardian *ad litem* review board complaint system
- M.R.G.A.L. 6: Involuntary removal from a particular case
- M.R.G.A.L. 10: Guardian *ad litem* continuing education
- M.R.G.A.L. 8: Guardian *ad litem* registration

*Angela M. Morse, Esq., Special Counsel, Board of Overseers of the Bar, Augusta*

**3:00 INTERVIEWING CHILDREN**

- Where do you talk to children?
- How to talk to a child at each developmental stage
- How much to tell a child
- What is a meaningful preference?
- Wishes, preferences, best interests, and demands
- Interviewing Techniques: Title 19-A v. Title 22

*Joyce Wientzen, LCSW, Director, Spurwink Child Abuse Program, Portland*

**4:15 PROGRAM ADJOURNS**



**WEDNESDAY, MARCH 27 | DAY 2**  
**(6.25 HRS.)**

**REMINDER: You must check in and register and check out each day you attend.**

**8:15 REGISTRATION**

**8:30 TITLE 22: CHILD PROTECTION LAW 101**

- Title 22, relevant case law, legal stages (summary preliminary hearing, jeopardy, judicial reviews, termination of parental rights, etc.)
- Best interests of the child defined
- Interstate Compact on the Placement of Children (ICPC)
- Indian Child Welfare Act (ICWA)
- Kinship care and grandparents' rights
- Permanency: adoption, permanency guardianship, Another Planned Permanent Living Arrangement (APPLA)

*David F. Hathaway, Esq., Assistant Attorney General, Portland*

*Christopher P. Leddy, Esq., Ainsworth Thelin & Raftice PA, South Portland*

**10:00 BREAK**

**10:15 TITLE 22: CHILD PROTECTION GAL INVESTIGATION**

- Role of the GAL under M.R.G.A.L. 4(c)
- Conducting an investigation: talking with a child; talking with parents, foster parents, teachers, caseworkers, and others; reviewing mental health records; reviewing medical records; reviewing educational records
- Making the expressed wishes of the child known to the court and disagreeing with a child's expressed wish
- Children in court: Duties under M.R.G.A.L. 4(c)(5)
- Family team meetings
- Evaluations: CODE and risk assessment
- Making recommendations
- Settlement conferences, trial management conferences and wrap-up conferences
- Confidentiality, Clifford orders, in camera access

*David F. Hathaway, Esq., Assistant Attorney General, Portland*

*Christopher P. Leddy, Esq., Ainsworth Thelin & Raftice PA, South Portland*

**11:45 LUNCH (INCLUDED)**

**12:45 TITLE 18-A AND TITLE 18-C – PROBATE MATTERS**

- Home courts
- Role of GAL in probate proceedings
- GAL reports
- Contested probate guardianships, termination of parental rights and adoptions
- Payment of services

*Professor Deirdre M. Smith, Esq., University of Maine School of Law, Portland*

**2:00 TITLE 19-A – FAMILY LAW MATTERS**

- Title 19-A and relevant case law
- Divorce and parental rights and responsibilities
- Child support and family finances
- Best interest of the child analysis, 19-A M.R.S. §1653
- Meaningful preference
- Post-judgment motions
- The Maine Parentage Act, *de facto* parenting, grandparents' rights

*Hon. Steven J. Chandler, Capital Judicial Center, Augusta*

*Joanna B. Davis, Esq., Family Matters Process Specialist, Augusta*

**3:00 BREAK**

**3:15 TITLE 19-A – FAMILY LAW MATTERS - CONTINUED**

*Hon. Steven J. Chandler, Capital Judicial Center, Augusta*

*Joanna B. Davis, Esq., Family Matters Process Specialist, Augusta*

**4:15 PROGRAM ADJOURNS**

**THURSDAY, MARCH 28 | DAY 3**  
**(6.5 HRS., INCLUDING .75 ETHICS)**

**REMINDER: You must check in and register and check out each day you attend.**

**8:00 REGISTRATION**

**8:30 MENTAL HEALTH AND TRAUMA: CHILDREN AND ADULTS**

- Types of mental health issues (DSM-5)
  - Impact on parental capacity; is the diagnosis or treatment related to functional parenting capacity?
  - Prescription medications
  - Evidence-based interventions: how do you know what works?
  - The use and misuse of diagnosis in child-related cases
- TBA*

**10:15 BREAK**

**10:30 INTERPERSONAL VIOLENCE (IPV)**

- Definition of IPV and current research
  - Impact on parental capacity and children
  - Evidence-based interventions: Certified batterer intervention programs and non-offender treatment
  - Risk assessments
  - Role of IPV in 19-A M.R.S. §1653(6)
  - Title 19-A with protection from abuse orders
  - Role of IPV in Title 22 matters
- Faye E. Luppi, Esq., Violence Intervention Partnership, Portland*  
*Stephanie Noyes, Through These Doors, Portland*

**12:00 LUNCH (INCLUDED)**

**1:00 SUBSTANCE USE**

- Definition: prescription v. illegal
  - Impact on parental capacity/impaired parenting
  - Residential treatments, intensive outpatient programs and maintenance drugs (harm reduction)
  - Evaluations
  - Medical marijuana after *Daggett v. Sternick*, 2015 ME 8 (2015)
- Blaine Linton, LADC, Blue Willow Counseling, Lewiston*

**2:15 BREAK**

**2:30 SUBSTANCE USE AND ABUSE**

- Family Recovery Court
- Erika S. Bristol, Esq., Law Office of Erika Bristol, Lewiston*  
*Blaine Linton, LADC, Blue Willow Counseling, Lewiston*  
*Hon. Susan E. Oram, Chief Judge, Maine District Court, Lewiston*

**3:15 CHILD DEVELOPMENT: RESEARCH FOR GALS**

- Developmental milestones
  - Timing and impact of court-related events from a child's perspective
  - Dynamics of separation and divorce and their effect on children
  - Child support, family finance, and the financial impact of separation and divorce
  - Impact of chronic conflict and chronic chaos
  - When to ask for help: education, evaluation, and intervention
  - Evaluations: psychological, child custody, and CODE
- TBA*

**4:30 PROGRAM ADJOURNS**



**FRIDAY, MARCH 29, 2017 | DAY 4**  
**(7.5 HRS., INCLUDING 1.25 ETHICS OR H&D)**

**REMINDER:** You must check in and register *and* check out each day you attend.

**8:00 REGISTRATION**

**8:30 BOUNDARIES: STAY IN YOUR LANE**

- Can do and cannot do
- Courthouse etiquette: from the hallway to the courtroom

*Moderator: TBA*

*Panelists: Steven M. Carey, Esq., The Carey Law Firm PA, Portland*  
*Mary J. Zmigrodski, Esq., Vassalboro*

**9:30 CULTURAL COMPETENCY: MANAGING BIAS (ETHICS)**

- Exploring our own diversity
- Language barriers and informed consent
- The language of bias

*TBA*

**10:45 BREAK**

**11:00 BILLING REQUIREMENTS AND VOUCHERS**

- Clarity and best practices for tracking time
- Best billing practices under the new billing standards
- Title 19-A: What happens when time or fees have run out?
- Title 22: Vouchers and Maine Judicial Branch Administrative Order JB-05-5

*Hon. Susan Sparaco, Deputy Chief Judge, Maine District Court, Rockland*

**11:30 INDIAN CHILD WELFARE ACT**

- Legal overview
- 2016 BIA Guidelines
- Qualified expert witnesses

*Xi Chen, Assistant Attorney General, Augusta*

**12:30 LUNCH (INCLUDED) AND PERSONAL SAFETY**

*Mike Coty, Chief of the Judicial Marshalls, Capital Judicial Center, Augusta*

**1:30 WRITING A GAL REPORT: BEST PRACTICES**

- Timeliness
- Templates
- Pictures of the children
- Investigative facts v. conclusions
- Grammar
- Recommendations

*Moderator: Tracy L. Jacques, Esq., GAL Services Coordinator, Maine Judicial Branch, Augusta*

*Panelists: Hon. Christine Foster, Active Retired Maine District Court Judge, Biddeford*  
*Hon. Valerie Stanfill, Maine District Court Judge, Waterville*

**3:00 BREAK**

**3:15 COURTROOM: BEST PRACTICES**

*Hon. Christine Foster, Active Retired Maine District Court Judge, Biddeford*

*Hon. Valerie Stanfill, Maine District Court, Waterville*

*Taylor Sampson, Esq.*

*Zaak Pakkonen, Assistant Attorney General, Augusta*

**4:30 CLOSING REMARKS**