

MONDAY, JUNE 15, 2020
DAY 1 (3 HRS.)

9:00 WELCOME, PROGRAM OVERVIEW, AND INTRODUCTION

Hon. Jed J. French, Chief Judge, Maine District Court (or designee)

9:15 THE STRUCTURE OF MAINE'S COURTS: A ROADMAP

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

- 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-C
- The Role of the Maine Supreme Judicial Court: rule-making and appeals

10:15 BREAK

10:30 ROLE OF THE GAL

Hon. Jed J. French, Chief Judge, Maine District Court

Hon. Rick E. Lawrence, Deputy Chief Judge, Maine District Court

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

11:45 SCOPE OF THE APPOINTMENT ORDER (AO): EXAMPLES AND RESPONSIBILITIES

Hon. Jed J. French, Chief Judge, Maine District Court

Hon. Rick E. Lawrence, Deputy Chief Judge, Maine District Court

- Title 19-A AOs – Limited, Standard, Expanded, and Amended
- Title 22 AO

12:30 PROGRAM ADJOURNS

WEDNESDAY, JUNE 17, 2020
DAY 2 (3 HRS., INCLUDING .75 ETHICS & 1.25 H/D CREDIT)

9:00 ETHICAL DUTIES AND IMMUNITY: WHY THE APPOINTMENT ORDER MATTERS (ETHICS)

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

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

9:45 FRAMEWORK OF THE GAL ROLE BY RULE

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

- 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

10:15 BREAK

10:30 CULTURAL COMPETENCY: MANAGING BIAS (H/D CREDIT)

Lindsay Gannon, MPA, Evaluation & Communication Manager, Hart Consulting, Inc., Gardiner

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

11:45 PERSONAL SAFETY

Mike Coty, Chief of the Judicial Marshals, Capital Judicial Center, Augusta

12:15 PROGRAM ADJOURNS

MONDAY, JUNE 22, 2020
DAY 3 (3 HRS.)

9:00 TITLE 22 – CHILD PROTECTION LAW 101

David F. Hathaway, Esq., Assistant Attorney General

Christopher P. Leddy, Esq., Parent Attorney and Guardian ad Litem, Ainsworth, Thelin & Raftice, P.A., South Portland

- 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)

10:30 BREAK

10:45 TITLE 22 – CHILD PROTECTION GAL INVESTIGATION

David F. Hathaway, Esq., Assistant Attorney General

Christopher P. Leddy, Esq., Parent Attorney and Guardian ad Litem, Ainsworth, Thelin & Raftice, P.A., South Portland

- Role of the GAL under M.R.G.A.L. 4(c)
- Conducting an investigation: talking with 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/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, risk assessment
- Making recommendations
- Settlement conferences, trial management conferences, wrap up conferences
- Confidentiality, *Clifford* orders, *in camera* access

12:15 PROGRAM ADJOURNS

WEDNESDAY, JUNE 24, 2020
DAY 4 (2.75 HRS.)

9:00 MENTAL HEALTH AND TRAUMA: CHILDREN AND ADULTS

Diane Tennies, PhD, LADC

- 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

10:30 BREAK

10:45 CHILD DEVELOPMENT: RESEARCH FOR GALS

Diane Tennies, PhD, LADC

- 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, CODE

12:00 PROGRAM ADJOURNS

MONDAY, JUNE 29, 2020
DAY 5 (3.25 HRS.)

9:00 TITLE 18-C – PROBATE MATTERS

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

- The Home Court Act
- Role of GAL in probate proceedings
- GAL Reports
- Contested probate guardianships, termination of parental rights, adoptions
- Payment of services

10:30 BREAK

10:45 TITLE 19-A – FAMILY MATTERS

Hon. Steve Chandler, Esq., Family Law Magistrate

Joanna Davis, Esq., Family Matters Process Specialist, Family Division

- Title 19-A and relevant case law
- Divorce, parental rights and responsibilities
- Child support and family finance
- Best interest of the child analysis, 19-A M.R.S. §1653
- Meaningful preference
- Post judgment motions
- De Facto Parenting, Grandparents' Rights

12:30 PROGRAM ADJOURNS

TUESDAY, JUNE 30, 2020
DAY 6 (3.25 HRS.)

9:00 INTERVIEWING CHILDREN

Joyce Wientzen, LCSW, Director, Spurwink

- 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/demands
- Interviewing techniques: Title 19-A v. Title 22

10:30 BREAK

10:45 INTERPERSONAL VIOLENCE (IPV)

Faye E. Luppi, Esq., Project Director, Violence Intervention Partnership, Portland
Erika Simonson, Advocacy Outreach Program Coordinator, Through These Doors, Portland

- Dynamics of IPV and current research
- MCEDV Project Services
- Screening for IPV
- Impact on parental capacity and children
- Evidence-based interventions: Certified batterer intervention programs
- Risk assessments
- Role of IPV in 19-A M.R.S. §1653(6)

12:30 PROGRAM ADJOURNS

MONDAY, JULY 6, 2020
DAY 7 (3.25 HRS., INCLUDING .75 ETHICS)

9:00 SUBSTANCE USE

*Liam Shaw, MBA, LCSW, MaineGeneral's Edmund N. Ervin Pediatric Center,
Coordinator of Community Programs*

- Definition: prescription v. illegal?
- Residential treatments, intensive outpatient programs, maintenance drugs (harm reduction)
- Evaluations

10:00 SUBSTANCE USE AND ABUSE (ETHICS)

Hon. Eric Walker, Judge, Maine District Court

- Family Recovery Court

10:45 BREAK

11:00 INDIAN CHILD WELFARE ACT

Xi Chen, Esq., Assistant Attorney General

- Legal Overview
- 2016 BIA Guidelines
- Qualified Expert Witnesses

12:00 BILLING REQUIREMENTS AND VOUCHERS

Hon. Jed J. French, Chief Judge, Maine District Court

Hon. Rick E. Lawrence, Deputy Chief Judge, Maine District Court

- 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

12:30 PROGRAM ADJOURNS

WEDNESDAY, JULY 8, 2020
DAY 8 (2.5 HRS.)

9:00 WRITING A GAL REPORT: BEST PRACTICES

Hon. Christine Foster, Active Retired Maine District Court Judge
Pamela Holmes, Esq., Holmes Legal Group, LLC, Wells

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

10:30 BREAK

10:45 COURTROOM: BEST PRACTICES

Hon. Christine Foster, Active Retired Maine District Court Judge
Pamela Holmes, Esq., Holmes Legal Group, LLC, Wells

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

11:45 CLOSING REMARKS

12:00 PROGRAM ADJOURNS