

**STATE OF MAINE
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-21-03

ACCESS TO REQUESTS FOR APPOINTMENTS OF GUARDIANS AD LITEM,
ORDERS APPOINTING GUARDIANS AD LITEM, AND GUARDIAN AD LITEM
REPORTS

Effective: March 25, 2021

I. PURPOSE AND SCOPE

In a case concerning minor children and their parents, a court may decide to appoint a guardian ad litem (GAL) to assist the court in making informed decisions. The GAL's task is to investigate and report on the child and the family, and much of the information to be gathered and reviewed involves educational, mental health, and medical records, all of which contain information that is confidential and nonpublic. The Maine Judicial Branch is committed to safeguarding this confidential and nonpublic information in order to minimize the risk of harm to parties, families, and minor children. In furtherance of this goal, (1) requests for appointments of GALs, (2) orders appointing GALs, and (3) GAL reports shall not be accessible by the public.

This Order applies in all matters with paper case files and in all case types other than Title 22 cases.¹ Access to requests for appointments of GALs, orders appointing GALs, and GAL reports in courts that have transferred to electronic case files is controlled by Rule 7 of the Maine Rules of Electronic Court Systems.

II. PROTOCOL

Beginning on the effective date of this Order, every (1) request for appointment of a GAL, (2) order appointing a GAL, and (3) report of a GAL shall be maintained by the Clerk of Court in a separate, sealed envelope in the case file and shall not be disclosed or provided to any person except those listed in the exceptions below, unless specifically authorized by a court's order.

¹ All records in Title 22 cases are confidential pursuant to 22 M.R.S. § 4007(1).

III. ACCESS TO INFORMATION

The following individuals may obtain access to (1) requests for appointments of GALs, (2) orders appointing GALs, and (3) GAL reports maintained in paper court files without obtaining a specific court order:

- A party in the case;
- An attorney representing a party in the case;
- A GAL presently appointed to the case;
- A parent whose parental rights have not been terminated, a legal guardian, or a custodian of a juvenile in a Title 15 case; and
- A representative of, or attorney for, the Department of Health and Human Services when a transfer of custody of a juvenile is being considered under 15 M.R.S. § 3314.

For the Court,

_____/s/_____
Andrew M. Mead
Acting Chief Justice

Promulgation Date: March 25, 2021