

Stocco, Janet

From: Cush <cush@maine.rr.com>
Sent: Wednesday, September 14, 2022 3:58 PM
To: Stocco, Janet
Cc: Senft, Samuel
Subject: Pilot program to provide legal representation to families in the Child Protective System

This message originates from outside the Maine Legislature.

Hello,

I am a retired lawyer, and I am also also a former member of the legislature from 1986 to 1992 where I served on the Criminal Justice Committee and also on the Judiciary Committee. The OPLA staff folks who worked with those committees will remember me. I have also come to Augusta to testify on behalf of the Maine Council of Churches from time to time. I am willing to come and testify to the commission that the two of you are staffing, or I could also provide some written testimony to that group. I would also happily speak by phone with either of you or to whoever is chairing that group.

When I was in law practice in Portland I frequently accepted appointments to the parents in Child Protective cases, or more frequently I accepted appointment to serve as guardian ad litem to the child or children whose welfare was the subject of the case.

In my experience, the appointment to represent a parent happens way later than it should in the process, if the attorney is going to do a good job in representing the parent or parents effectively. The case has been going on for a time, and many points have passed where a good attorney should be raising questions or asking for a delay or asking for better explanation of what is going on. Representing the parent or parents happens too late, and the attorney is quite handicapped by this fact. Exactly the same thing is true if an attorney (or a lay person) is appointed as guardian ad litem. Many times better options have come and gone by the time the appointment has been made.

It is also true that it would be well to have the appointment continue after the case is over. Some good lawyers make a point of staying in touch with their client and see how things have progressed since the legal case has closed, but there is no mechanism to make sure that happens. Are the contacts actually made with important community resources? If so, are appropriate services being provided, and are the parents following up on suggestions that the professionals have made to improve things within the family? Should alternative arrangements be better for this situation? Follow-up is really important after a case is closed, and no one outside of the Department of Human Services is doing that. Keep in mind that more likely than not the client is poor, and uneducated, and may have some resentments that interfere with effective follow through.

I have been retired from law practice for about twenty years, so my observations and experiences may have become obsolete by changes in the Department and its procedures. I recognize that, and if my help is not particularly helpful at this point, that is fine with me. Or I can drive to Augusta to share my ideas if that is appropriate, but of my ongoing health issues I am not in a position to get deeply involved.

Please let me know what if anything I might do that would be helpful. The best way to reach me is by email, or by telephone. The best number to reach me at is 847-0632, but I can also be reached by cellphone at 232-1999. Thank you.

Cushman Anthony
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Yarmouth