
2026 Edition

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1 · Program Overview

Maine's Guardian Ad Litem system is administered through Maine CASA, a unified statewide program that trains and supervises volunteers assigned by the Maine District Court. The primary state child welfare agency is the Maine Department of Health and Human Services (DHHS), Office of Child and Family Services (OCFS). Maine's dependency proceedings are governed by Title 22 of the Maine Revised Statutes (MRS), Chapter 1071 — the Child and Family Services and Child Protection Act.

Child Welfare Agency	Maine DHHS — Office of Child and Family Services (OCFS)
GAL Umbrella Org	Maine CASA (unified statewide program)
Primary Governing Code	22 M.R.S. Chapter 1071
Court of Jurisdiction	Maine District Court (Family Division)
GAL Appointment Statute	22 M.R.S. § 4034
Program Model	Unified statewide CASA program

2 · Legal Foundation

Maine's dependency and child welfare framework is contained in Title 22, Chapter 1071 of the Maine Revised Statutes (MRS) — the Child and Family Services and Child Protection Act.

22 M.R.S. § 4034

Guardian Ad Litem — Appointment

Authorizes the Maine District Court to appoint a GAL in any child protection proceeding. The GAL serves until appointment is terminated by the court.

22 M.R.S. § 4035

Guardian Ad Litem — Duties & Rights

Specifies GAL duties: investigate, interview, review records, and make written recommendations. The GAL has statutory access to all records relating to the child.

22 M.R.S. § 4036

Jeopardy Standard — Removal & Continued Custody

Defines the legal standard (jeopardy) for removing a child from parental custody. A child is in jeopardy when seriously harmed or likely to be seriously harmed due to parental inability or unwillingness to protect.

22 M.R.S. § 4038-B

Reasonable Efforts & Reunification Services

Requires OCFS to make reasonable efforts to prevent removal and to reunify families after removal. Courts must make reasonable efforts findings at each hearing.

22 M.R.S. § 4052

Termination of Parental Rights

Governs TPR proceedings. The court must find that termination is in the child's best interests and that the parent is unfit.

22 M.R.S. § 4002

Definitions — Abuse or Neglect & Jeopardy

Defines key statutory terms including abuse, neglect, jeopardy, and substantial risk. Maine's 'jeopardy' standard is distinct from terms used in other states.

3 · Your Role as GAL

A Maine GAL serves as an independent voice for the child's best interests in District Court dependency proceedings. The GAL investigates the child's circumstances, interviews key parties, reviews records, and makes written recommendations — independently of OCFS, the parents, and even the child's own expressed wishes when those wishes conflict with best interests.

- **Investigate** — Review OCFS records, school records, medical files, and prior court history. Interview the child, foster caregivers, biological parents, teachers, and OCFS caseworkers. Visit the current placement. Document everything.
- **Advocate** — Present the child's best interests through written reports and oral testimony. Request services not being received. Challenge OCFS if reunification efforts are inadequate or the placement fails to meet the child's needs.
- **Connect** — Identify community supports, services, and resources the child needs — therapy, tutoring, mentoring, extracurricular activities. Coordinate with OCFS, foster caregivers, schools, and providers to eliminate gaps in care.
- **Report** — Prepare written court reports before each hearing summarizing your findings and best-interest recommendations. File with the court and serve all parties. Attend every hearing.

4 · The Multidisciplinary Team

Role	Responsibility
OCFS Caseworker	Manages the child's case plan and placement. Advocates for the agency's plan — which the GAL independently evaluates.
AAG / OCFS Attorney	Represents the State of Maine/OCFS in court. Presents the agency's legal case — not the child's independent interests.
Parent's Attorney	Appointed counsel for biological parent(s). Advocates for reunification and parental rights, not the child's best interests.
Child's Attorney	Represents the child's expressed wishes (if separately appointed). Distinct from GAL who independently determines best interests.
Maine CASA Volunteer (GAL)	You — conducting an independent investigation and reporting the child's best interests to the court.
Maine CASA Supervisor	Reviews reports, provides training and support, coordinates with the court on program matters. Your first call for questions.
Foster / Kinship Caregiver	Provides day-to-day care. Primary source of information on the child's daily functioning, medical care, and school performance.
District Court Judge	Presides over all hearings, issues all orders. Maine District Court Family Division judges handle all child protection matters.

5 · The Dependency Court Process in Maine

Maine's child protection proceedings under Title 22, Chapter 1071 follow a structured sequence from the initial report through permanency. The Maine District Court Family Division handles all dependency matters statewide.

1 **Report & Investigation**

OCFS receives a report of suspected abuse or neglect. If the child faces immediate risk, OCFS may take emergency custody or petition the court for an emergency protection order.

2 **Preliminary Protection Order (PPO) Hearing**

Filed petition; PPO hearing typically held within 48–72 hours of removal. The court determines whether probable cause exists and whether emergency custody is necessary.

3 **GAL Appointment & Initial Investigation**

Maine CASA assigns a volunteer GAL following appointment by the court under 22 M.R.S. § 4034. GAL promptly reviews petition and OCFS records and contacts the child.

4 **Jeopardy Hearing**

Court determines whether the child is in jeopardy — Maine's dependency standard. Must be held within 90 days of petition filing. GAL submits written report and may present evidence.

5 **Dispositional Hearing**

Following jeopardy finding, establishes case plan, placement, and required services. GAL advocates for a plan addressing the child's specific needs.

6 **Review Hearings (Every 6 Months)**

Court reviews case plan compliance and placement. GAL files written report assessing reasonable efforts, child's well-being, and progress toward permanency.

7 **Permanency Hearing (Within 12 Months)**

Within 12 months of removal, court holds permanency hearing. GAL advocates for the goal that best serves the child's long-term interests.

8 **TPR & Post-Permanency**

If reunification is not achievable, OCFS petitions for TPR under 22 M.R.S. § 4052. GAL continues advocacy through TPR and supports path to adoption finalization.

6 · Hearing Types & GAL Responsibilities

Hearing	Timing	GAL Focus
Preliminary Protection Order (PPO)	Within 48–72 hrs	Confirm appointment; assess immediate needs; review petition
Jeopardy Hearing	Within 90 days of petition	Submit report; present evidence on jeopardy finding
Dispositional Hearing	Following jeopardy finding	Recommend services, placement, case plan elements
Review Hearing	Every 6 months	File report; assess reasonable efforts and child's well-being
Permanency Hearing	Within 12 months of removal	Advocate for permanency plan in child's long-term interests
TPR Hearing	Per OCFS petition	Report on child's best interests and attachment; support or oppose TPR
Post-TPR Review	Every 6 months post-TPR	Monitor adoption progress; advocate for timely finalization

7 · ICWA & Tribal Inquiry in Maine

The Indian Child Welfare Act (25 U.S.C. §§ 1901–1963) applies in any custody proceeding involving a child who is an Indian child. Maine is one of the few states with resident federally recognized tribes — making ICWA both more frequently triggered and more legally complex than in most states.

Maine's Four Federally Recognized Tribes: Passamaquoddy Tribe (Pleasant Point & Indian Township), Penobscot Indian Nation (Indian Island), Houlton Band of Maliseet Indians (Aroostook County), and Aroostook Band of Micmacs (Presque Isle). All four have active tribal social services departments.

■ ■ **Maine Indian Claims Settlement Act (MICSA):** The MICSA of 1980 created a unique legal framework affecting ICWA application to Passamaquoddy and Penobscot cases. This has been subject to ongoing litigation. Always consult your CASA supervisor immediately if ICWA may apply in any case.

Mandatory ICWA Inquiry Steps:

- ✓ Ask both biological parents and extended family about any Native American or Alaska Native ancestry
- ✓ Document the inquiry in case notes — must appear on the record at the PPO hearing
- ✓ If any tribal affiliation is indicated, notify OCFS immediately for formal tribal contact
- ✓ The tribe — not the family, OCFS, or the GAL — determines ICWA eligibility
- ✓ If ICWA applies, placement preferences shift under 25 U.S.C. § 1915
- ✓ Active efforts (not merely reasonable efforts) required to prevent breakup of Indian family

8 · Tribal Resources & Contacts

Passamaquoddy Tribe — Social Services	<i>Pleasant Point (Perry) & Indian Township (Princeton), ME</i>	Two tribal communities, each with social services. Pleasant Point: (207) 853-2600. Indian Township: (207) 796-2301.
Penobscot Indian Nation — Social Services	<i>Indian Island, Old Town, ME</i>	(207) 817-7310 penobscotnation.org. Active participant in Maine child welfare proceedings.
Houlton Band of Maliseet Indians	<i>Houlton, ME (Aroostook County)</i>	(207) 532-4273 maliseets.com. Full federal ICWA protections apply without MICSA complications.
Aroostook Band of Micmacs	<i>Presque Isle, ME</i>	(207) 764-1972 micmac-nsn.gov. Full federal ICWA protections apply. Contact for cases with Micmac affiliation.
BIA Northeastern Regional Office	<i>Nashville, TN (Eastern Region)</i>	(615) 564-6800 bia.gov. Contact for ICWA procedural questions and tribal identification.
NICWA	<i>National Technical Assistance</i>	www.nicwa.org (503) 222-4044. ICWA training and technical assistance — especially valuable given Maine's MICSA complexities.

9 · Education Rights of Foster Youth

Education stability is a critical advocacy area for Maine GALs. Children in foster care change schools frequently, lose academic credits, and face barriers to special education across placement changes. Maine implements federal ESSA foster care provisions and McKinney-Vento protections.

20-A M.R.S. § 5205 / ESSA

School Stability

Every Maine SAU and OCFS must collaborate to keep children in their school of origin when in their best interests. Transportation must be provided even across district lines.

McKinney-Vento Act (42 U.S.C. § 11431)

Homeless Education Rights

Some foster children may qualify for McKinney-Vento protections: immediate enrollment, records transfer, and transportation. Maine DOE maintains McKinney-Vento coordinators in every SAU.

Key Education Advocacy Checklist:

- ✓ Obtain school records and most recent report card at every case review
- ✓ Determine whether the child has an active IEP or 504 Plan — IDEA rights follow the child
- ✓ Every Maine SAU must have a Foster Care Point of Contact — use this contact for enrollment disputes
- ✓ Maine DOE's Office of Child Welfare maintains school stability guidance and FCPOC contacts
- ✓ Confirm whether you are authorized to consent to educational decisions in the court order
- ✓ Report school absences exceeding 10 days in your court report

Extended Foster Care: Maine operates EFC for youth ages 18–21 under 22 M.R.S. § 4099-A. Youth remain eligible if enrolled in school, GED, post-secondary education, vocational training, or employed. Advocate for EFC enrollment well before a youth's 18th birthday.

10 · Courtroom Practice

Maine District Court proceedings in child protection matters follow formal evidentiary procedures in a relatively informal setting. Preparation and credibility are the keys to effective GAL advocacy.

Before the Hearing

- File report and serve all parties at least 5 business days before the hearing
- Review prior order and identify compliance issues to raise
- Communicate factual updates (not positions) with OCFS caseworker
- Prepare the child in age-appropriate terms for the upcoming hearing

During the Hearing

- Address the judge as 'Your Honor'; stand when addressing the court
- Present your report concisely — District Court judges value focused, organized presentations
- Be prepared to testify about your findings if called
- State any disagreement with a proposed order clearly on the record

After the Hearing

- Obtain a copy of the signed order — this governs everything until the next hearing
- Review for specific tasks assigned to OCFS, parents, or the GAL
- Communicate the hearing outcome to the child in age-appropriate terms
- Update case notes promptly and begin tracking compliance with the new order

If You Disagree With the Order

- Contact your Maine CASA supervisor immediately
- Document your reasoning thoroughly and specifically in writing
- Maine District Court appeals must be filed within strict deadlines — act promptly
- Your supervisor and the program's legal advisor will guide any appeal process

11 · Local Resources — Portland Metro (Cumberland County)

Maine CASA — Statewide Office	<i>Portland, ME (statewide)</i>	mainecasa.org (207) 874-1175. Central program hub for all GAL assignments across Maine District Courts.
Maine DHHS / OCFS — Cumberland County	<i>Portland, ME</i>	(207) 822-2000 maine.gov/dhhs/ocfs. CPS and foster care for Cumberland County — Maine's largest county.
Maine Children's Home for Little Wanderers	<i>Portland / Waterville, ME</i>	(207) 873-4253 mainechildrenshome.org. Foster care, adoption, and family support services statewide.
Spurwink Services	<i>Portland, ME (statewide)</i>	(207) 871-1200 spurwink.org. Behavioral health, therapeutic foster care, and mental health services.
Pine Tree Legal Assistance	<i>Portland / Statewide</i>	pinetreelegal.org (207) 774-8211. Free civil legal aid for low-income Mainers.
Barbara Bush Children's Hospital (Maine Medical)	<i>Portland, ME</i>	(207) 662-0111 mainehealth.org. Pediatric medical evaluations, child abuse assessments, and mental health referrals.
Greater Portland Family Crisis Services	<i>Portland, ME</i>	(207) 874-1973 (24-hr crisis). Crisis intervention and domestic violence services for families.
Preble Street Resource Center	<i>Portland, ME</i>	(207) 775-0026 preblestreet.org. Comprehensive services for youth experiencing homelessness. Critical resource for aging-out youth.

12 · Mental Health Resources

Maine DHHS — Office of Behavioral Health (OBH)	<i>State Agency</i>	maine.gov/dhhs/obh (207) 287-4200. Manages public mental health system and statewide provider network.
Community Mental Health Centers (CMHCs)	<i>Statewide — Multiple Locations</i>	Regional public mental health providers. Provide therapy, crisis services, and psychiatric care for children in foster care.
Spurwink Behavioral Health	<i>Portland / Statewide</i>	spurwink.org (207) 871-1200. TF-CBT and evidence-based trauma treatment for children with trauma histories.
TF-CBT Providers — Maine Network	<i>Statewide — OBH Network</i>	Advocate specifically for Trauma-Focused CBT — a basic referral to 'counseling' is insufficient for children with significant trauma histories.
Maine Crisis Line	<i>24/7 Statewide</i>	1-888-568-1112 (24/7). Statewide crisis line with mobile crisis teams. Can provide same-day crisis assessment.
988 Suicide & Crisis Lifeline	<i>National — Available in Maine</i>	Dial or text 988. Available 24/7. Age-appropriate for adolescents. Chat at 988lifeline.org.

13 · Housing & Basic Needs

Extended Foster Care (EFC) Housing Support	<i>Maine DHHS / OCFS</i>	Ages 18–21 under 22 M.R.S. § 4099-A. Supervised independent living with housing subsidies. Advocate for enrollment before age 18.
Preble Street — Youth Services	<i>Portland, ME</i>	(207) 775-0026 preblestreet.org. Drop-in and transitional housing for youth ages 12–24 experiencing homelessness.
Oxford Street Shelter / Portland Housing Authority	<i>Portland, ME</i>	phadirects.org (207) 874-6500. Section 8/HCV vouchers with foster care priority for youth aging out.
Maine Independent Living Program (ILP)	<i>Maine DHHS / OCFS</i>	Life skills, employment support, and transitional services for foster youth ages 14–21. Enroll through the OCFS caseworker.
SNAP — Maine DHHS	<i>Maine DHHS — Statewide</i>	Youth exiting foster care at 18 are eligible for SNAP without income requirements for 12 months. myMaineConnection.gov.
WIC — Maine WIC Program	<i>Maine DHHS / CDC</i>	maine.gov/dhhs/mecdc/population-health/wic (207) 287-3991. Nutrition for pregnant women, infants, and children under 5.

14 · Maine Statewide Resources

Maine CASA	<i>Statewide GAL Program</i>	mainecasa.org (207) 874-1175. Coordinates all Maine CASA/GAL volunteers statewide.
Maine DHHS / OCFS	<i>State Child Welfare Agency</i>	maine.gov/dhhs/ocfs. CPS hotline: 1-800-452-1999 (24/7). County OCFS office directory at DHHS website.
Pine Tree Legal Assistance	<i>Statewide Legal Aid</i>	pinetreelegal.org (207) 774-8211. Offices in Portland, Bangor, Augusta, Lewiston, and Presque Isle.
Maine Court Improvement Program (CIP)	<i>Maine Judicial Branch</i>	courts.maine.gov. GAL training materials, bench books, and legal updates for Maine child welfare proceedings.
Foster Care Alumni of America — Maine	<i>Peer Support Network</i>	fostercarealumni.org. Peer mentoring and advocacy for youth aging out of Maine foster care.
Maine Coalition to End Domestic Violence (MCEDV)	<i>Statewide</i>	mcedv.org (207) 430-8334. DV hotline: 1-866-834-4357. 10 regional member programs across Maine.

15 · Federal Resources

Child Welfare Information Gateway	<i>U.S. Children's Bureau</i>	childwelfare.gov . State-by-state statutes, GAL practice guides, and training resources. Free and regularly updated.
National CASA / GAL Association	<i>National Umbrella</i>	casaforchildren.org . Training resources, program standards, and national advocacy for CASA/GAL programs.
NCTSN — National Child Traumatic Stress Network	<i>HHS / SAMHSA</i>	nctsn.org . Evidence-based trauma resources and free online training modules for child welfare workers and GAL advocates.
SAMHSA National Helpline	<i>SAMHSA</i>	1-800-662-4357 (24/7, free). Treatment referral for substance use and mental health. English and Spanish.
HHS Children's Bureau — Region I (Boston)	<i>ACF Region I</i>	acf.hhs.gov/cb/regional-offices/region-01 . Oversees Title IV-E and IV-B compliance for Maine and New England.
AFCARS Data — Maine	<i>U.S. Children's Bureau</i>	acf.hhs.gov/cb/data . Maine foster care and adoption data for systemic advocacy context.

16 · Working with Children — Trauma-Informed Practice

Every child in Maine's child welfare system has experienced trauma. Effective Maine GALs apply trauma-informed principles in every interaction, building the trust needed to accurately represent the child's voice and best interests to the court.

Safety First — Meet in familiar, safe environments — schools, libraries, the foster home when positive. Avoid OCFS offices or locations the child associates with stressful events.

Consistency & Reliability — Children who have been failed by adults are acutely sensitive to broken commitments. Call when you say you will. Visit when you say you will. Reliability builds trust.

Age-Appropriate Honesty — Never overpromise outcomes. 'I can't promise what the judge will decide, but I will tell the judge exactly what you told me' is far more trustworthy than false reassurances.

Voice & Agency — Even very young children have preferences deserving to be heard. Solicit the child's views and report them — distinctly from your own recommendation — even when they do not control the outcome.

Cultural Humility — Maine's foster care population includes Native American children, recent immigrants, and children from rural communities. Approach cultural differences with genuine curiosity and advocate for culturally appropriate services.

Secondary Trauma — Maine CASA volunteers are at risk for vicarious traumatization. Attend debriefing sessions, talk with your supervisor. Self-care is essential to sustained, effective advocacy.

17 · Court Report Writing Guide — Maine

The court report is the GAL's most powerful tool. A thorough, well-organized report provides the judge with facts that would not otherwise appear in the record and translates the best-interest recommendation into a clear, actionable advocacy position.

1 Case Identification

Child's name (or initials), case number, court location, hearing date, GAL name and Maine CASA contact. Date of most recent in-person visit.

2 Sources Reviewed

All documents reviewed (OCFS case plan, school records, medical records, therapy notes, prior orders) and all persons interviewed. Demonstrates thoroughness and independence.

3 Current Placement & Well-Being

Current placement, child's adjustment, physical health, emotional state, school performance, and peer/family relationships. Note all changes since the last hearing.

4 Services Status

For each ordered service: has it been accessed, who is providing it, is it effective? Flag services ordered but not delivered — critical for the court's reasonable efforts analysis.

5 Parental Progress

Report parent compliance factually and objectively. Describe visitation frequency and quality. Distinguish your observations from your conclusions.

6 Child's Views

Report the child's own words about placement, school, and wishes. Clearly distinguish the child's voice from your independent analysis. Both are important to the court.

7

Best-Interest Recommendation

State your recommendation specifically. 'Enroll in TF-CBT within 30 days through an OBH-certified provider' is actionable. 'Ensure the child's needs are met' is not.

8

Requested Court Orders

List the specific orders you are requesting. Providing draft proposed order language — reviewed with your supervisor — maximizes the chance your recommendations are adopted verbatim.

■ **Download the complete ME GAL Volunteer Handbook from the GAL National Database**