



Sen. Lisa Keim  
Chairperson, Joint Standing Committee on Judiciary  
c/o Legislative Information  
100 State House Station  
Augusta, ME 04333

March 22, 2017

Sen. Keim:

I am writing on behalf of the National Coalition for a Civil Right to Counsel (NCCRC) to express support for LD 363, which would provide a right to counsel for children in child protection proceedings who are living with a relative. I am a Staff Attorney with the Public Justice Center who serves as the Coordinator of the NCCRC, which is comprised of nearly 300 participants in 38 different states who work to advance the right to counsel in civil cases implicating basic human needs. The preservation of familial relationships and the welfare of the child are undeniably basic human needs deserving of procedural due process protection.

At present, 30 states provide a right to an appointed attorney for all children in dependency/child welfare cases, while some additional states provide counsel for all children over a certain age. All of this is described on our website: <http://www.civilrighttocounsel.org/map>. By enacting LD 363, Maine would join the majority of states that have acted to protect children in these critical cases. Furthermore, such an approach is consistent with the American Bar Association's *Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings* (101A) (2011), which recommends that:

- (a) The court shall appoint a lawyer for each child who is the subject of a petition in an abuse and neglect proceeding. The appointment of a lawyer for the child must be made as soon as practicable to ensure effective representation of the child and, in any event, before the first court hearing.
- (b) In addition to the appointment of a lawyer, the court may appoint a best interest advocate to assist the court in determining the child's best interests.

The Act's commentary adds, "A best interest advocate does not replace the appointment of a lawyer for the child. A best interest advocate serves to provide guidance to the court with respect to the child's best interest and does not establish a lawyer-client relationship with the child."

I would request that you make these comments part of the record.

Sincerely,

John Pollock  
Coordinator, National Coalition for a Civil Right to Counsel