

# Important Developments in Maine Family Law

A View from the Bench and the Bar

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Hilton Garden Inn, Freeport

CLE Credits: 6.0



This program has been approved for practice and procedure credit under Maine's reciprocal admission rule.



A MAINE STATE BAR ASSOCIATION



CONTINUING LEGAL EDUCATION PROGRAM

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## Schedule and Faculty

**8:00 REGISTRATION**

**9:00 DISCOVERY ISSUES & FINANCIAL STATEMENTS**

A discussion of discovery for family law cases, including financial statements, interrogatories, requests for production, depositions, and requests for admissions, as well as sanctions. How do you get what you want—and what to do when you don't.

*Alicia M. Cushing, Esq., Lavoie Law, Portland*

*Catherine C. Miller, Esq., Miller Law & Mediation LLC, Portland*

**10:00 BREAK**

**10:15 ADR & MEDIATION**

Maine has a strong public policy favoring the use of alternative dispute resolution in divorce and other family law cases. Various ADR processes now exist, including mediation, reference, arbitration, judicial settlement conferences, and collaborative law. Each process is distinct and has its own set of laws, rules, and standards. This presentation will provide an overview of those processes.

*Heather T. Whiting, Esq., Mittel Asen LLC, Portland*

**11:15 CHILD SUPPORT CALCULATIONS IN OUR NEW WORLD**

The Maine Parentage Act provides for three parents on a birth record, *de facto* parents with parental rights and responsibilities, and holding-out parents. There are limitations on the time in which a person may challenge parentage. This presentation will share how the assistant attorney generals and child support enforcement agents are calculating child support for these new families. There will also be a discussion of challenges to parentage.

*Debby L. Willis, Esq., Office of the Attorney General, Augusta*

**12:15 LUNCH (INCLUDED)**

## Afternoon Panel Discussion: Schedule and Faculty

**1:00 A VIEW FROM THE BENCH ON THE MAINE PARENTAGE ACT AND THE HOME COURT**

*Deputy Chief Judge Susan Oram, Maine District Court, Lewiston*

**2:00 JURISDICTION AND VENUE IN ADOPTIONS AND MINOR GUARDIANSHIPS: HOME COURT AND BEYOND**

Over the past two years, the Maine Legislature has enacted important changes to the jurisdiction and venue statutes for adoption and minor guardianship cases. This presentation will provide an overview of the new provisions and describe the scenarios in which they may have an effect.

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

**3:00 BREAK**

**3:15 THE “NEW” GAL RULES AND BEST PRACTICES**

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

**4:15 ADJOURN**

**Alicia M. Cushing, Esq.**

Attorney Cushing is a partner of the law firm LAVOIE LAW in Portland, Maine, where she concentrates her practice in all areas of family law. Alicia graduated from the University of Southern Maine in 2004 and from the University of Maine School of Law in 2007. She has been a rostered Guardian ad litem since 2007. Alicia is a member of the Cumberland Bar Association, the York Bar Association, the Maine State Bar Association, and the Edward Gignoux Inns of Court. Alicia is a member of the Family Law Section of the Maine Bar Association, where she currently serves as section chairperson. In 2015, Alicia joined the Kids First Center as a facilitator for the Kids First Program, a four-hour workshop for parents designed to help address problems and reduce the negative effects of separation and divorce on children.

**Catherine C. Miller, Esq.**

Attorney Miller is the founder of Miller Law & Mediation, LLC. She is a member of the Maine and New Hampshire State Bar Associations. She has more than 18 years of experience practicing law and over 15 years practicing family law exclusively. Over the past fifteen years, Catherine has continued her study of issues pertaining to children and families, taxes, finances, alternative dispute resolution, mediation and conflict management. She is a Certified Mediator, has trained in the Collaborative Law model, and is a rostered Guardian ad Litem. She served as Maine State Bar Association Family Law Section (Chair – 2006 – 2008), (Vice Chair -2005 – 2006), (Secretary -2004-2005), and Kids First Center Board of Directors (2006-2015). Catherine is a graduate of Le Moyne College B.A. (1993) and the University of Maine School of Law, (J.D. 1997). She is admitted to practice in Maine and New Hampshire, and in the U.S. District Courts for Maine and New Hampshire.

**Honorable Susan E. Oram**

Judge Oram is with the Maine District Court in Lewiston.

**Dana E. Prescott, Esq.**

Attorney Prescott holds an MSW from Boston College and a PhD from Simmons College in social work and has been licensed to practice law in federal and state courts in Maine and Massachusetts since 1983. He is a trial lawyer with extensive ADR experience and is a partner at Prescott, Jamieson, & Murphy, Law Group, LLC, Saco, Maine, a member of NOFSW, a Fellow and Board Member of the International Academy of Family Lawyers, a Fellow of the American Academy of Matrimonial Lawyers, and has served on various boards and committees related to policy, court rules, training and education programs, and legislation. He is a rostered and active court-appointed guardian ad litem and currently serves as Chair of the Maine GAL Review Board. Mr. Prescott has published and presented extensively on court systems, forensic and expert roles, as well as ethics and evidence-informed practices for family lawyers, judges, social workers, guardians ad litem, and other professional groups. He serves as an adjunct faculty member in the MSW programs at Simmons College and Boston College teaching policy and advocacy courses.

**Professor Deirdre M. Smith**

Professor Smith is Professor of Law and Director of the Cumberland Legal Aid Clinic at the University of Maine School of Law, where she teaches Evidence and supervises student attorneys in the Law School's clinical legal education program. Her most recent scholarly research has focused on minor guardianship, child protection, and adoption laws. She is a member of the MSBA's Family Law Section and served on the Maine Family Law Advisory Commission's Working Group on the Maine Probate Code. She is a graduate of the University of Pennsylvania and the University of Maine School of Law.

**Heather T. Whiting, Esq.**

Attorney Whiting is an attorney at MittelAsen, LLC, where she focuses her practice on divorce, parental rights and responsibilities, mediation, and estate planning. She is a rostered Guardian ad litem and also represents clients in probate court, handling guardianships, adoptions, and the administration of estates. Heather began her legal career as a corporate lawyer, working for large firms in Washington, DC and Portland. She is a past Chair of the Family Law Section of the Maine State Bar Association and a member of the Maine Collaborative Law Alliance. She is a graduate of the American University Washington College of Law in Washington, DC.

**Debby L. Willis, Esq.**

Attorney Willis is an assistant attorney general and Chief of the Child Support Division in Office of the Attorney General. She has undergraduate degrees from Campbell University, earned while serving in the US Army, a law degree from North Carolina Central University and a LL.M. in tax law from Boston University. Debby practiced international transactional work in the Middle East for 8 ½ years before returning to her home state. She has devoted the last 21 years to public service and family law, concentrating on child support.

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