THE INSTITUTIONAL ACCOUNTABILITY EDITION

CHILDHOOD IS NOT A CONTINUANCE

A public-policy indictment of delay, professional silence, and government systems that make children absorb the cost.

Justice delayed is justice denied.
Childhood delayed is childhood taken.

Words. Evidence. Peaceful public action.

OPEN RISE

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JUSTICE DELAYED IS JUSTICE DENIED

THE CHILD DOES NOT LIVE ON THE INSTITUTION'S CALENDAR.

In a matter affecting a child, delay is not a scheduling inconvenience. It is not neutral. It consumes the very thing no order can later restore: time.

Temporary restrictions harden into ordinary life. Interrupted relationships weaken. Unanswered questions become routines. A provisional arrangement becomes the new status quo, and the institution that allowed it to form later points to that same status quo as a reason not to disturb it.

By the time an answer arrives, the answer may concern a childhood that no longer exists. That is not justice arriving late. It is institutional failure arriving after the remedy has expired.

Those who spend more energy protecting professional comfort, institutional reputation, procedural convenience, collegial relationships, or the privileges of their profession than they spend protecting children are **unworthy of the authority entrusted to them.**

No one inside the system gets a pass for merely remaining silent. A judge, lawyer, clerk, regulator, therapist, legislator, administrator, contractor, or public employee who sees preventable child-impact harm and refuses to document it, escalate it, correct it, or use the lawful authority available is not neutral.

They are helping maintain the machinery that permits the harm.

> Silence is not neutrality. Professional self-preservation is not public service.
>
> THE ACCOUNTABILITY STANDARD

Standing up does not require violating confidentiality, prejudging a dispute, or acting outside lawful authority. It requires doing the job: naming the defect, preserving the record, identifying the owner, escalating the missed duty, refusing to certify unfinished work, reporting serious misconduct, and demanding correction while correction can still matter.

Failure to do even that is not restraint. It is a choice.

THE WEAPONIZATION OF TIME

EVERY DAY WITHOUT AN OWNER PRESERVES THE EXISTING HARM.

Institutions speak about delay as though it simply happens. It does not. Delay is produced by choices, defaults, queues, silence, handoffs, missing logistics, and the refusal to assign responsibility.

Delay rewards control

The person or institution already controlling access, records, residence, transportation, money, information, or communication benefits from inaction. The longer nothing happens, the more difficult correction becomes.

Every unanswered request preserves the current condition. Every filing left unpresented preserves it. Every order entered without executable logistics preserves it. Every regulator that redirects a documented concern without tracking its outcome preserves it. Every legislative study with no owner, deadline, or implementation mechanism preserves it.

The child experiences one system

A child does not live separately inside the trial court, the appellate court, the clerk's office, the filing vendor, the disciplinary system, the therapist's office, the school portal, the insurance system, and the Legislature.

The child lives through the combined result.

That combined result is the only outcome that matters.

The evidence is not ambiguous enough to excuse drift

Research does not support simplistic claims that every separation, every conflict, or every contact dispute produces the same outcome. It does show that persistent interparental conflict, hostile or diffuse parenting processes, and child triangulation are associated with worse child adjustment and loyalty conflict.[78]

Nuance is a reason for careful assessment. It is not permission for unmanaged delay.

> A system that cannot measure the age of child-impact matters is not merely uninformed. It has chosen not to know what its delay is doing.

Temporary cannot mean indefinite

Every temporary restriction affecting a parent-child relationship, safety plan, treatment plan, or access right should carry a review date, a responsible decision-maker, a stated evidentiary basis, and a lawful path to modification. Without those elements, temporary power becomes indefinite power by inertia.

That is not caution. It is abandonment disguised as procedure.

EFFORT IS NOT THE STANDARD

"WE'RE DOING THE BEST WE CAN" IS NOT AN EXCUSE.

It is an admission that the institution knows its performance is inadequate and still expects children and families to absorb the difference between duty and delivery.

Good intentions do not excuse preventable harm. Effort is not the metric. Lawful, timely, competent performance is.

Courts, agencies, regulators, lawyers, legislators, and public contractors possess authority, public funding, professional credentials, institutional access, and - in many instances - the power to restrict liberty, family relationships, property, communication, and parental rights.

They do not get to exercise that power and then plead helplessness when asked to make their own decisions function.

Resource limits may explain a problem. They do not excuse refusing to measure it, disclose it, prioritize it, redesign it, or tell the public who is responsible for correcting it.

When the same failure repeats after notice, the defense is no longer lack of awareness. It is lack of will.

SEE THE HARM.

USE THE AUTHORITY.

DOCUMENT THE FAILURE.

ESCALATE THE DANGER.

CORRECT IT IN TIME.

Public service is not proven by how exhausted the professional feels. It is proven by whether the public received a lawful, usable result.

THE STANDARD WHEN CHILDREN ARE PAYING THE PRICE

STAND THE FUCK UP FOR KIDS. FIX IT, ESCALATE IT, OR STEP ASIDE.

No heroics are required. Use the authority you have. Record what you did. Escalate what you cannot correct.

Cowardice is not professionalism. Comfort, collegial loyalty, career security, and institutional reputation are not child-protection standards.

MAINE DOES NOT LACK PROMISES

MAINE LACKS CONSEQUENCES.

The problem is not a complete absence of law, ethics, or institutional language. The problem is the distance between those words and a measurable result.

01 / CHILDREN

SAFETY AND WELL-BEING ARE PRIMARY

Maine law directs courts to apply the child's best interests and treat safety and well-being as primary in decisions about residence and parent-child contact.[2]

02 / LAWYERS

DELAY AND BURDEN ARE ALREADY REGULATED

Professional rules require reasonable efforts to expedite litigation, candor toward tribunals, fairness in evidence, and prohibit means whose substantial purpose is to embarrass, delay, or burden another person.[3]

03 / JUDGES

PROMPT AND COMPETENT PERFORMANCE IS ALREADY REQUIRED

The Judicial Code requires judicial and administrative duties to be performed promptly, fairly, and competently.[4]

04 / GOVERNMENT

POWER IS DIVIDED, NOT DISSOLVED

Maine's Constitution separates legislative, executive, and judicial power. It does not erase the responsibility of each branch to perform its own work.[1]

> A right written in a statute is not protection if no one is answerable for making it real.
>
> PAPER RIGHTS ARE NOT OPERATIONAL JUSTICE

A rule without visible enforcement is a professional slogan. A code without aggregate performance data is a faith exercise. An order without an implementation owner is a ceremonial document. A complaint process that cannot tell the public what enters, how long review takes, and what exits is a black box.

The public should not be required to prove institutional collapse one family at a time. The institution should be required to prove that its safeguards work.

The answer is not more inspirational language. It is deadlines, ownership, evidence of completion, public reporting, and consequences for repeated or knowing failure.

A SIGNATURE IS NOT IMPLEMENTATION

A COURT ORDER IS UNFINISHED UNTIL A FAMILY CAN EXECUTE IT.

An order affecting contact, residence, therapy, education, healthcare, transportation, records, or communication should identify the responsible adult or entity, the required action, the start date, the deadline, the platform or location, the proof of compliance, the fallback when agreement fails, and the date implementation will be reviewed.

Without those components, the order may announce a right without creating a route to exercise it.

A family forced to return to court merely to define every verb in the court's prior command is being charged twice: once to obtain the order, and again to discover what it means in real life.

> A right that requires another case to explain how to use it is not a functioning right.

Fragmentation is the favorite hiding place

The clerk can receive a document but cannot decide it. The judge can decide an issue but may not define the logistics. The vendor can reject a submission but cannot interpret the law. The regulator can receive a complaint but may insist part of the conduct belongs in litigation. The appellate court can review preserved issues but cannot restore time already lost. The Legislature can enact policy but invokes judicial independence. The judiciary can regulate lawyers but invokes case-specific limits.

Each narrow answer may be defensible in isolation. The combined result can still be indefensible.

A referral is not a remedy. A handoff is not a remedy. A docket entry is not a remedy. A forwarded email is not a remedy. A closed ticket is not a remedy. A completed public service ends with a lawful, usable result or a clear, reviewable decision.

The sequence needs an owner

When every institution owns a fragment, someone must be responsible for the whole path. That role need not decide the merits. It must be able to identify the next owner, the deadline, the missing information, the status of the handoff, and whether delay has become a separate child-impact harm.

SELF-REGULATION WITHOUT MEASUREMENT IS NOT ACCOUNTABILITY

A BLACK BOX DOES NOT BECOME TRUSTWORTHY BECAUSE PROFESSIONALS OPERATE IT.

The public should be able to determine how many professional complaints are received, how many involve family matters or proceedings affecting children, which rules are alleged, how many are screened out, how long each stage takes, how many result in warnings, diversion, private sanctions, public discipline, or no action, and whether repeat conduct is detected.

Confidentiality can protect clients, children, witnesses, judges, and lawyers from unnecessary exposure. It cannot justify secrecy about the performance of the regulatory system itself.

The Board of Overseers exists under the jurisdiction of the Supreme Judicial Court to regulate attorney conduct.[5] That authority carries a public obligation to make system performance auditable.

> Professional independence does not mean independence from measurement.

Separation of powers is not separation from responsibility

The Legislature should not seize the judiciary's constitutional role in lawyer and judicial regulation. The judiciary should not use that role to insulate system performance from public data, funding oversight, or procedural reform.

The Legislature owns substantive policy, appropriations, public reporting requirements, and lawful family-procedure reform. The judiciary owns court administration, rules, lawyer regulation, and judicial conduct. The executive branch owns the performance of executive agencies and public technology within its control. Regulators own the complaints placed before them. Vendors own the performance promised by their contracts.

No branch gets to hide behind the fact that another branch also has work to do.

Independence is a safeguard, not a sanctuary

Judicial independence protects decision-making from political retaliation. It does not require invisibility, immunity from performance metrics, or endless delay. Lawyer independence protects professional judgment. It does not convert tactical burden, misrepresentation, or avoidable child-impact harm into untouchable advocacy.

Power deserves protection from improper interference. The public deserves protection from power that refuses to answer.

TECHNOLOGY IS NOT MODERNIZATION BY ITSELF

A DIGITAL BARRIER IS STILL A BARRIER.

Wrapping an antiquated workflow in software does not modernize justice. It can simply automate the rejection, confusion, and delay.

Maine eCourts promises electronic filing, service, tracking, payment, and access.[6] Those promises must be measured by whether a lawful filing reaches a person authorized to decide it - not by whether the portal generated a confirmation number.

A filing system must provide a precise defect notice, one complete correction path, preservation of the attempted filing date when promptly cured, human review after repeated rejection, and one authoritative status: submitted, rejected, corrected, accepted, docketed, presented, ruled upon, or pending.

Anything less is not meaningful access. It is procedural attrition with a login screen.

SUBMITTED IS NOT ACCEPTED.

ACCEPTED IS NOT DOCKETED.

DOCKETED IS NOT PRESENTED.

PRESENTED IS NOT DECIDED.

STATUS MUST MEAN SOMETHING.

Review cannot depend on wealth

A right to appeal is dramatically weakened when a usable record is financially unreachable. When a hearing was electronically recorded, the system should provide a lawful, timely route to audio, an affordable transcript, a settled statement, or another reliable substitute.

The state records the proceeding. The state relies on the proceeding. The state issues orders based on the proceeding. Meaningful review should not depend on whether a parent can purchase access to the facts.

Vendors are part of the public-service chain

Technology contractors should be bound to enforceable uptime, support, accessibility, correction, audit, and incident-reporting standards. Filing rejection rates, repeat-rejection rates, support response times, and relation-back outcomes should be publicly reported.

When a public filing channel fails, the government does not get to call it a private technology problem. The vendor may operate the tool. The State owns the public duty.

STOP POLICING DISCOMFORT WHILE CHILDREN PAY

TONE IS NOT THE EMERGENCY. THE CHILD IS.

Institutions frequently become more offended by the language used to describe failure than by the failure itself. That is a moral inversion.

Officials may dislike profanity, public-record requests, published timelines, aggressive criticism, demands for metrics, or citizens who refuse to perform deference.

Discomfort is not harm. Embarrassment is not constitutional injury. Criticism is not noncompliance. Public confidence is not an obligation owed to government. It is the result of competence, transparency, restraint, consistency, correction, and consequences.

A robe does not convert delay into due process. A bar card does not convert gamesmanship into ethics. A government seal does not convert a referral into a remedy. A doctorate does not transform arrogance into expertise.

> Credentials without courage do not produce guardians of justice. They produce better-credentialed gatekeepers.

The house-cat standard

Any institution that cannot reliably identify an owner, impose a deadline, produce a usable record, implement its own decisions, measure failure, disclose performance, and impose consequences should not be trusted to manage a house cat - much less a child's future.

The public is not required to admire the sophistication of a process that cannot produce a result.

TO JUDGES	An order is not finished because it was signed. It is finished when it can be executed, reviewed, and corrected.
TO LAWYERS	Client loyalty does not authorize tactics whose real product is avoidable child harm, financial exhaustion, or delay.
TO REGULATORS	A closed file is not proof of public confidence. Publish the system's performance.
TO LAWMAKERS	Another study without an owner, deadline, and implementation mechanism is not courage. It is delay with a cover page.
TO ADMINISTRATORS AND VENDORS	When the filing channel blocks a lawful filing, that is not merely a technical defect. It is an access-to-justice failure.

NOT SUGGESTIONS. MINIMUM OPERATING STANDARDS.

MAKE CHILD-IMPACT ACCOUNTABILITY EXECUTABLE.

01

CHILD-IMPACT REMEDY CLOCKS

Classify matters by reversibility of harm. Require prompt triage, defined hearing or review periods, written reasons for delay, automatic supervisory escalation, and periodic review. Deadlines must trigger action, not automatic substantive outcomes.

02

EXECUTABLE ORDERS

Every material order affecting a child must identify the owner, action, start date, deadline, logistics, authorizations, proof of completion, cancellation and make-up rules, fallback procedure, and implementation-review date.

03

AUTOMATIC IMPLEMENTATION REVIEW

Set a brief review within roughly 30 to 45 days, sooner when safety, contact, treatment, education, or records access is at risk. No new motion should be required merely to ask whether the prior order became real.

04

FILING CORRECTION SAFE HARBOR

Preserve the initial submission date when a defect is corrected promptly. After repeated rejection, require trained human review, one complete defect notice, and a usable correction path. Do not make litigants reverse-engineer the portal.

05

MEANINGFUL RECORD ACCESS

When a transcript is unaffordable or unavailable, provide timely audio, a settled statement, reduced-cost transcription, installments, or another reliable substitute. Review cannot be meaningful when the factual record is priced out of reach.

THE RULE

EVERY CLOCK NEEDS A CONSEQUENCE

A missed deadline should produce a written explanation, identified owner, revised completion date, supervisory review, and public aggregate reporting. A deadline without a consequence is a suggestion wearing official formatting.

> The reform test is simple: Did the protected right become real while there was still time to exercise it?

RULES, DATA, OWNERSHIP, AND CONSEQUENCES

STOP MAKING ACCOUNTABILITY OPTIONAL.

06

CHILD-IMPACT PROFESSIONAL ETHICS

Adopt enforceable standards addressing unnecessary delay, disproportionate burden, evidence obstruction, child triangulation, conflict escalation, and tactics used primarily to exhaust another family member. Preserve robust safe harbors for good-faith safety, abuse, constitutional, and evidentiary advocacy.

07

PUBLIC PERFORMANCE DATA

Publish anonymized complaint, disposition, delay, sanction, case-age, enforcement-hearing, temporary-restriction, filing-rejection, and repeat-respondent metrics. Protect private people. Expose system performance.

08

A WHOLE-SEQUENCE OMBUDS OR AUDITOR

Create an independent function that can trace a child-impact matter across institutional boundaries, identify the next owner and deadline, detect conflicting instructions, verify handoffs, and escalate process failure without deciding the underlying merits.

09

AFFIRMATIVE DUTY TO ESCALATE

Require public institutions and regulated professionals to document and escalate recurring child-impact failures through lawful channels. Protect good-faith internal reporting. Silence after repeated notice should affect supervision, evaluation, promotion, assignment, and discipline.

10

A REAL CONSEQUENCE LADDER

Use written correction plans, retraining, audits, fee shifting where lawful, contract remedies, reassignment, public discipline, suspension, removal, or other lawful consequences calibrated to seriousness, recurrence, willfulness, and harm.

NO LOOPHOLE

SAFETY AND DUE PROCESS REMAIN MANDATORY

Accountability must be conduct-specific, evidence-based, and reviewable. No vague labels. No automatic presumptions. No chilling of good-faith abuse reports. No shortcuts disguised as child protection.

> A movement against unaccountable power must not create new unaccountable power.

SIX QUESTIONS EVERY INSTITUTION MUST ANSWER

IF THEY CANNOT ANSWER THESE, THEY ARE MANAGING APPEARANCES.

01
WHO OWNS THE NEXT ACTION?

02
BY WHAT DATE MUST IT BE DONE?

03
WHAT RECORD PROVES COMPLETION?

04
WHAT HAPPENS WHEN THE DEADLINE IS MISSED?

05
WHO REVIEWS THE FAILURE IMMEDIATELY?

06
HOW IS PERFORMANCE REPORTED TO THE PUBLIC?

PUBLIC FUNCTION	MINIMUM OWNER	REQUIRED PROOF	MISSED-DUTY RESPONSE
Child-impact order	Named judge or implementation officer	Completed action, logistics, or written noncompliance finding	Automatic implementation review and corrective order
Rejected filing	Clerk operations plus portal support	Precise defect notice and corrected-status record	Human escalation, relation-back protection, incident tracking
Professional complaint	Assigned regulator	Intake status, disposition category, elapsed time	Supervisory review and aggregate public reporting
Temporary restriction	Named judicial officer	Written basis, review date, current necessity	Prompt evidentiary review and less-restrictive analysis
Records or information access	Agency, provider, school, or court custodian	Access granted, lawful denial, or identified cure	Escalation to accountable supervisor and review channel

> Completion is not "we processed it." Completion is a usable result or a clear, reviewable decision.

THE STANDARD IS NOT PERFECTION. IT IS OWNERSHIP AND CORRECTION.

STOP ASKING CHILDREN TO FINANCE INSTITUTIONAL COMFORT WITH THEIR CHILDHOODS.

Maine does not need another ceremonial review, another task force without a deadline, another report without an owner, or another promise with no consequence.

It needs people in authority who will identify the failure, use their lawful power, document the result, and correct the harm while correction can still matter.

Those who will not do that should step aside for those who will.

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Stand up. Speak out. Bring someone with you.

JUSTICE DELAYED IS JUSTICE DENIED.
CHILDHOOD DELAYED IS CHILDHOOD TAKEN.

"WE'RE DOING THE BEST WE CAN" IS NOT A DEFENSE.

SILENCE IS NOT NEUTRALITY.

PROFESSIONAL COMFORT IS NOT A PUBLIC INTEREST.

AUTHORITY THAT WILL NOT ACT IN TIME IS UNWORTHY OF RETENTION.

MOTIVATION / EVIDENCE / CHANGE

RISE. REVIEW. REFORM. NOT SOMEDAY. BEFORE ANOTHER CHILD'S TEMPORARY HARM BECOMES PERMANENT HISTORY.

WITH WORDS. WITH EVIDENCE. WITH PEACEFUL PUBLIC ACTION.

POLICY BASIS AND FURTHER READING

SOURCE NOTES

1. Constitution of Maine, Article III, Distribution of Powers.
maine.gov/legis/const/

2. 19-A M.R.S. Section 1653, parental rights and responsibilities; best interests; safety and well-being.
legislature.maine.gov/statutes/19-a/title19-Asec1653.html

3. Maine Rules of Professional Conduct, including Rules 3.2, 3.3, 3.4, 4.4, 8.3, and 8.4.
courts.maine.gov/rules/text/mr_prof_conduct_only_2023-09-28.pdf

4. Maine Code of Judicial Conduct, Canon 2 and Rule 2.2.
courts.maine.gov/rules/text/mc_jud_conduct_only_2024-09-23.pdf

5. Maine Board of Overseers of the Bar, regulatory structure and grievance system.
mebaroverseers.org/about/

6. Maine Judicial Branch, Maine eCourts and electronic filing overview.
courts.maine.gov/ecourts/

7. van Dijk et al. (2020), meta-analysis on interparental conflict, parenting, and child adjustment in divorced families.
pubmed.ncbi.nlm.nih.gov/32512420/

8. van Dijk et al. (2022), triangulation and child adjustment after parental divorce.
pubmed.ncbi.nlm.nih.gov/35771503/

9. RISE - Stand up. Speak out. Make change.
rise.jtforme.com/

10. JTforME public initiative and accountability architecture.
jtforme.com/

PUBLICATION BOUNDARY. This edition deliberately excludes private case history, child names, docket-specific allegations, and personal medical or school information. It addresses institutional duties, public-system design, professional accountability, and proposed reform.

This is public-policy commentary and advocacy, not legal advice, an adjudicated finding, enacted law, or an official government publication. Proposed deadlines, oversight structures, and remedies require constitutional, fiscal, safety, and due-process review before enactment.

BRAND. Independent public advocacy by Justin A. Tahai. RISE / REVIEW / REFORM. Words, evidence, and peaceful public action.

STAND UP. SPEAK OUT. RISE.

The next generation cannot wait for someone else.

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