

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

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Legislative Document

No. 1726

S.P. 659

In Senate, December 17, 2003

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### **An Act To Require Criminal History Checks Prior to Placement of Children by the Department of Human Services**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 17, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.

Under suspension of the rules, cosponsored by Representative WALCOTT of Lewiston and Senators: DAMON of Hancock, HALL of Lincoln, MAYO of Sagadahoc, Representatives: CRAVEN of Lewiston, DAVIS of Falmouth, GROSE of Woolwich, MILLS of Farmington, PATRICK of Rumford, SIMPSON of Auburn.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §4010-C** is enacted to read:

6 **§4010-C. Criminal history record check**

8 The department shall ensure that, prior to the placement of  
10 a child who is in the custody or care of the department with a  
12 custodian, foster parent, guardian ad litem, preadoptive parent  
14 or other person responsible for the child, that custodian, foster  
16 parent, guardian ad litem, preadoptive parent or other person  
18 responsible for the child with whom that child is to be placed  
20 has undergone a criminal history record check. A child who is in  
22 the custody or care of the department may not be placed with a  
24 person who has a history of abuse or neglect.

26 **SUMMARY**

28 This bill requires a person with whom a child in the custody  
30 or care of the Department of Human Services is to be placed to  
undergo a criminal history record check. The department is  
responsible for ensuring the completion of the record check. A  
child may not be placed with a person who has a history of abuse  
or neglect, defined in the Maine Revised Statutes, Title 22,  
section 4002, subsection 1 as "a threat to a child's health or  
welfare by physical, mental or emotional injury or impairment,  
sexual abuse or exploitation, deprivation of essential needs or  
lack of protection from these, by a person responsible for the  
child."