MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib

128th MAINE LEGISLATURE

SECOND SPECIAL SESSION-2018

Legislative Document	**No. 1920**
S.P. 754	In Senate, August 30, 2018

An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act

Received by the Secretary of the Senate on August 20, 2018. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KEIM of Oxford. (GOVERNOR'S BILL)

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

2   **Sec. 1. 22 MRSA §4008, sub-§5,** as amended by PL 2015, c. 501, §1, is repealed
3   and the following enacted in its place:

4   **5. Retention of child protective services records; use.** The department may retain
5   child protective services case records created under this chapter. Following a finding of
6   unsubstantiation, the department may not publicly disclose information in the
7   unsubstantiated record, except that information in any record, including an
8   unsubstantiated record, may be admitted into evidence in an administrative or judicial
9   proceeding.

10   **SUMMARY**

11   Current law requires the Department of Health and Human Services to expunge a
12   record of a child protective services case for which there was a finding that the
13   allegations were unsubstantiated after 18 months and prohibits the use of an expunged
14   record for any purpose.

15   This bill allows the department to retain all records created under the Child and
16   Family Services and Child Protection Act. The department may not publicly disclose
17   information in an unsubstantiated record, but may allow information in any record to be
18   introduced into evidence in an administrative or judicial proceeding.