

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2041

H.P. 1452

House of Representatives, January 16, 2020

An Act To Allow Access to and Ensure the Confidentiality of Records of Child Advocacy Centers

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.

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

2 **Sec. 1. 22 MRSA §4019, sub-§9**, as enacted by PL 2013, c. 364, §1, is amended
3 to read:

4 **9. Confidential records.** The files, reports, records, communications and working
5 papers used or developed in providing services under this section are confidential and are
6 not public records for purposes of Title 1, chapter 13, subchapter 1. Information may be
7 disclosed only to the following in order for them to carry out their duties:

8 A. The department, department employees, law enforcement agencies, prosecuting
9 attorneys, medical professionals and other state agencies that provide services to
10 children and families;

11 B. The attorney for a child who is the subject of confidential records; ~~and~~

12 C. A guardian ad litem appointed under section 4005 for a child who is the subject of
13 confidential records; and

14 D. A court on the court's finding that access to the information may be necessary for
15 the determination of an issue before the court. The court may order the department or
16 a law enforcement agency in possession of such information to provide a copy of the
17 information to the court for in camera inspection. If the court determines that the
18 information is necessary for the resolution of the issue, the court may issue a
19 protective order allowing the counsel of record and the clients of the counsel of
20 record to review the information at the court, an office of the department or the law
21 enforcement agency. The court may allow the information to be admitted as
22 evidence under seal.

23 **SUMMARY**

24 This bill allows confidential information related to services provided by a child
25 advocacy center to be disclosed to a court if the court finds the information may be
26 necessary for the determination of an issue before the court. If the court determines the
27 information is necessary for the resolution of the issue, the bill authorizes the court to
28 issue a protective order allowing the counsel of record and the clients of the counsel of
29 record to review the information.