

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 891

S.P. 379

In Senate, March 4, 2025

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**An Act to Exclude Poverty as a Factor When Determining Instances  
of Willful Neglect or Abuse of a Child**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.  
Cosponsored by Representative JAVNER of Chester and  
Senators: BAILEY of York, DUSON of Cumberland, MOORE of Washington,  
Representatives: DRINKWATER of Milford, ROEDER of Bangor.

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

2 **Sec. 1. 22 MRSA §4002, sub-§1**, as amended by PL 2021, c. 176, §1, is further  
3 amended to read:

4 **1. Abuse or neglect.** "Abuse or neglect" means a direct and identifiable threat to a  
5 child's health or welfare by physical, mental or emotional injury or impairment, sexual  
6 abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855 or willful  
7 deprivation of essential needs, or lack of protection from these, by a person responsible for  
8 the child, for reasons other than poverty. "Abuse or neglect" also means truancy under  
9 Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1,  
10 paragraph C or D when truancy is the result of neglect by a person responsible for the child.  
11 "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex  
12 trafficking by any person, regardless of whether or not the person is responsible for the  
13 child.

14 **Sec. 2. 22 MRSA §4002, sub-§1-B, ¶A-1**, as enacted by PL 2001, c. 696, §11, is  
15 amended to read:

16 A-1. The parent refused for 6 months to comply with treatment required in a  
17 reunification plan with regard to the child for reasons other than poverty.

18 **Sec. 3. 22 MRSA §4002, sub-§6**, as corrected by RR 2021, c. 2, Pt. B, §178, is  
19 amended to read:

20 **6. Jeopardy to health or welfare or jeopardy.** "Jeopardy to health or welfare" or  
21 "jeopardy" means serious abuse or neglect, for reasons other than poverty, as evidenced  
22 by:

23 A. Serious harm or threat of serious harm;

24 B. ~~Deprivation~~ Willful deprivation of adequate food, clothing, shelter, supervision or  
25 care for reasons other than poverty;

26 B-1. ~~Deprivation~~ Willful deprivation of necessary health care when the deprivation  
27 places the child in danger of serious harm for reasons other than poverty;

28 B-2. Truancy under Title 20-A, section 3272, subsection 2, paragraph C or section  
29 5051-A, subsection 1, paragraph C or D;

30 C. Abandonment of the child or absence of any person responsible for the child, which  
31 creates a threat of serious harm; or

32 D. The end of voluntary placement, when the imminent return of the child to the child's  
33 custodian causes a threat of serious harm.

34 **Sec. 4. 22 MRSA §4002, sub-§10**, as amended by PL 1985, c. 739, §3, is further  
35 amended to read:

36 **10. Serious harm.** "Serious harm" means:

37 A. Serious, nonaccidental injury;

38 B. Serious mental or emotional injury or impairment ~~which now or in the future~~ that  
39 ~~is likely to be~~ evidenced by serious mental, behavioral or personality disorder,  
40 including severe anxiety, depression or withdrawal, untoward aggressive behavior,

1 seriously delayed development or similar serious dysfunctional behavior, as diagnosed  
2 by a qualified medical provider, and that is the direct result of abuse or willful neglect  
3 for reasons other than poverty; or

4 C. Sexual abuse or exploitation.

5 **Sec. 5. 22 MRSA §4034, sub-§1**, as amended by PL 2015, c. 501, §9, is further  
6 amended to read:

7 **1. Request.** A petitioner may add to a child protection petition a request for a  
8 preliminary protection order or may request a preliminary protection order separately from  
9 the child protection petition. A request for a preliminary protection order must include a  
10 sworn summary of facts to support the request and identify the specific services offered  
11 and provided under section 4036-B, subsection 3 to prevent the removal of the child from  
12 the home, including the specific efforts made, the duration of those efforts and the outcome  
13 of those efforts.

14 **Sec. 6. 22 MRSA §4036-B, sub-§3, ¶A**, as enacted by PL 2003, c. 408, §1, is  
15 amended to read:

16 A. Whether or not the department has made reasonable efforts to prevent the removal  
17 of the child from home, including the specific efforts made, the duration of those efforts  
18 and the outcome of those efforts; and

19 **SUMMARY**

20 This bill amends certain definitions under the Child and Family Services and Child  
21 Protection Act and excludes poverty as a factor in a determination of willful neglect or  
22 abuse of a child. The bill also amends the laws governing preliminary protection order  
23 requests and reasonable efforts to prevent the removal of a child from a home to require  
24 the consideration of specific efforts made, the duration of those efforts and the outcome of  
25 those efforts.