

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1406

H.P. 928

House of Representatives, April 1, 2025

An Act to Amend Certain Definitions in the Child and Family Services and Child Protection Act

(EMERGENCY)

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

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

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.
Cosponsored by Representative: BRENNAN of Portland.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to apply to cases of abuse or neglect of a child or jeopardy to health or welfare of a child as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment; or sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855 or deprivation of essential needs, or lack of protection from these, by a person responsible for the child. "Abuse or neglect" also means serious harm or threat of serious harm by a person responsible for the child due to inadequate care or supervision of the child or deprivation of food, clothing, shelter, education or medical care necessary for the child's health or welfare by that person when that person is financially able to provide food, clothing, shelter, education or medical care necessary for the child's health or welfare or is offered reasonable financial means or other means to do so. "Abuse or neglect" also means truancy under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D when truancy is the result of neglect by a person responsible for the child. "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Sec. 2. 22 MRSA §4002, sub-§6, ¶B, as amended by PL 2021, c. 176, §3, is further amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care by the person responsible for the child when that person is financially able to provide adequate food, clothing, shelter, supervision or care or is offered reasonable financial means or other means to do so;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill changes the definitions of "abuse or neglect" and "jeopardy to health or welfare" in the Child and Family Services and Child Protection Act. It provides that "abuse or neglect" also means serious harm or threat of serious harm by a person responsible for the child due to inadequate care or supervision of the child or deprivation of food, clothing, shelter, education or medical care necessary for the child's health or welfare by that person when that person is financially able to provide food, clothing, shelter, education or medical care necessary for the child's health or welfare or is offered reasonable financial means or

1 other means to do so. It removes from the definition of "abuse or neglect" the lack of
2 protection from specified threats to a child's health or welfare by a person responsible for
3 the child. It provides that "jeopardy to health or welfare" means serious abuse or neglect
4 as evidenced by deprivation of adequate food, clothing, shelter, supervision or care by the
5 person responsible for the child when that person is financially able to provide adequate
6 food, clothing, shelter, supervision or care or is offered reasonable financial means or other
7 means to do so.