## MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

### FIRST REGULAR SESSION - 1989

Legislative Document

No. 1028

H.P. 745

House of Representatives, April 4, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.
Cosponsored by Representative CONLEY of Portland, Senator BRANNIGAN of Cumberland and Representative ANTHONY of South Portland.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Facilitate Treatment of Abused and Neglected Children.



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

#### 22 MRSA §4007, sub-§3-A is enacted to read:

3-A. Report of licensed mental health professional. In any hearing held in connection with a child protection proceeding under this chapter, the written report of a licensed mental health care professional who has treated or evaluated the child shall be admitted as evidence, provided that the party seeking admission of the written report has furnished a copy of the report to all parties 21 days prior to the hearing and unless, by written notice to all parties 14 days prior to the hearing, a party requests that the licensed mental health professional testify as to any relevant matter addressed in the written report. The notice must specify the matters concerning which a party requests testimony.

#### STATEMENT OF FACT

Currently, the Department of Human Services is having difficulty finding therapists to work with children who may be abused or neglected. The purpose of this bill is to encourage therapists to treat abused and neglected children by limiting the circumstances under which therapists will have to spend time in court if a child protection proceeding is initiated.

The bill allows introduction of a therapist's written report without testimony by the therapist. The bill requires that copies of a therapist's report be provided to parties 21 days prior to the hearing in order to encourage resolution of parties' disputes over written reports in advance of the hearing. Thus, the bill aims to limit the instances in which a therapist will be required to appear at the hearing as a witness.

The bill does not allow admission of a therapist's written report without testimony by the therapist when a party has requested, with due notice, that the therapist be present. The notice must specify the matters about which the therapist will be questioned.