

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

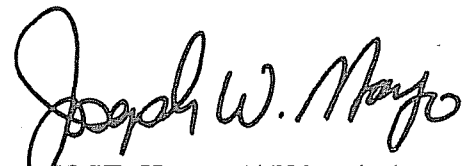
No. 1383

H.P. 1031

House of Representatives, April 30, 1993

An Act to Establish Multidisciplinary Reviews of Child Abuse and Neglect Fatalities and Serious Injuries and to Provide Access to Confidential Information for the Multidisciplinary Reviews.

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PENDEXTER of Scarborough.
Cosponsored by Senator HARRIMAN of Cumberland and
Representative: CARROLL of Gray, Senator: PARADIS of Aroostook.

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

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Sec. 1. 22 MRSA §4004, sub-§1, ¶¶C and D, as enacted by PL 1979, c. 733, §18, are amended to read:

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children; and

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children; and

Sec. 2. 22 MRSA §4004, sub-§1, ¶E is enacted to read:

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures.

Sec. 3. 22 MRSA §4008, sub-§2, ¶E, as amended by PL 1989, c. 118, is further amended to read:

E. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a child, parent or custodian who is the subject of a record, or a member of a panel appointed by the department to review child deaths and serious injuries. This shall include includes a member of a treatment team or group convened to plan for or treat a child or family which that is the subject of a record. This may also include a member of a support team for foster parents, if that team has been reviewed and approved by the department;

Sec. 4. 22 MRSA §4008, sub-§3-A is enacted to read:

3-A. Confidentiality. The proceedings and records of the child death and serious injury review panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commissioner may disclose conclusions of the review panel, but may not disclose

data that is otherwise classified as confidential.

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Sec. 5. 22 MRSA §4021, sub-§1, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

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A. Issue subpoenas requiring persons to disclose or provide to the department information or records in their possession which that are necessary and relevant to an investigation of a report of suspected abuse or neglect ex, to a subsequent child protection proceeding or to a panel appointed by the department to review child deaths and serious injuries.

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(1) The department may apply to the District Court to enforce a subpoena.

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(2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the department; and

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STATEMENT OF FACT

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This bill establishes a panel appointed by the Department of Human Services to review child deaths and serious injuries and allows access to otherwise confidential information in the department's child welfare records. It makes the records of the panel confidential and gives the panel subpoena power.