

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 889

H.P. 639

House of Representatives, February 2, 1999

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### An Act to Increase Public Awareness in Child Protection Cases.

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Submitted by the Department of Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative QUINT of Portland.  
Cosponsored by Representative LOVETT of Scarborough.

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

**Sec. 1. 22 MRSA §4008-A, sub-§1,** as enacted by PL 1997, c. 328, §1, is amended to read:

**1. Disclosure permitted.** Notwithstanding any other provision of law, the commissioner, with the advice of the Attorney General, or the guardian ad litem with the agreement of the commissioner and the Attorney General, may disclose information as set forth in this section regarding the abuse or neglect of a child and the investigation of and any services related to the abuse and neglect if the commissioner determines that such disclosure is not contrary to the best interests of the child, the child's siblings or other children in the household and any one of the following factors is present:

A. The alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the allegation of abuse or neglect maintained by the department;

B. A judge, a law enforcement agency official, a district attorney or another state or local investigative agency or official has publicly disclosed, as required by law in the performance of official duties, the provision of child welfare services or the investigation by child welfare services of the abuse or neglect of the child;

C. An individual who is the parent, custodian or guardian of the victim or a child victim over 14 years of age has made a prior knowing, voluntary, public disclosure; or

D. The child named in the report has died.

**SUMMARY**

This bill allows a guardian ad litem in a child protection case to disclose some details of the case with the consent of the Commissioner of Human Services and the Attorney General.