MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 745

H.P. 590

House of Representatives, February 13, 2001

Millient M. Mac Failand

An Act to Require the Audio Recording of Interviews of Children by the Department of Human Services.

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

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot.

Cosponsored by Representative SHERMAN of Hodgdon, Senator KILKELLY of Lincoln and Representatives: BROOKS of Winterport, DUNLAP of Old Town, ETNIER of Harpswell, JACOBS of Turner, MENDROS of Lewiston, SHIELDS of Auburn, SKOGLUND of St. George, Senator: DAVIS of Piscataquis.

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

Sec. 1. 22 MRSA §4021, sub-§3, ¶D is enacted to read:

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D. The department shall make an audio recording of every interview with a child it conducts or in which it is involved. Information collected from an interview that is not recorded may not be used in a child protective proceeding unless the judge determines that exigent circumstances exist to warrant the use of this information. The department shall provide a copy of the recording of the interview to the child's parent prior to the proceeding in which the information is used.

SUMMARY

This bill requires the Department of Human Services to make an audio recording of all interviews with children subject to child protective proceedings. If a recording is not made, the department can not use the information in a child protective proceeding unless a judge decides that exigent circumstances exist to require the information to be used. The department shall provide the parent of the child a copy of the recording before the proceeding in which the information is used.