

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 602

S.P. 194

February 8, 2007

An Act To Clarify Confidentiality in Child Protective Proceedings

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERRY of Penobscot.
Cosponsored by Senator PLOWMAN of Penobscot.

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

2 **Sec. 1. 22 MRSA §4008, sub-§1**, as amended by PL 2005, c. 300, §2, is further
3 amended to read:

4 **1. Confidentiality of records and information.** All department records that contain
5 personally identifying information and are created or obtained in connection with the
6 department's child protective activities and activities related to a child while in the care or
7 custody of the department, and all information contained in those records, are confidential
8 and subject to release only under the conditions of subsections 2 and 3.

9 Within the department, the records are available only to and may be used only by
10 appropriate departmental personnel and legal counsel for the department in carrying out
11 their functions.

12 Any person who receives department records or information from the department may
13 use the records or information only for the purposes for which that release was intended.
14 ~~A person, including, but not limited to, a child, parent, custodian or subject of a record,~~
15 ~~may not further disseminate any record or information that person receives from the~~
16 ~~department unless the dissemination is otherwise allowed by law.~~

17 **Sec. 2. 22 MRSA §4008, sub-§2, ¶D-1**, as enacted by PL 2005, c. 300, §4, is
18 repealed.

19 **Sec. 3. 22 MRSA §4008, sub-§3, ¶A-2** is enacted to read:

20 A-2. Upon request, a parent, custodian or caretaker or legal guardian of a child who
21 is the subject of the records or information, with protection for identity of reporters
22 and other persons when appropriate;

23 **Sec. 4. 22 MRSA §4008, sub-§3, ¶I**, as enacted by PL 2003, c. 673, Pt. Z, §4, is
24 amended to read:

25 I. Any government entity that needs such information in order to carry out its
26 responsibilities under law to protect children from abuse and neglect. For purposes
27 of this paragraph, "government entity" means a federal entity, a state entity of any
28 state, a local government entity of any state or locality or an agent of a federal, state
29 or local government entity; and

30 **Sec. 5. 22 MRSA §4008, sub-§3, ¶J**, as enacted by PL 2003, c. 673, Pt. Z, §4, is
31 amended to read:

32 J. To a juvenile court when the child who is the subject of the records has been
33 brought before the court pursuant to Title 15, Part 6; and

34 **Sec. 6. 22 MRSA §4008, sub-§3, ¶K** is enacted to read:

35 K. Upon written request and signed release from the parent, custodian, caretaker or
36 legal guardian, to any person designated in the release. This includes authorization to
37 disclose written information regarding the case and to discuss the case orally.

