

MAINE STATE LEGISLATURE

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No. 1501

H.P. 1051

House of Representatives, March 19, 2007

An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Representatives: CONNOR of Kennebunk, SIMPSON of Auburn.

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

2 **Sec. 1. 22 MRSA §4021, sub-§3, ¶C,** as enacted by PL 1981, c. 369, §10, is
3 amended to read:

4 ~~C. School~~ Upon the request of a department employee, school officials shall permit
5 the department to meet with and interview the child ~~during school hours, if the~~
6 ~~interview is necessary to carry out the department's duties under this chapter~~ when the
7 child is present at the school.

8 (1) School officials may require that the department employee requesting to
9 interview the child provide a written certification that in the department's
10 judgment the interview is necessary to carry out the department's duties under
11 this chapter.

12 (2) In order for the department to be able to conduct interviews in a manner
13 consistent with good forensic practice, except as provided in subparagraph (1),
14 school officials may not place any conditions on the department's ability to
15 conduct the interview. Without limiting the generality of this subparagraph,
16 school officials are specifically prohibited from:

17 (a) Requiring that certain persons be present during the interview;

18 (b) Prohibiting certain persons from being present during the interview; and

19 (c) Requiring notice to or consent from a parent.

20 (3) School officials shall provide an appropriate, quiet and private place for the
21 interview to occur.

22 (4) That the department intends to interview the child is confidential information
23 and may not be disclosed to any person except those school officials, including
24 an attorney for the school, who need the information to comply with the
25 provisions of this paragraph.

26 (5) School personnel who assist the department in making the child available for
27 the interview or who otherwise comply with this paragraph are "participating in a
28 related child protection investigation or proceeding" for purposes of section 4014.

29 Violation of this paragraph subjects any person involved in the violation, including
30 individual school personnel, to the penalty provided in section 4009. This section
31 does not apply to out-of-home abuse and neglect allegations as covered under section
32 4088.

33 **SUMMARY**

34 This bill clarifies that the Department of Health and Human Services may, upon
35 request, interview a child at a school if necessary to carry out the department's child
36 protection activities, and that school officials must cooperate with the conduct of such an
37 interview under penalty of law.