

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1864

S.P. 677

April 24, 2007

### **An Act To Prevent Disclosure of Certain Identifying Information in Child Protective Proceedings**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HOBBS of York.

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

2         **Sec. 1. 22 MRSA §4007, sub-§1-A** is enacted to read:

3         **1-A. Nondisclosure of certain identifying information.** This subsection governs  
4         the disclosure of certain identifying information.

5             A. At each proceeding, the court shall inquire whether there are any court orders in  
6             effect at the time of the proceeding that prohibit contact between the parties and  
7             participants. If such an order is in effect at the time of the proceeding, the court shall  
8             keep records that pertain to the protected person's current or intended address or  
9             location confidential, subject to disclosure only as authorized in this section. Any  
10            records in the file that contain such information must be sealed by the clerk and not  
11            disclosed to other parties or their attorneys or authorized agents unless the court  
12            orders the disclosure to be made after a hearing in which the court takes into  
13            consideration the health, safety or liberty of the protected person and determines that  
14            the disclosure is in the interests of justice.

15            B. If, at any stage of the proceedings, a party or a participant alleges in an affidavit  
16            or a pleading under oath that the health, safety or liberty of the person would be  
17            jeopardized by disclosure of information pertaining to the person's current or  
18            intended address or location, the court shall keep records that contain the information  
19            confidential, subject to disclosure only as authorized in this section. Upon receipt of  
20            the affidavit or pleading, the records in the file that contain such information must be  
21            sealed by the clerk and not disclosed to other parties or participants or their attorneys  
22            or authorized agents unless the court orders the disclosure to be made after a hearing  
23            in which the court takes into consideration the health, safety or liberty of the person  
24            seeking protection and determines that the disclosure is in the interests of justice.

25            C. If the current or intended address or location of a party or participant is required  
26            to be kept confidential under paragraph A or B, and the current or intended address or  
27            location of that person is a material fact necessary to the proceeding, the court shall  
28            hear the evidence outside of the presence of the person and the person's attorney  
29            from whom the information is being kept confidential unless the court determines  
30            after a hearing that takes into consideration the health, safety or liberty of the  
31            protected person that the exclusion of the party or participant is not in the interests of  
32            justice. If such evidence is taken outside the presence of a party or participant, the  
33            court shall take measures to prevent the excluded person and the person's attorney  
34            from accessing the recorded information and the information must be redacted in  
35            printed transcripts.

36            D. Records that are required to be maintained by the court as confidential under this  
37            subsection may be disclosed to:

38                 (1) A state agency if necessary to carry out the statutory function of that agency;

39                 (2) A guardian ad litem appointed to the case; or

40                 (3) A criminal justice agency, as defined by Title 16, section 611, if necessary to  
41                 carry out the administration of criminal justice or the administration of juvenile  
42                 justice, and such disclosure is otherwise permitted pursuant to section 4008.

In making such disclosure, the court shall order the party receiving the information to maintain the information as confidential.

## SUMMARY

This bill requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information.