

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2161

S.P. 828

January 17, 2008

An Act To Clarify Confidentiality in Child Protective Proceedings

(EMERGENCY)

Reported by Senator HOBBS of York for the Joint Standing Committee on Judiciary pursuant to Joint Order 2008, S.P. 820.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** legislation that was enacted by Public Law 2007, chapter 335 will take
4 effect February 1, 2008; and

5 **Whereas,** if the legislation takes effect, the State may be in violation of federal
6 requirements pertaining to confidentiality provisions in the child protective laws; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 22 MRSA §4008, sub-§3, ¶A-2,** as enacted by PL 2007, c. 335, §2 and
13 affected by §5, is repealed.

14 **Sec. 2. 22 MRSA §4008, sub-§7,** as enacted by PL 2007, c. 335, §3 and affected
15 by §5, is repealed.

16 **Sec. 3. PL 2007, c. 335, §1** is repealed.

17 **Emergency clause.** In view of the emergency cited in the preamble, this
18 legislation takes effect February 1, 2008.

19 **SUMMARY**

20 The bill removes language enacted last session due to take effect February 1, 2008
21 that may violate federal confidentiality provisions. That language allows a parent or legal
22 guardian to release information to any person if disclosure is intended to contribute to the
23 person's understanding of the action being taken or the person's request for advocacy and
24 support in a child protective action. This bill takes effect February 1, 2008 to match the
25 effective date of Public Law 2007, chapter 335.