

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1602

S.P. 609

In Senate, December 18, 2009

An Act To Clarify the Child Abuse or Neglect Substantiation Process

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 18, 2009. Referred to the Committee
on Health and Human Services pursuant to Joint Rule 308.2 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 HASTINGS of Oxford.

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

2 **Sec. 1. 22 MRSA §4004, sub-§2, ¶C,** as amended by PL 2001, c. 559, Pt. CC,
3 §1, is repealed.

4 **Sec. 2. 22 MRSA §4004, sub-§2, ¶C-1** is enacted to read:

5 C-1. Determine in each case investigated under paragraph B whether or not a child
6 has been harmed and the degree of harm or threatened harm by a person responsible
7 for the care of that child by deciding whether allegations are unsubstantiated,
8 indicated or substantiated. Each allegation must be considered separately and may
9 result in a combination of findings.

10 The department shall adopt rules that define "unsubstantiated," "indicated" and
11 "substantiated" findings for the purposes of this paragraph and that specify an
12 individual's rights to appeal the department's findings. Rules adopted pursuant to this
13 paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-
14 A;

15 **SUMMARY**

16 This bill makes it explicit that the Department of Health and Human Services has
17 authority to make findings as a result of allegations against the parents or caregivers
18 regarding whether or not a child has been abused or neglected.