

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1244

H.P. 878

House of Representatives, March 27, 2013

**An Act To Require Child Protective Services To Screen Parents of
Newborn Infants**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAMANN of South Portland.
Cosponsored by Representatives: DORNEY of Norridgewock, MALABY of Hancock,
SANBORN of Gorham.

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,** children born to parents who have had parental rights terminated by the
4 State may be at risk, and the Department of Health and Human Services could take
5 appropriate action to prevent harm to them; and

6 **Whereas,** it is imperative that this legislation take effect immediately to prevent
7 harm to the vulnerable newborn children of those parents; and

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

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

13 **Sec. 1. 22 MRSA §2761-D** is enacted to read:

14 **§2761-D. Disclosure of birth information to the department**

15 When a live birth occurs in a hospital or an institution, or en route to the hospital or
16 institution, the person in charge of the hospital or institution or the person's authorized
17 designee shall transmit electronically the same certificate from the hospital provided
18 pursuant to section 2761, subsection 1 at the same time to the department for
19 identification of any prior termination of parental rights by either of the parents.

20 **Sec. 2. 22 MRSA §4004, sub-§2, ¶F,** as amended by PL 2007, c. 586, §8, is
21 further amended to read:

22 F. File a petition under section 4032 if, after investigation, the department
23 determines that a child is in immediate risk of serious harm or in jeopardy as defined
24 in this chapter; ~~and~~

25 **Sec. 3. 22 MRSA §4004, sub-§2, ¶G,** as enacted by PL 2007, c. 586, §9, is
26 amended to read:

27 G. In the case of a suspicious child death, determine:

28 (1) Whether abuse or neglect was a cause or factor contributing to the child's
29 death; and

30 (2) The degree of threatened harm to any other child for whom the person or
31 persons responsible for the deceased child may be responsible now or in the
32 future; and

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

34 H. Identify if either parent of a newborn child has had parental rights terminated
35 using the birth information provided by the hospital at which the birth occurred
36 pursuant to section 2761-D within 24 hours of receiving the electronic certificate.

