

MAINE STATE LEGISLATURE

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L.D. 1920

Date: 8/30/18

(Filing No. S-546)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 754, L.D. 1920, Bill, "An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §4008, sub-§5, as amended by PL 2015, c. 501, §1, is further amended to read:

5. Retention of unsubstantiated child protective services records. Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than ~~18 months~~ 5 years following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the ~~18-month~~ 5-year retention period. An expunged record or unsubstantiated record that should have been expunged under this subsection may not be used for any purpose, including admission into evidence in any administrative or judicial proceeding. ~~Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.~~

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. It increases the time for retention of unsubstantiated child protective services case records to no more than 5 years.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 08/28/18 *mac*

128th MAINE LEGISLATURE

LD 1920

LR 3077(02)

An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to retain unsubstantiated child protective service records for 5 years, as opposed to the current 18 months, are expected to be minor and can be absorbed within existing budgeted resources.