

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 409

H.P. 318

House of Representatives, January 29, 2019

An Act To Allow Fair Access to Child Advocacy Center Records

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: BAILEY of Saco, DUNPHY of Old Town, HARNETT of Gardiner.

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

2 **Sec. 1. 22 MRSA §4019, sub-§9**, as enacted by PL 2013, c. 364, §1, is amended
3 to read:

4 **9. Confidential records.** The files, reports, records, communications and working
5 papers used or developed in providing services under this section are confidential and are
6 not public records for purposes of Title 1, chapter 13, subchapter 1. Information may be
7 disclosed only to the following in order for them to carry out their duties:

8 A. The department, department employees, law enforcement agencies, prosecuting
9 attorneys, medical professionals and other state agencies that provide services to
10 children and families;

11 B. The attorney for a child who is the subject of confidential records; ~~and~~

12 C. A guardian ad litem appointed under section 4005 for a child who is the subject of
13 confidential records;;

14 D. An attorney representing a person charged with committing a crime related to an
15 allegation of child sexual abuse or other child abuse and neglect against a child who
16 is the subject of confidential records; and

17 E. An attorney in a child protection proceeding representing a parent of a child who
18 is the subject of confidential records.

19 **SUMMARY**

20 This bill allows confidential information related to services provided by a child
21 advocacy center established pursuant to the Maine Revised Statutes, Title 22, section
22 4019 to be disclosed to an attorney representing a person charged with committing a
23 crime related to an allegation of child sexual abuse or other child abuse and neglect
24 against a child who is the subject of confidential records and an attorney in a child
25 protection proceeding representing a parent of a child who is the subject of confidential
26 records.