

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify the Child Abuse or Neglect Substantiation Process**

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

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 CC, §1, is repealed.

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

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

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

### **SUMMARY**

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