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Public Law
123rd Legislature
First Regular Session

Chapter 335
S.P. 194 - L.D. 602

An Act To Clarify Confidentiality in Child Protective Proceedings

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

Sec. 1. 22 MRSA §4008, sub-§1, as amended by PL 2005, c. 300, §2, is further amended to read:

1. Confidentiality of records and information. All department records that contain personally identifying information and are created or obtained in connection with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in those records, are confidential and subject to release only under the conditions of subsections 2 and 3.

Within the department, the records are available only to and may be used only by appropriate departmental personnel and legal counsel for the department in carrying out their functions.

Any person who receives department records or information from the department may use the records or information only for the purposes for which that release was intended and may not further disseminate that information. A person, including, but not limited to, a child, parent, custodian or subject of a record; may not further disseminate any record or information that person receives from the department unless the dissemination is otherwise allowed by law intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protective action. This prohibition of dissemination is limited to information gained through the department.

Sec. 2. 22 MRSA §4008, sub-§3, ¶A-2 is enacted to read:

A-2. Upon request, a parent or legal guardian of a child who is the subject of the records or information, with protection for identity of reporters and other persons when appropriate;

Sec. 3. 22 MRSA §4008, sub-§7 is enacted to read:

7. Release of information by parent or legal guardian. Notwithstanding any provision of law to the contrary, a parent or legal guardian of a child may release to any person information that is intended to contribute to that person's understanding of the action being taken or request for advocacy

and support in the current child protection action. The recipient of any information in the record may not further disseminate or disclose the information. This prohibition of dissemination is limited to information gained through the department.

Sec. 4. Submission of Maine State Plan. The Commissioner of Health and Human Services shall submit for approval the amended Maine State Plan, containing the provisions of this Act, as required by 42 United States Code, Section 671 and Section 5106a and 45 Code of Federal Regulations, Section 1340.14, to the United States Department of Health and Human Services, Administration for Children and Families, Office of Regional Operations, pursuant to 45 Code of Federal Regulations, Section 1356.20. The commissioner shall report by January 1, 2008 to the Joint Standing Committee on Judiciary whether the United States Department of Health and Human Services, Administration for Children and Families, Office of Regional Operations has approved the plan pursuant to 45 Code of Federal Regulations, Section 1356.20.

Sec. 5. Effective date. This Act takes effect February 1, 2008, except that section 4 of this Act, relating to the Maine State Plan, takes effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Effective February 1, 2008, unless otherwise indicated.