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An Act To Clarify Confidentiality in Child Protective Proceedings

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislation that was enacted by Public Law 2007, chapter 335 will take effect February 1, 2008; and

Whereas, if the legislation takes effect, the State may be in violation of federal requirements pertaining to confidentiality provisions in the child protective laws; and

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

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

Sec. 1. 22 MRSA §4008, sub-§3, ¶A-2, as enacted by PL 2007, c. 335, §2 and affected by §5, is repealed.

Sec. 2. 22 MRSA §4008, sub-§7, as enacted by PL 2007, c. 335, §3 and affected by §5, is repealed.

Sec. 3. PL 2007, c. 335, §1 is repealed.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect February 1, 2008.

SUMMARY

The bill removes language enacted last session due to take effect February 1, 2008 that may violate federal confidentiality provisions. That language allows a parent or legal guardian to release information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in a child protective action. This bill takes effect February 1, 2008 to match the effective date of Public Law 2007, chapter 335.