

APPROVED  
SEPTEMBER 7, 2018  
BY GOVERNOR

CHAPTER  
472  
PUBLIC LAW

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

—  
S.P. 754 - L.D. 1920

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

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

**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.~~