

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
S.P. 888 - L.D. 2095

An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs

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

Whereas, the State can assist the United States Department of Defense in its mission to protect children of military families from abuse or neglect by identifying as military personnel a person alleged to have committed abuse or neglect of a child and reporting the allegation to a military family advocacy program when an investigation has been initiated; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so the Department of Health and Human Services can immediately begin negotiating memoranda of understanding with military family advocacy programs at military installations in the State with respect to child abuse and neglect investigations; 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 §4004, sub-§2, ¶F, as amended by PL 2007, c. 586, §8, is further amended to read:

F. File a petition under section 4032 if, after investigation, the department determines that a child is in immediate risk of serious harm or in jeopardy as defined in this chapter; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§2, ¶G, as enacted by PL 2007, c. 586, §9, is amended by amending subparagraph (2) to read:

(2) The degree of threatened harm to any other child for whom the person or persons responsible for the deceased child may be responsible now or in the future; and

Sec. 3. 22 MRSA §4004, sub-§2, ¶H is enacted to read:

H. If an allegation of abuse or neglect against a parent or legal guardian of the child is investigated, collect information concerning the military status of the parent or legal guardian who is the subject of the allegation and share information about the allegation with the appropriate military authorities.

Sec. 4. 22 MRSA §4008-A, sub-§6 is enacted to read:

6. Military family advocacy program. Notwithstanding any provision of law to the contrary, the department shall negotiate a memorandum of understanding with the military family advocacy program at a military installation, as defined in Title 20-A, section 20102, subsection 11, with respect to child abuse and neglect investigations. The memorandum of understanding must establish procedures and protocols for:

A. Identifying as military personnel a parent or legal guardian alleged to have committed abuse or neglect of a child;

B. Reporting to a military family advocacy program when a child abuse and neglect investigation implicating military personnel has been initiated; and

C. Maintaining confidentiality requirements under state and federal law.

For the purposes of this subsection, "military family advocacy program" means the program established by the United States Department of Defense and provided at a military installation to address child abuse and neglect in military families.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.