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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Sec. 1. 22 MRSA §4008, sub-§5, as amended by PL 2015, c. 501, §1, is repealed and the following enacted in its place:

5. Retention of child protective services records; use. The department may retain child protective services case records created under this chapter. Following a finding of unsubstantiation, the department may not publicly disclose information in the unsubstantiated record, except that information in any record, including an unsubstantiated record, may be admitted into evidence in an administrative or judicial proceeding.

SUMMARY

Current law requires the Department of Health and Human Services to expunge a record of a child protective services case for which there was a finding that the allegations were unsubstantiated after 18 months and prohibits the use of an expunged record for any purpose.

This bill allows the department to retain all records created under the Child and Family Services and Child Protection Act. The department may not publicly disclose information in an unsubstantiated record, but may allow information in any record to be introduced into evidence in an administrative or judicial proceeding.