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No. 1497

H.P. 1020

House of Representatives, December 23, 2015

An Act To Align the Child and Family Services and Child Protection Act with the Federal Preventing Sex Trafficking and Strengthening Families Act

(EMERGENCY)

Submitted by the Department of Health and Human Services pursuant to Joint Rule 203. Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator VOLK of Cumberland and
Representatives: BEAVERS of South Berwick, FOLEY of Wells, LAJOIE of Lewiston,
MAKER of Calais, WHITE of Washburn.

3 4 5	Whereas, federal law requires Maine to enact changes to state law in compliance with the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183; and
6 7	Whereas, Maine's Child and Family Services and Child Protection Act is out of compliance with Public Law 113-183; and
8 9 10	Whereas, it is necessary for Maine to have authority to provide child welfare services for the protection of children and families prior to the expiration of the 90-day period; and
11 12 13 14	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,
15	Be it enacted by the People of the State of Maine as follows:
16 17	Sec. 1. 22 MRSA §4008, sub-§3, ¶K, as amended by PL 2013, c. 293, §2, is further amended to read:
18 19	K. A relative or other person whom the department is investigating for possible custody or placement of the child; and
20 21	Sec. 2. 22 MRSA §4008, sub-§3, ¶L, as enacted by PL 2013, c. 293, §3, is amended to read:
22 23 24 25 26 27	L. To a licensing board of a mandated reporter, in the case of a mandated reporter under section 4011-A, subsection 1 who appears from the record or relevant circumstances to have failed to make a required report. Any information disclosed by the department personally identifying a licensee's client or patient remains confidential and may be used only in a proceeding as provided by Title 5, section 9057, subsection 6-; and
28	Sec. 3. 22 MRSA §4008, sub-§3, ¶M is enacted to read:
29 30 31 32 33 34	M. Law enforcement authorities for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children operated pursuant to 42 United States Code, Section 5773(b). Information disclosed pursuant to this paragraph is limited to information on missing or abducted children or youth that is required to be disclosed pursuant to 42 United States Code, Section 671(a)(35)(B). Sec. 4. 22 MRSA §4036-B, sub-§3-A, as enacted by PL 2011, c. 402, §4, is
36	amended to read:

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

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3-A. Notification to relatives. Except as required by family or domestic violence safety precautions, the department shall exercise due diligence to identify and provide notice to all known grandparents and other adult relatives, within 30 days after the removal of a child from the custody of a parent or custodian, to the following relatives: all grandparents; all parents of a sibling of the child who have legal custody of the sibling; and other adult relatives of the child, including any other adult relatives suggested by the parents. For the purposes of this subsection, "sibling" includes an individual who would have been considered a sibling of the child but for a termination or other disruption of parental rights, such as the death of a parent. Failure to comply with this provision does not affect service on a parent or custodian.

Sec. 5. 22 MRSA §4038-B, sub-§4, ¶C, as enacted by PL 2005, c. 372, §6, is amended to read:

C. In the case of a child who is 16 14 years of age or older, the permanency plan must determine the services needed to assist the child to make the transition from foster care to independent living.

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

18 SUMMARY

This bill amends the Child and Family Services and Child Protection Act to comply with the federal Preventing Sex Trafficking and Strengthening Families Act. The bill requires the Department of Health and Human Services to disclose certain information on missing or abducted children or youth to the National Crime Information Center database of the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children and to provide notification of the removal of a child from the custody of a parent or custodian to all parents of a sibling of the child who have legal custody of the sibling. The bill also requires that permanency plans for children who are 14 years of age and older must determine the services needed to assist the children to make the transition from foster care to independent living.