

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SIXTEEN

—  
H.P. 1020 - L.D. 1497

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

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

**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

**Whereas,** Maine's Child and Family Services and Child Protection Act is out of compliance with Public Law 113-183; and

**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

**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, ¶K,** as amended by PL 2013, c. 293, §2, is further amended to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child; ~~and~~

**Sec. 2. 22 MRSA §4008, sub-§3, ¶L,** as enacted by PL 2013, c. 293, §3, is amended to read:

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

**Sec. 3. 22 MRSA §4008, sub-§3, ¶M** is enacted to read:

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 amended to read:

**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.