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Testimony of the Choose Office
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

Neither for nor against LD 1922, *An Act to Support Workforce Development for Families That Were Involved in Child Protective Activities by Requiring the Sealing of Certain Records*

Sponsor: Representative Meyer
Hearing Date: January 27, 2026

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services. My name is Bobbi Johnson, and I serve as the Director of the Office of Child and Family Services (OCFS) in the Maine Department of Health and Human Services and I am here today to testify neither for nor against LD 1922, *An Act to Support Workforce Development for Families That Were Involved in Child Protective Activities by Requiring the Sealing of Certain Records*.

LD 1922 would require that OCFS seal (i.e. make inaccessible to the public but retain by the Department for internal use) certain child protection records. Specifically, for substantiated investigations the Department would be required to seal the record 3 years after the date the report was received if the child was not removed from the home and the individual has not been indicated or substantiated in those interceding 3 years. If a child is removed from the home, the record must be sealed 3 years from the date the child was removed or 5 years from the date of the report, whichever occurs first (and provided the individual has not been indicated or substantiated in the interceding years). LD 1922 would prohibit the sealing of records in situations involving child fatality, sexual abuse, sex trafficking, or serious physical injury.

OCFS strongly supports the intent of this bill, which aligns with our ongoing efforts to update rules regarding the disclosure of substantiated findings in child protection background checks after a period where there is no further child protective services involvement. One of the core tenets of our work is that people can and do change. This is clearly demonstrated in our efforts to support parents in rehabilitation and reunification, which is the goal in nearly all child protective cases.

However, we cannot support the bill at this time. First, it is not technically required, as OCFS can achieve this goal through rulemaking. Furthermore, current statute (22 MRSA §4008) does not speak to the background check process except to provide an exception to the confidentiality of child protective records to allow disclosure of these records for the purpose of conducting a background screening of an individual.

OCFS also has concerns regarding the timeframes outlined in LD 1922. While stakeholders

generally support allowing individuals with past child protection involvement to clear their names for roles in child care and residential care, opinions differ on the timeframe and specific process—specifically, whether it should be automatic or based on a request for a review measured against set criteria. While OCFS does not fundamentally oppose an automatic process, the fiscal note for this bill indicates a need for 12 additional staff positions in the Background Check Unit to manage the required workload, highlighting significant resource implications.

OCFS recognizes the profound impact that findings have on families and is dedicated to finding a pathway to clear background checks for those who have made changes in their life that address past issues related to child safety. We respectfully request that the Committee allow the Department to proceed with current stakeholder engagement, rulemaking, and strategic initiatives. We remain committed to balancing individual rights with the safety of children in settings such as child care programs and children's residential care facilities, while creating a feasible process within current resources.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.