

Testimony of Melissa Hackett  
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In support of LD 2105, An Act to Update Maine's Mandated Reporting Laws  
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Senator Ingwersen, Representative Meyer, and esteemed members of the committee. My name is Melissa Hackett, and I am a Policy Associate with the Maine Children's Alliance and the Coordinator for the Maine Child Welfare Action Network. I am testifying in strong support of this legislation.

Since July 2024, MCWAN has been working in partnership with OCFS in a Mandated Reporting and Community Support for Families initiative. This was developed in response to significant feedback from community partners that we should strengthen mandated reporting laws and processes as part of our efforts to keep children safe by keeping families strong. This initiative includes work and steering groups, with representation across mandated reporter types, parents, and state agency and community providers. The groups chose to focus on three topics: 1) how we define child abuse and neglect (particularly related to poverty); 2) mandated reporting laws and processes; and 3) community pathways of support for families. Last session, the group initiated legislation – that you all supported and is now law - that clarified that poverty was not neglect. We then turned to mandated reporting.

The proposed changes are the result of a multi-year review of how mandated reporting functions – not just in policy, but in practice. Through focus groups and facilitated discussions, we brought together child welfare intake and field staff, mandated reporters, trainers, and parents. More than 900 mandated reporters shared their experiences in a statewide survey, and child welfare data was examined to understand patterns in reporting, screening and family impact. We also engaged national experts and peer learning with other states to learn from comparable reforms elsewhere. This led to a shared, evidence-informed approach to strengthening child safety while reducing administrative obstacles.

I'd like to walk you through the rationale for the changes proposed in this bill.

### **Clarifying Mandated Reporting Requirements**

First, the bill clarifies mandated reporting requirements by replacing a long and inconsistent list of professions with a clearer, more enforceable definition of who is required to report concerns of child abuse or neglect. During our review process, stakeholders raised concerns that the existing list created confusion about who is legally

required to report and when. Rather than continuing to revise and edit a profession-by-profession list of mandated reporters, this bill defines reporters based on the nature of their professional role – specifically, someone who, in the normal course of their professional duties, regularly interacts with children and persons responsible for children.

### **Aligning Accountability and Effective Reporting Practices**

Evidence suggests that criminal penalties for failure to report actually lead to defensive over-reporting rather than careful assessment of risk, which then strains child welfare systems, without improving child safety. This bill will eliminate the civil penalty for failure to report to align with emphasizing consistent, appropriate reporting. The change shifts accountability toward clearer reporting standards and licensure.

### **Clarifying Reporting Timelines to Strengthen Urgency and Accountability**

The bill replaces the term “immediately,” with a clear reporting timeframe of “within 48 hours.” While “immediately” signals urgency, it has led to inconsistent interpretation and practice. Establishing a clear 48-hour standard preserves expectation of prompt reporting while providing an enforceable definition of prompt action. It also balances promptness of reporting with ensuring mandated reporters have sufficient time to seek consultation, or gather information, that supports quality decision-making and reporting.

### **Clarifying Responsibility for Making a Report**

Another proposed change is that the individual with firsthand knowledge of suspected abuse or neglect make the report directly, rather than transferring that responsibility to a designated agent within an organization.

Under current law, organizations may identify “designated agents” to submit reports, even when they do not have direct knowledge of the concern. Intake staff and mandated reporter trainers consistently noted that this practice can delay screening and response, as intake must often follow up with several people to gather sufficient information. These delays create safety risks for children.

This change clarifies responsibility, reduces lag time, and ensures that reports include the most direct and complete information available. It also resolves a significant source of confusion for mandated reporters: even under the current law, the duty to report is an individual one, meaning that even after the person with the information transfers it to a designated agent to make the report, they are still personally responsible for making sure the report is made. The trainers told us mandated reporters are often not aware of this, leaving them more exposed to liability if a report is not made when they assumed it was.

Requiring the person with firsthand knowledge to make the report simplifies and clarifies this process. Reporting suspected child abuse or neglect is a serious responsibility; it warrants the time and care of the professional who holds concern to ensure child welfare can respond appropriately.

### **Directing Reports to Child Welfare**

Another proposed change is to direct all reports of suspected abuse or neglect to child welfare. This change is also to clarify and streamline the reporting process. Currently the focus of child welfare response is for child abuse and neglect where the person responsible for the child is suspected; while the District Attorneys are responsible for responding in instances where the person alleged is not responsible for the child. Generally, reporters are not aware of this distinction, so are already making those reports to child welfare, who is then passing along the reports as appropriate to the DAs. This change simply aligns the statute with what is already common practice.

### **Increasing Frequency of Mandated Reporter Training**

Importantly, a final proposed change in the bill would increase the frequency of the mandated reporter training, recognizing the importance of ongoing and frequent opportunities to educate and support mandated reporters. Research shows that regular training improves confidence in reporting. Mandated reporters in Maine strongly underscored this. Given how complex accurate identification and appropriate reporting of suspected child abuse and neglect is, it is essential that we provide education, respond to challenges, and help them to see themselves not only as mandated reporters, but as family supporters.

We deeply appreciate the work of the state and community partners who have contributed to these efforts already, and to the broader work to strengthen mandated reporting and community support for families. Taken together, we believe these changes will clarify responsibility, reduce delays, and strengthen child safety.

Thank you, and I would deeply welcome any questions.