

§26205. Access to personnel, files, records and facilities; confidentiality

When necessary to fulfill its duties as described in this chapter, the office has access to files, records, personnel and facilities as described in this section. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

1. Access to Department of Health and Human Services and certain facilities and residential programs. Access by the office to the Department of Health and Human Services and facilities and residential programs serving children is governed by this subsection.

A. The office has access, for which a fee may not be imposed, to files and records of the Department of Health and Human Services and to the personnel of the department for the purposes of an investigation of a complaint or for a case-specific review. The office may also enter the premises of the department for the purposes of investigation of a complaint or case-specific review without prior notice. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

B. The office may visit facilities and residential programs serving children. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

C. Information obtained by the office under this subsection is confidential. Disclosure may be made as allowed or required in accordance with the provisions of Title 22, section 4008, subsections 2 and 3. Unlawful dissemination is subject to the provisions of Title 22, section 4008, subsection 4. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

[PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

2. Access to Department of Corrections. Access by the office to the Department of Corrections is governed by this subsection.

A. The Child Advocate has access, for which a fee may not be imposed, to information regarding juveniles, subject to the limitations specified in Title 34-A, section 1216, held by the Department of Corrections, except that juvenile intelligence and investigative record information remains subject to Title 15, section 3308-A and personnel records remain subject to section 7070. The Child Advocate may also enter the premises of the department for the purposes of investigation of an inquiry or complaint without prior notice as long as such entry does not create a safety and security concern. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

B. Information obtained under this subsection is confidential. Disclosure may be made as allowed under Title 34-A, section 1216 and Title 15, section 3308-A. Unlawful dissemination is subject to the provisions of Title 34-A, section 1216, subsection 3. [PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

[PL 2025, c. 724, §3 (NEW); PL 2025, c. 724, §13 (AFF).]

SECTION HISTORY

PL 2025, c. 724, §3 (NEW). PL 2025, c. 724, §13 (AFF).

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