



128th MAINE LEGISLATURE

SECOND SPECIAL SESSION-2018

Legislative Document

No. 1920

S.P. 754

In Senate, August 30, 2018

**An Act To Modify the Expungement Requirements for Records
under the Child and Family Services and Child Protection Act**

Received by the Secretary of the Senate on August 20, 2018. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KEIM of Oxford. (GOVERNOR'S BILL)

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4008, sub-§5**, as amended by PL 2015, c. 501, §1, is repealed
3 and the following enacted in its place:

4 **5. Retention of child protective services records; use.** The department may retain
5 child protective services case records created under this chapter. Following a finding of
6 unsubstantiation, the department may not publicly disclose information in the
7 unsubstantiated record, except that information in any record, including an
8 unsubstantiated record, may be admitted into evidence in an administrative or judicial
9 proceeding.

10 **SUMMARY**

11 Current law requires the Department of Health and Human Services to expunge a
12 record of a child protective services case for which there was a finding that the
13 allegations were unsubstantiated after 18 months and prohibits the use of an expunged
14 record for any purpose.

15 This bill allows the department to retain all records created under the Child and
16 Family Services and Child Protection Act. The department may not publicly disclose
17 information in an unsubstantiated record, but may allow information in any record to be
18 introduced into evidence in an administrative or judicial proceeding.