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Legislative Document

No. 1244

H.P. 878

House of Representatives, March 27, 2013

An Act To Require Child Protective Services To Screen Parents of Newborn Infants

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millient M. MacFARLAND

Clerk

Presented by Representative HAMANN of South Portland. Cosponsored by Representatives: DORNEY of Norridgewock, MALABY of Hancock, SANBORN of Gorham.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	Whereas, children born to parents who have had parental rights terminated by the State may be at risk, and the Department of Health and Human Services could take appropriate action to prevent harm to them; and
6 7	Whereas, it is imperative that this legislation take effect immediately to prevent harm to the vulnerable newborn children of those parents; and
8 9 10 11	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,
12	Be it enacted by the People of the State of Maine as follows:
13	Sec. 1. 22 MRSA §2761-D is enacted to read:
14	§2761-D. Disclosure of birth information to the department
15 16 17 18 19	When a live birth occurs in a hospital or an institution, or en route to the hospital or institution, the person in charge of the hospital or institution or the person's authorized designee shall transmit electronically the same certificate from the hospital provided pursuant to section 2761, subsection 1 at the same time to the department for identification of any prior termination of parental rights by either of the parents.
20 21	Sec. 2. 22 MRSA §4004, sub-§2, ¶F, as amended by PL 2007, c. 586, §8, is further amended to read:
22 23 24	F. File a petition under section 4032 if, after investigation, the department determines that a child is in immediate risk of serious harm or in jeopardy as defined in this chapter; and
25 26	Sec. 3. 22 MRSA §4004, sub-§2, ¶G, as enacted by PL 2007, c. 586, §9, is amended to read:
27	G. In the case of a suspicious child death, determine:
28 29	(1) Whether abuse or neglect was a cause or factor contributing to the child's death; and
30 31 32	(2) The degree of threatened harm to any other child for whom the person or persons responsible for the deceased child may be responsible now or in the future-; and
33	Sec. 4. 22 MRSA §4004, sub-§2, ¶H is enacted to read:
34 35 36	H. Identify if either parent of a newborn child has had parental rights terminated using the birth information provided by the hospital at which the birth occurred pursuant to section 2761-D within 24 hours of receiving the electronic certificate.

For each child born to a parent identified as having had the parental rights terminated, the department shall evaluate the risk of abuse or neglect of the newborn child and take appropriate action. The department shall adopt rules to determine appropriate actions. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

8 SUMMARY

This bill requires hospitals and institutions to electronically submit the same information that is submitted to the municipality in which the live birth occurred or the Department of Health and Human Services for the purposes of recording births and gathering medical information to the department to be used to identify any parent that has previously had parental rights terminated. Within 24 hours of receiving the birth record, the department must identify if a parent of a newborn child has previously had parental rights terminated. The department is required to adopt rules to determine appropriate action.