

**Summary of legislation enacted during Second Special Session of the 128th Legislation related to child protective services
Government Oversight Committee meeting September 27, 2018**

LD	Title	Enacted law summary	Public Law chapter
LD 1920	An Act to Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act	Current law governing records held by DHHS in connection with the department’s child protective activities requires the department to maintain unsubstantiated child protective case records for no more than 18 months (except some unsubstantiated records related to certain persons eligible for Medicaid Services under the federal Social Security Act Title XIX which are retained for 5 years). Public Law 2017, chapter 472 increases that retention period to 5 years.	P.L. 2017, c. 472 Effective 12/13/18
LD 1921	An Act to Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act	Current law authorizes DHHS to take appropriate actions to help prevent child abuse and protect the health and safety of children (22 MRSA §§4003 and 4004). Public Law 2017, chapter 473 adds to the list of those appropriate actions, the authority to request and receive certain confidential criminal history record information (and public criminal history information) from the Department of Public Safety as defined under the Criminal History Record Information Act (17 MRSA c. 7).	P.L. 2017, c. 473 Effective 12/13/18
LD 1922	An Act to Amend the Child and Family Services and Child Protection Act	Current law lists as a purpose of the Child Protection Act making family rehabilitation and reunification a priority as a means for protecting the welfare of children. Public Law 2017, chapter 470 amends this purpose statement to require DHHS to make reasonable efforts to rehabilitate and reunify families.	P.L. 2017, c. 470 Effective 12/13/18
LD 1923	An Act to Improve the Child Welfare System	<ol style="list-style-type: none"> 1. Provides funding to increase the daily reimbursement rates for the various categories of foster homes; 2. Provides funding to create a new Child Welfare Investigator position; 16 Human Services Casework Supervisor positions; 2 Regional Associate Director for Child Welfare positions; 16 Human Services Caseworker positions; and 8 Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services; 3. Provides funding for a \$5 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Assistant Program Administrators and Program Administrator positions; 4. Provides funding for a \$1 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Services Assistant Program Administrators and Program Administrator positions for those holding or obtaining a relevant master’s degree; 	P.L. 2017, c. 471 Enacted as an Emergency Effective 9/7/18

		<p>5. Provides funding for the procurement of a pilot program to provide supportive visitation, including supervision of court-ordered visitation with the child’s relatives and evaluation of parental capacity;</p> <p>6. Provides funding for the procurement of clinical support and guidance of caseworker practice, including direct consultation with a clinician, training, staff functioning and debriefing;</p> <p>7. Provides one-time funding for the development of a new comprehensive child welfare information system and directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system;</p> <p>8. Requires the Department of Health and Human Services to contract for a 3rd-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65; and</p> <p>9. Requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019.</p>	
LD considered but not enacted			
LD 1919	An Act to Criminalize the Failure to Make a Report of Child Abuse or Neglect As Required by Statute	In addition to being subject to the existing civil penalty, a person who is required to make a report to DHHS or a DA’s office when the person knows or has reasonable cause to suspect child abuse or neglect and who intentionally or knowingly fails to make the report is guilty of a Class E crime. (For purposes of this section, a Class E crime is punishable by up to 30 days imprisonment or a fine up to \$500.)	Not enacted