

## Title 22, §4011-A, Reporting of suspected abuse or neglect

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we do require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the First Special Session of the 120th Legislature, which ended November 14, 2002, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot provide legal advice or interpretation of Maine law. If you need such legal assistance, please contact a qualified attorney.

### §4011-A. Reporting of suspected abuse or neglect

**1. Required report to department.** The following adult persons shall immediately report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected:  
[2001, c. 345, §5 (new).]

#### **1. Required report to department.**

A. When acting in a professional capacity: [2001, c. 345, §5 (new).]

- (1) An allopathic or osteopathic physician, resident or intern;
- (2) An emergency medical services person;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A dental hygienist;
- (7) A dental assistant;
- (8) A chiropractor;
- (9) A podiatrist;
- (10) A registered or licensed practical nurse;
- (11) A teacher;
- (12) A guidance counselor;
- (13) A school official;
- (14) A children's summer camp administrator or counselor;
- (15) A social worker;
- (16) A court-appointed special advocate or guardian ad litem for the child;
- (17) A homemaker;
- (18) A home health aide;
- (19) A medical or social service worker;
- (20) A psychologist;
- (21) Child care personnel;
- (22) A mental health professional;
- (23) A law enforcement official;
- (24) A state or municipal fire inspector;
- (25) A municipal code enforcement official;
- (26) A commercial film and photographic print processor;
- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications; or

## Title 22, §4011-A, Reporting of suspected abuse or neglect

(28) A chair of a professional licensing board that has jurisdiction over mandated reporters; or

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

B. Any other person who has assumed full, intermittent or occasional responsibility for the care or custody of the child, whether or not the person receives compensation. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person immediately shall notify either the person in charge of the institution, agency or facility or a designated agent who then shall cause a report to be made. The staff also may make a report directly to the department. [2001, c. 345, §5 (new).]

**2. Required report to district attorney.** When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child, the person immediately shall report or cause a report to be made to the appropriate district attorney' s office. [2001, c. 345, §5 (new).]

**3. Optional report.** Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected. [2001, c. 345, §5 (new).]

**4. Mental health treatment.** When a licensed mental health professional is required to report under subsection 1 and the knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected comes from treatment of a person responsible for the abuse or neglect, the licensed mental health professional shall report to the department in accordance with subsection 1 and under the following conditions. [2001, c. 345, §5 (new).]

### 4. Mental health treatment.

A. The department shall consult with the licensed mental health professional who has made the report and shall attempt to reach agreement with the mental health professional as to how the report is to be pursued. If agreement is not reached, the licensed mental health professional may request a meeting under paragraph B. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

B. Upon the request of the licensed mental health professional who has made the report, after the department has completed its investigation of the report under section 4021 or has received a preliminary protection order under section 4034 and when the department plans to initiate or has initiated a jeopardy order under section 4035 or plans to refer or has referred the report to law enforcement officials, the department shall convene at least one meeting of the licensed mental health professional who made the report, at least one representative from the department, a licensed mental health professional with expertise in child abuse or neglect and a representative of the district attorney' s office having jurisdiction over the report, unless that office indicates that prosecution is unlikely. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

C. The persons meeting under paragraph B shall make recommendations regarding treatment and prosecution of the person responsible for the abuse or neglect. The persons making the recommendations shall take into account the nature, extent and severity of abuse or neglect, the safety of the child and the community and needs of the child and other family members for treatment of the effects of the abuse or neglect and the willingness of the person responsible for the abuse or neglect to engage in treatment. The persons making the recommendations may review or revise these recommendations at their discretion. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

The intent of this subsection is to encourage offenders to seek and effectively utilize treatment and, at the same time, provide any necessary protection and treatment for the child and other family members. [2001, c. 345, §5 (new).]

**5. Photographs of visible trauma.** Whenever a person is required to report as a staff member of a law enforcement agency or a hospital, that person shall make reasonable efforts to take, or cause to be taken, color photographs of any areas of trauma visible on a child. [2001, c. 345, §5 (new).]

### 5. Photographs of visible trauma.

A. The taking of photographs must be done with minimal trauma to the child and in a manner consistent with professional standards. The parent' or custodian' s consent to the taking of photographs is not required. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

B. Photographs must be made available to the department as soon as possible. The department shall pay the reasonable costs of the photographs from funds appropriated for child welfare services. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

C. The person shall notify the department as soon as possible if that person is unable to take, or cause to be taken, these photographs. [2001, c. 345, §5 (new).]

## **Title 22, §4011-A, Reporting of suspected abuse or neglect**

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]

D. Designated agents of the department may take photographs of any subject matter when necessary and relevant to an investigation of a report of suspected abuse or neglect or to subsequent child protection proceedings. [2001, c. 345, §5 (new).]

[2001, c. 345, §5 (new).] [2001, c. 345, §5 (new).]